

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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**Chief Executive**  
Damian Roberts

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**NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.**

Contact: Democratic Services  
[committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk)

17 September 2024

To: MEMBERS OF THE LICENSING AND APPEALS COMMITTEE  
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Licensing and Appeals Committee to be held in the Council Chamber, Gibson Drive, Kings Hill on Wednesday, 25th September, 2024 commencing at 7.30 pm.

Members of the Committee are required to attend in person. Other Members may attend in person or participate online via MS Teams.

Information on how to observe the meeting will be published on the Council's website.

Yours faithfully

DAMIAN ROBERTS

Chief Executive

## A G E N D A

1. Guidance on the Conduct of Meetings 5 - 8

### PART 1 - PUBLIC

2. Apologies for Absence

3. Declarations of Interest 9 - 10

Members are reminded of their obligation under the Council's Code of Conduct to disclose any Disclosable Pecuniary Interests and Other Significant Interests in any matter(s) to be considered or being considered at the meeting. These are explained in the Code of Conduct on the Council's website at [Code of conduct for members – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](http://tmbc.gov.uk).

Members in any doubt about such declarations are advised to contact Legal or Democratic Services in advance of the meeting.

4. Minutes 11 - 12

To confirm as a correct record the Minutes of the meeting of Licensing and Appeals Committee held on 26 March 2024.

5. Minutes of Panel 13 - 18

To receive the Minutes of the three meetings of the Licensing and Appeals Committee sitting as a Panel in respect of taxi hearings held on 8 May 2024.

#### **Matters for Decision under Delegated Powers**

6. Gambling Act 2005 - Revised Statement for Principles for Gambling 19 - 80

The report provides details of the consultation process for the review of the Council's current Statement of Principles for the Gambling Act 2005.

7. Discussion - Safety of women when taking a taxi or private hire journey 81 - 112

Following concerns reported by members of the public over the experiences of women while taking a taxi from Waterloo Taxi Stand in Tonbridge, Members are invited to hold a discussion regarding the safety of women when taking a taxi or private hire journey.

8. Urgent Items 113 - 114

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

#### **Matters for consideration in Private**

9. Exclusion of Press and Public 115 - 116

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.



**PART 2 - PRIVATE**

10. Urgent Items

117 - 118

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

## **MEMBERSHIP**

Cllr C Brown (Chair)  
Cllr C J Williams (Vice-Chair)

Cllr B Banks  
Cllr M A Coffin  
Cllr A Cope  
Cllr D Keers  
Cllr D W King  
Cllr W J Mallard

Cllr R W G Oliver  
Cllr R V Roud  
Cllr M Taylor  
Cllr D Thornewell  
Cllr K S Tunstall

## **GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED**

- (1) Most of the Borough Council meetings are livestreamed, unless there is exempt or confidential business being discussed, giving residents the opportunity to see decision making in action. These can be watched via our YouTube channel. When it is not possible to livestream meetings they are recorded and uploaded as soon as possible:

<https://www.youtube.com/channel/UCPp-IJISNgoF-ugSzxjAPfw/featured>

- (2) There are no fire drills planned during the time a meeting is being held. For the benefit of those in the meeting room, the fire alarm is a long continuous bell and the exits are via the doors used to enter the room. An officer on site will lead any evacuation.
- (3) Should you need this agenda or any of the reports in a different format, or have any other queries concerning the meeting, please contact Democratic Services on [committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk) in the first instance.

### **Attendance:**

- Members of the Committee are required to attend in person and be present in the meeting room. Only these Members are able to move/ second or amend motions, and vote.
- Other Members of the Council can join via MS Teams and can take part in any discussion and ask questions, when invited to do so by the Chair, but cannot move/ second or amend motions or vote on any matters. Members participating remotely are reminded that this does not count towards their formal committee attendance.
- Occasionally, Members of the Committee are unable to attend in person and may join via MS Teams in the same way as other Members. However, they are unable to move/ second or amend motions or vote on any matters if they are not present in the meeting room. As with other Members joining via MS Teams, this does not count towards their formal committee attendance.
- Officers can participate in person or online.

- Members of the public addressing an Area Planning Committee should attend in person. However, arrangements to participate online can be considered in certain circumstances. Please contact [committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk) for further information.

Before formal proceedings start there will be a sound check of Members/Officers in the room. This is done as a roll call and confirms attendance of voting Members.

### **Ground Rules:**

The meeting will operate under the following ground rules:

- Members in the Chamber should indicate to speak in the usual way and use the fixed microphones in front of them. These need to be switched on when speaking or comments will not be heard by those participating online. Please switch off microphones when not speaking.
- If there any technical issues the meeting will be adjourned to try and rectify them. If this is not possible there are a number of options that can be taken to enable the meeting to continue. These will be explained if it becomes necessary.

For those Members participating online:

- please request to speak using the 'chat or hand raised function';
- please turn off cameras and microphones when not speaking;
- please do not use the 'chat function' for other matters as comments can be seen by all;
- Members may wish to blur the background on their camera using the facility on Microsoft teams.
- Please avoid distractions and general chat if not addressing the meeting
- Please remember to turn off or silence mobile phones

### **Voting:**

Voting may be undertaken by way of a roll call and each Member should verbally respond For, Against, Abstain. The vote will be noted and announced by the Democratic Services Officer.

Alternatively, votes may be taken by general affirmation if it seems that there is agreement amongst Members. The Chairman will announce the outcome of the vote for those participating and viewing online.

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Declarations of interest

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### LICENSING AND APPEALS COMMITTEE

#### MINUTES

Tuesday, 26th March, 2024

**Present:** Cllr C Brown (Chair), Cllr C J Williams (Vice-Chair), Cllr M A Coffin, Cllr A Cope, Cllr D W King, Cllr R W G Oliver and Cllr K S Tunstall

**Virtual:** Councillor M Taylor participated via MS Teams in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors B Banks, D Keers and W J Mallard.

(Note: Cllr Banks submitted apologies for in-person attendance and participated via MS Teams when invited to do so. However, he was unable to vote on or propose any motions)

#### PART 1 - PUBLIC

##### **LA 24/1 DECLARATIONS OF INTEREST**

There were no declarations of interest in accordance with the Code of Conduct.

##### **LA 24/2 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Licensing and Appeals Committee held on 28 November 2023 be approved as a correct record and signed by the Chairman.

##### **LA 24/3 MINUTES OF PANEL**

There were no minutes of the Licensing and Appeals Committee, sitting as a Panel.

#### MATTERS RECOMMENDED TO THE COUNCIL

##### **LA 24/4 FEEDBACK FROM CONSULTATION RESULTS OF THE SCRAP METAL DEALERS POLICY 2024 - 2029**

The report of the Interim Chief Executive provided the results of the consultation on proposed changes to the Council's Scrap Metal Dealers Policy 2024-29. The consultation ran from 9 October 2023 to 30 November 2023, during which no representations were received.

**RECOMMENDED\*:** That the proposed changes to the Scrap Metal Dealers Policy 2024-2029, be approved.

**\*Recommended to Council**

### **DECISIONS TAKEN UNDER DELEGATED POWERS**

#### **LA 24/5 UNMET DEMAND SURVEY - HACKNEY CARRIAGE VEHICLES**

The report of the Interim Chief Executive asked Members to consider the request from the Hackney Carriage and Dual drivers for an Unmet Demand Survey to be undertaken and that the results of the survey be discussed at a future meeting.

Over the last few years, the number of licensed hackney carriage vehicles working out of Tonbridge Waterloo rank had grown resulting in very long waiting times whilst queuing for a fare. The situation at the rank was further exacerbated by the economic climate where drivers were working longer hours.

Before restricting the number of hackney carriage vehicles to be licensed, a Licensing Authority must commission a detailed robust survey. The cost of the survey would result in an additional fee being added to all Hackney Carriage Vehicle, Hackney Carriage Drivers and Dual driver applications.

Attention was brought to the low percentage of responses received to the survey which was carried out to gauge opinion from the current licensed hackney carriage drivers and dual badge holders on whether they would like an Unmet Demand Survey to be undertaken.

**RESOLVED:** That an Unmet Demand Survey for Hackney Carriage Vehicles not be undertaken.

#### **LA 24/6 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 7.54 pm

## TONBRIDGE AND MALLING BOROUGH COUNCIL

### LICENSING AND APPEALS PANEL

Wednesday, 8th May, 2024

**Present:** Cllr R V Roud (Chair), Cllr M A Coffin, and Cllr R W G Oliver.

Together with representatives of the Licensing Authority.

#### PART 1 - PUBLIC

##### **LAP 24/1 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

##### **LAP 24/2 EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

**RESOLVED:** That as public discussion would disclose exempt information, the following matters be considered in private.

#### PART 2 - PRIVATE

#### DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

##### **LAP 24/3 REVIEW OF A PRIVATE HIRE DRIVING LICENCE - CASE 001/2024**

(Reasons: LGA 1972 – Sch 12A Paragraph 1 and 2 - Information relating to an individual and information which is likely to reveal the identity of an individual).

The Licensing and Appeals Committee, sitting as a Panel was asked to consider whether to grant a Private Hire Driver's licence, following receipt of information from the Disclosure and Barring Service (DSB).

When submitting their application, the driver had declared a conviction for Theft under the Theft Act 1968 S. 1 from April 2018. Once the DBS certificate was received, the conviction for Theft was confirmed.

The Panel listened carefully to all the driver had told them and the answers to their questions. They took into account the comments made by the driver's current employer. The Panel was impressed by the support provided by the driver's employer and were satisfied that the driver had put their previous troubles behind them and was now a fit and proper person to hold a Private Hire Driver's licence.

**RESOLVED:** That, in respect of Case Number 001/2014, the Private Hire Driver's Licence be granted for three years and that the driver be reminded of their obligation to notify the Council of any change to their circumstances in future.

The meeting ended at 11.05 am  
having commenced at 10.00 am

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS PANEL**

**Wednesday, 8th May, 2024**

**Present:** Cllr R V Roud (Chair), Cllr M A Coffin, and Cllr R W G Oliver.

Together with representatives of the Licensing Authority.

**PART 1 - PUBLIC**

**LAP 24/4 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

**LAP 24/5 EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

**RESOLVED:** That as public discussion would disclose exempt information, the following matters be considered in private.

**PART 2 - PRIVATE**

**DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION**

**LAP 24/6 REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE - CASE 002/2024**

(Reasons: LGA 1972 – Sch 12A Paragraph 1 and 2 - Information relating to an individual and information which is likely to reveal the identity of an individual).

The Licensing and Appeals Committee, sitting as a Panel was asked to consider whether any action was required in respect of a Private Hire Driver's licence, after Tonbridge and Malling Borough Council were notified by the driver that they had received a 42-day driving ban and a fine for speeding.

On 29 November 2023, the Council received a call from the driver informing them that they had been caught speeding and had attended court that day. The court had given them a 42-day driving ban and a fine of £636.00 in total. This was broken down as £383.00 fine, £153.00 Victim Surcharge and £100.00 costs.

At the meeting, the Panel were asked to consider the driver's conduct, in particular their recent driving ban for speeding, and to decide whether

any action was necessary under section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

The Panel listened carefully to all the driver had told them and the answers to their questions. They also took into account that the driver had had their licence suspended for 42 days by the courts and for an additional period by the Council amounting to a total of 68 days.

The Panel were concerned that the driver's record indicated that they were a driver with a tendency to exceed the speed limit. Conversely, they noted that none of the offences had occurred whilst the driver was working as a Private Hire Driver and they had immediately brought their most recent conviction to the Council's attention. The Panel also noted that the driver stated that this recent conviction had had a chastening effect.

**RESOLVED:** That, in respect of Case Number 002/2024, six penalty points be added to their Private Hire Driver's Licence for a period of two years and recorded that any further reports of speeding should be taken very seriously.

The meeting ended at 12.17 pm  
Having commenced at 11.15 am

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS PANEL**

**Wednesday, 8th May, 2024**

**Present:** Cllr R V Roud (Chair), Cllr M A Coffin and Cllr R W G Oliver.

Together with representatives of the Licensing Authority.

**PART 1 - PUBLIC**

**LAP 24/7 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

**LAP 24/8 EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

**RESOLVED:** That as public discussion would disclose exempt information, the following matters be considered in private.

**PART 2 - PRIVATE**

**DECISIONS TO BE TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION**

**LAP 24/9 REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE - CASE 003/2024**

(Reasons: LGA 1972 – Sch 12A Paragraph 1 and 2 - Information relating to an individual and information which is likely to reveal the identity of an individual).

The Licensing and Appeals Committee, sitting as a Panel was asked to consider whether any action was appropriate in respect of a holder of a Private Hire Driver's Licence, following notification that the individual had been driving their private hire vehicle well above the legal speed limit, as recorded by their internal tracking system.

The driver was tracked on several occasions driving at very high speed by their GPS tracking software. Examples of the driver's journeys were attached at Annex 2.

Having considered all of the evidence provided, namely the written report, the oral representations from the Licensing Team and the information provided by the driver at the hearing, the Panel decided that

the Private Hire Driver's licence be suspended until 12 July 2024 with immediate effect. The Panel based its decision on the driver's admission that they had exceeded the speed limit on numerous occasions with a passenger on board.

**RESOLVED:** That, in respect of Case Number 003/2004, the Private Hire Driver's license be suspended until 12 July 2024 with immediate effect.

The meeting ended at 2.10 pm  
Having commenced at 1.00 pm



## TONBRIDGE & MALLING BOROUGH COUNCIL

### LICENSING & APPEALS COMMITTEE

25 September 2024

Report of the Director of Central Services and Deputy Chief Executive

#### Part 1- Public

#### Delegated

### 1 GAMBLING ACT 2005 – REVISED STATEMENT FOR PRINCIPLES FOR GAMBLING

#### 1.1 Executive Overview

1.1.1 Section 349 of the Gambling Act 2005 requires all Licensing Authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three-year period to which the policy applies.

1.1.2 The Council's current Statement of Principles for the Gambling Act 2005 took effect from 1 May 2022 and will run until 30 April 2025.

1.1.3 In preparing a statement, the Council has had regard to guidance issued by the Gambling Commission.

1.1.4 The proposed Gambling Act 2005 Statement of Principles (Policy) is due for publication on the 30 April 2025 will go out for consultation for thirteen weeks from the 1 October 2024 until 31 December 2024.

1.1.5 This policy has been updated with local area profile information and premises metrics relating to TMBC. This is attached as **Annex 1**.

#### 1.2 Background

1.2.1 The Gambling Act 2005 replaced most of the existing law about gambling in Great Britain and put in place an improved, more comprehensive structure of gambling regulation. This included a new structure of flexible protection for children and vulnerable adults and, in particular, brings the burgeoning Internet gaming sector within British regulation. It created a new independent regulatory body, the Gambling Commission, which is the national regulator for commercial gambling in Great Britain.

1.2.2 The licensing objectives:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime.

- ensuring that gambling is conducted in a fair and open way; and
- protecting children and other vulnerable persons from being harmed or exploited by gambling

1.2.3 Local authorities issue premises licences for:

- Casinos
- Betting Offices and Race tracks
- Bingo Clubs
- Adult Gaming Centres
- Family Entertainment Centres

1.2.4 Local authorities Issue permits for:

- Gaming machine in members' clubs
- Gaming in members' clubs
- Unlicensed Family Entertainment Centres (Category D machines only)
- Prize gaming

1.2.5 In addition, Local authorities also issues:

- Temporary Use Notices
- Provisional Statements
- Undertake inspections and enforce the conditions on the licences, permits and notices issued

1.2.6 The categories under the Gambling Act 2005 are:

- Casinos
- Commercial Bingo Clubs
- Licensed Betting Premises
- Gaming Machine Premises
- Horse and dog racecourses

### **1.3 Consultation**

1.3.1 A public consultation will be carried out in respect of this Statement of Principles from 1 October 2024 until 31 December 2024. As well as sending consultation emails directly to the parties mentioned in the Introduction and Overview, public notices will be displayed at the Council offices at Kings Hill and Tonbridge Castle.

<b>Draft consultation agreed at the Licensing and Appeals Committee</b>	25 September 2024
<b>Public Consultation</b>	1 October 2024 until 31 December 2024
<b>Licensing and Appeals Committee agrees the policy and recommends to Full Council for adoption</b>	25 March 2025
<b>Full Council adopt policy</b>	8 April 2025
<b>New Policy comes into force</b>	1 May 2025

1.3.2 A copy of the feedback form for the Statement of Principles is shown at **Annex 2**

## **1.4 Legal Implications**

1.4.1 Under the Gambling Act 2005, the Licensing Authority Statement of Policy will last for a maximum of three years.

1.4.2 In preparing a statement or revision of the Statement of Policy, the Council is required to consult the Chief Officer of Police, together with representatives of local gambling trade and others likely to be affected by the exercise of the Council's functions under the Act.

1.4.3 The policy must be approved by Full Council on the recommendation of the Licensing and Appeals Committee. Once adopted, the Statement must be published & advertised in accordance with specific provisions set out in the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006.

## **1.5 Financial and Value for Money Considerations**

1.5.1 Fee levels for licences and permits are set by the Licensing Authority.

## **1.6 Equality Impact Assessment**

1.6.1 There is no perceived impact on end users.

## **1.7 Recommendations**

1.7.1 Members are RECOMMENDED to approve the draft policy for consultation.

Background papers:

Existing Policy  
Gambling Act 2005

contact:

Anthony Garnett 6151

Adrian Stanfield

Director of Central Services and Deputy Chief Executive



[www.tmbc.gov.uk](http://www.tmbc.gov.uk)

# Draft Gambling Statement of Principles

UNDER THE

**SECTION 349 OF THE GAMBLING ACT 2005**

**2025 - 2028**

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## 1. Process steps to develop this policy

A public consultation will be carried out in respect of this Statement of Principles from 27 September 2024 until 31 January 2025. As well as sending consultation emails directly to the parties mentioned in the Introduction and Overview. Public notices will be displayed at the Council offices at (Council offices at Kings Hill and Tonbridge Castle).

The Act requires that the following parties be consulted by Licensing Authorities:

- the Chief Officer of Police for the Authority's area;
- one or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area;
- one or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.

A list of those persons consulted is attached at Appendix 7.

Draft consultation agreed at the Licensing and Appeals Committee	25 September 2024
Public Consultation	1 October 2024 until 31 December 2024
Licensing and Appeals Committee agrees the policy and recommends to Full Council for adoption	25 March 2025
Full Council adopt policy	8 April 2025
New Policy comes into force	1 May 2025



## Foreword

### Tonbridge & Malling Borough Council Statement of Principles for Gambling

I am pleased to present to you the Tonbridge & Malling Borough Council's Statement of Principles for Gambling under the Gambling Act 2005. This edition has been comprehensively revised to reflect clearly the expectations of Tonbridge & Malling Borough Council in its role as a Licensing Authority.

We are required under the Gambling Act 2005 to produce a new policy on our approach to premises used for gambling every three years. This draft policy has been prepared in accordance with the Gambling Commission's Guidance to Licensing Authorities as amended in April 2023 and contains no changes to the intent or direction of the previous policy.

This Statement of Principles endeavours to carefully balance the interests of those who provide facilities for gambling and people who live, work in, and visit Tonbridge & Malling Borough. Its focus is to aim to permit gambling, as required by section 153 of the Gambling Act 2005, in so far as it is (a) in accordance with the Gambling Commission's Licence Conditions and Codes of Practice; (b) in accordance with the Gambling Commission's Guidance to Licensing Authorities that is in effect at the time the application is considered; (c) reasonably consistent with the licensing objectives and (d) in accordance with this Statement of Principles. The three licensing objectives are:

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

The Chairman of the Licensing and Appeals Committee would like to thank the Licensing Committee and, in particular, our partners for their part in, and contribution towards, the formulation of this policy.



**Councillor Christopher Brown**  
**Chairman of Licensing and Appeals Committee**

## Definitions Used in this Policy

**‘the Act’** means the Gambling Act 2005

**‘the Council’** means the Council of the Tonbridge & Malling Borough Council

**‘the Commission’** means the Gambling Commission established under the Gambling Act of 2005

**‘the Guidance’** means the Guidance to Licensing Authorities published by the Gambling Commission

**‘Licensing Authority’** means the Council of the Tonbridge & Malling Borough Council

**‘Licensing Committee’** refers to the Committee of the Tonbridge & Malling Borough Council to consider licensing matters

**‘licensable activities’** means those activities that are required to be licensed by the Council under the Gambling Act 2005

**‘Licensing Sub Committee’** refers to a Sub Committee of the Licensing Committee to consider licence applications

**‘relevant representations’** means a representation conforming to the legal requirements of the Licensing Act 2003

**‘Regulations’** refers to Regulations under the Licensing Act 2003 issued by the Secretary of State

**‘responsible authority’** means the bodies designated under the Gambling Act 2005 and described in the Introduction to this Statement of Principles

**‘the Statement’** refers to this Statement of Principles for Gambling

## 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:

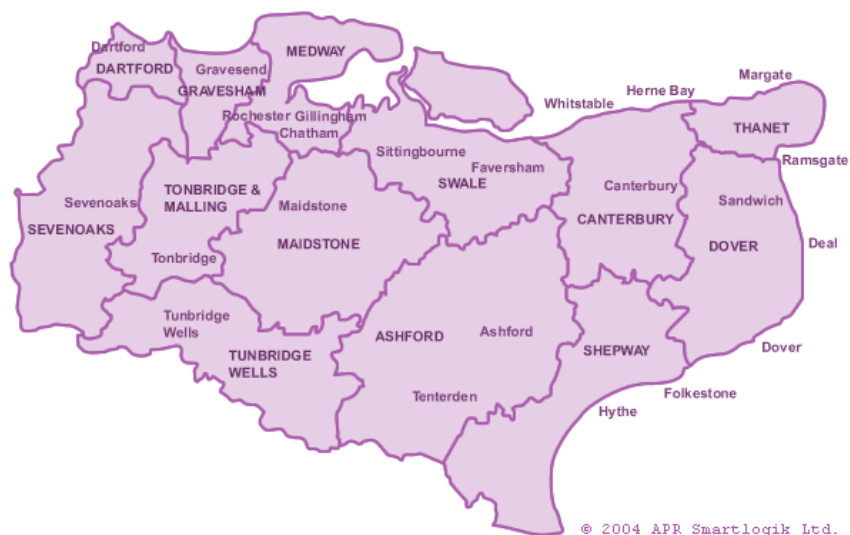
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Commission and licensing authorities have a duty to pursue the licensing objectives, and we expect gambling business to deliver them.

### 3. Introduction

Tonbridge and Malling Borough Council is situated in the County of Kent. Tonbridge and Malling covers an area of 24,013 hectares. The main towns are Tonbridge, Aylesford, Ditton, Larkfield and Snodland.

The areas are shown in the map below.



Under Section 349 of the Gambling Act 2005, the Council is required to publish a Statement of Principles it proposes to apply when exercising its functions under the Act. The form of the Statement of Principles is set out in the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2007 and further guidance on what should be contained in the Statement of Principles can be found in the Gambling Commission's Guidance to Licensing Authorities.

The Licensing Authority is required by virtue of section 153 of the Gambling Act 2005 to aim to permit gambling in so far as it is (a) in accordance with the Gambling Commission's Licence Conditions and Codes of Practice; (b) in accordance with the Gambling Commission's Guidance to Licensing Authorities that is in effect at the time the application is considered; (c) reasonably consistent with the licensing objectives and (d) in accordance with this Statement of Principles.

The Gambling Commission issues Licence Conditions and Codes of Practice for gambling operators. Social Responsibility Codes have the force of a licence condition. The Gambling Commission also issue Ordinary Codes, which set out best industry practice. They are not licence conditions, but operators are expected to follow them unless they have alternative arrangements in place which they can demonstrate are equally as effective.

The Licensing Authority, when carrying out inspections of gambling operators, reserves the right to assess compliance with such matters set out in the Gambling Commission's Licence Conditions and Codes of Practice as it sees fit, and will share intelligence with the Gambling Commission about any issues of non-compliance in this respect.

The Act requires the following to be consulted in the revision of the statement:

- the Chief Officer of Police for Tonbridge and Malling Borough Council
- one or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority area.
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act. This includes but is not limited to:
  - Responsible authorities such as Kent Fire and Rescue, child protection, Gambling Commission
  - Interest parties such as resident associations and trade associations.

Nothing in this Statement of Principles overrides the right of any person to make an application, make representations about an application or apply for a review of a licence. Each will be considered on its own merits and in accordance with the statutory requirements of the Act.

In reviewing this Statement of Principles, the Council has had regard to the licensing objectives under the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission and to the responses arising from our consultation.

Applicants are encouraged to demonstrate how they will promote the licensing objectives.

This policy is published on Tonbridge & Malling Borough Council website and can be found at [here](#).

#### **4. Declaration**

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

Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Gambling Act 2005, the Guidance, or any regulations issued under the Act.

## 5. Functions

Function	Who deals with it
Be responsible for the licensing of premises where gambling activities are to take place by issuing <i>Premises Licences</i>	Licensing Authority
Issue <i>Provisional Statements</i>	Licensing Authority
Regulate <i>members' clubs</i> and <i>miners' welfare institutes</i> who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits	Licensing Authority
Issue <i>Club Machine Permits</i> to <i>Commercial Clubs</i>	Licensing Authority
Grant permits for the use of certain lower stake gaming machines at <i>unlicensed Family Entertainment Centres (UFEC)</i>	Licensing Authority
Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines	Licensing Authority
Grant <i>Licensed Premises Gaming Machine Permits</i> for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required	Licensing Authority
Register <i>small society lotteries</i> below prescribed thresholds	Licensing Authority
Issue <i>Prize Gaming Permits</i>	Licensing Authority
Receive and Endorse <i>Temporary Use Notices</i>	Licensing Authority
Receive <i>Occasional Use Notices</i>	Licensing Authority
Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')	Licensing Authority
Maintain registers of the permits and licences that are issued under these functions	Licensing Authority

## Gambling Commission Functions

### Function

### Who deals with it

Issue and renewal of Operating Licences	Gambling Commission
Review Operating Licences	Gambling Commission
Issue Personal Licences	Gambling Commission
Issue Codes of Practice	Gambling Commission
Issue Guidance to Licensing Authorities	Gambling Commission
Licence remote gambling through Operating Licences	Gambling Commission
Issue licences in relation to the manufacture, supply, installation, adaptation, maintenance or repair of gaming machines	Gambling Commission
Deal with appeals against Commission decisions	Gambling Appeals Tribunal

The Licensing Authority is not involved in licensing remote gambling. This will fall to the Gambling Commission via operating licences.

Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

## 6. Responsible Authorities

The Council 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 Council's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

The Council designates Kent Safeguarding Children's Board to advise on the protection of children from harm under the Gambling Act 2005.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are listed at **Appendix 8**

## 7. Interested parties

Interested parties are persons who may make representations to applications or apply to the Council for the review of an existing licence. These parties are defined in section 158 of the Act as a person who:

- (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, or
- (c) represents persons who satisfy paragraph (a) or (b).

When determining whether a person is an interested party for the purposes of the Act, the Licensing Authority will not apply rigid rules but will treat each case on its merits.

In considering whether a person lives sufficiently close to a premises to be considered to be an interested party the following matters will be taken into account:

- the size of the premises
- the nature of the premises
- the distance of the premises from the home or workplace of the person making the representation
- the potential impact of the premises (numbers of customers, routes likely to be taken by those visiting the premises)
- the circumstances of the person and nature of their interests, which may be relevant to the distance from the premises.
- the catchment area of the premises (i.e., how far people travel to visit); and
- whether the person making the representation has business interests, in that catchment area that might be affected.

In determining whether a person or organisation "has business interests" the Licensing Authority will adopt the widest possible interpretation and include trade associations, trade unions, partnerships, charities, faith groups, voluntary organisations such as hostels and medical practices, as appropriate.

The Licensing Authority will regard bodies such as trade associations, trade unions, residents' and tenants' associations and professional advisors such as solicitors, barristers and consultants as capable of representing interested parties where they are satisfied that the interested party has asked for representation. The Licensing Authority will only regard representative bodies as interested parties in their own right if they have a member who can be classed as an interested person under the terms of the Act.

In principle, the Licensing Authority will allow any person to represent an interested party but will seek confirmation that the person genuinely represents the interested party. We will generally require evidence that a person/body (e.g., an advocate or relative) 'represents' an interested party. If persons representing interested parties are Councillors, or Members of Parliament, then no specific evidence of being asked to represent an interested person will be required so long as they represent the area likely to be affected.

If individuals wish to approach Councillors to ask them to represent their views those Councillors shall not sit on a Licensing Sub-Committee that meets to determine the licence application. If there are any doubts, then either interested parties or Councillors should contact the Licensing Authority for advice.

## 8. Exchange of Information

The Council will act in accordance with the provisions of Section 350 of the Act in its exchange of information with the Gambling Commission.

Section 29 of the Gambling Act 2005 enables the Gambling Commission to require information from Licensing Authorities (including the manner in which it is compiled, collated and the form in which it is provided), provided that it:

- forms part of a register maintained under the Gambling Act 2005;
- is in the possession of the Licensing Authority in connection with a provision under the Gambling Act 2005.

Section 350 of the Gambling Act 2005 allows Licensing Authorities to exchange information with other persons or bodies for use in the exercise of functions under the Act. These persons or bodies are:

- A constable or Police force
- An enforcement officer
- A Licensing Authority
- HMRC
- The First Tier Tribunal
- The Secretary of State
- Scottish Ministers

Information requests from such parties should be made to the Licensing Authority in writing or by email to [licensing.services@tmbc.gov.uk](mailto:licensing.services@tmbc.gov.uk), setting out clearly what information is required and the reason the information is required. The requirements of the Data Protection Act 2018 will be complied with. Freedom of Information requests can be submitted online at: [foi@tmbc.gov.uk](http://foi@tmbc.gov.uk)

The Licensing Authority will also have regard to Guidance issued by the Gambling Commission to local authorities as well as any relevant regulations issued by the Secretary of State under the powers provided for in the Act.

Information can be shared with other agencies about inspections and compliance activities. The Council has numerous policies relating to General Data Protection Regulations (GDPR), which will be considered when deciding what information to be shared.



## 9. Enforcement

The primary aim of enforcement is to achieve compliance. Though enforcement may be taken to mean the formal approach, it may also include advice and support to business to achieve compliance.

Inspections will be carried out on a risk rated basis:

- New premises, premises under new management
- Premises where complaints have been received or intelligence received relevant to the licensing objectives and premises or operators where compliance failings have been identified previously will attract a higher risk rating.
- Premises located in areas where there have been incidents of crime affecting or relating to gambling premises, or where the premises themselves have been the victims or involved in such crime, shall also attract a higher risk rating.
- The Council will conduct baselining assessments to assess initial risk ratings for gambling premises in its district.

Compliance may be achieved through encouraging a sense of community, improved communication, and proactive work with licensees and businesses. Such proactive work may include project work, giving advice and information, and initiatives that educate, inform and encourage partners and stakeholders to work together efficiently and effectively. The principal objective in taking a holistic approach to managing the gambling industry is to prevent problems from occurring before they begin.

However, it is recognised that such aims cannot always be achieved, and that active enforcement of the law may be the only effective means of securing compliance. To this end the following enforcement options are available to the Licensing Authority:

- verbal or written advice
- verbal warning
- written warning
- mediation between licensees and interested parties
- licence review
- simple caution
- prosecution

These actions are not mutually exclusive, and it may be that one course of action follows another, depending on the individual circumstances.

The Licensing Authority operates a partnership approach to dealing with enforcement matters concerning licensed premises. This may include working with the Police or any of the other responsible authorities under the Act or working with colleagues from other Council departments or outside agencies.

The Licensing Authority needs to be satisfied premises are being run in accordance with the provisions of the Act, the licensing objectives, the Licence Conditions and Codes of Practice issued by the Gambling Commission and any conditions attached to the Premises Licence. To achieve this, the Licensing Authority will inspect premises, look at gambling facilities, gaming machines and policies and procedures, meet with licence holders and carry out general monitoring of areas as necessary.

Inspection and enforcement under the Act will be based on the principles of risk assessment, a graduated response and the targeting of problem premises. The frequency of inspections will be determined on risk-based criteria with high-risk operations receiving more attention than premises carrying lower risk.

Premises found to be fully compliant will attract a lower risk rating. Those where breaches are detected will attract a higher risk rating.

The Licensing Authority will take appropriate enforcement action against those responsible for unlicensed premises/activity. Action will be carried out in accordance with the Enforcement Policy.

Before deciding which course of action to take, the Licensing Authority shall consider the following matters:

- the history of the premises
- the history of the offender
- the offender's attitude
- the circumstances of the offence
- whether the offender has a statutory defence to the allegations
- the impact or potential impact of the breach on the public
- the quality of the evidence against the offender
- the likelihood of achieving success in a prosecution
- the likely punishment that will be incurred if the case goes to Court
- whether the course of action proposed is likely to act as a deterrent
- whether the course of action, if it is publicised, is likely to have a beneficial effect on the behaviour of others

The Licensing Authority will operate within the principles of natural justice and take into account the Human Rights Act 1998. This includes, in particular:

- Every person is entitled to the peaceful enjoyment of his possessions – a licence is a possession in law and persons may not be deprived of their possessions except where it is in the public interest;
- Every person is entitled to a fair hearing.

The Licensing Authority Enforcement Team are committed to the principles of good regulation as set out in the Regulators Code. This means our inspection and enforcement activities will be carried out in a way that is:

- Proportionate: only intervening when necessary. Remedies will be appropriate to the risk posed, and costs identified and minimised;
- Accountable: able to justify our decisions, and be subject to public scrutiny;
- Consistent: implementing rules and standards fairly in a joined-up way;
- Transparent: acting in open way, and keeping conditions placed on Premises Licences simple and user friendly; and
- Targeted: focusing on the problems and aiming to minimise the side effects.

## 10. Risk Assessment

The Licensing Authority expects applicants to have a good understanding of the area in which they either operate or intend to operate. The applicant will have to provide evidence that they meet the criteria set out in this Statement of Principles and demonstrate that in operating the premises they will promote the licensing objectives.

The Gambling Commission introduced a Social Responsibility Code of Practice requiring operators of premises used for gambling to conduct local area risk assessments and an Ordinary Code stating this should be shared with the Licensing Authority in certain circumstances in May 2016.

The Licensing Authority expects applicants for Premises Licences in its area to submit a risk assessment with their application when applying for a new premises licence, when applying for a variation to a premises licence or when changes in the local environment or the premises warrant a risk assessment to be conducted again.

The risk assessment should demonstrate the applicant has considered, as a minimum.

- local crime statistics;
- any problems in the area relating to gambling establishments such as anti-social behaviour or criminal damage;
- the location of any nearby sensitive premises, such as hostels and other facilities used by vulnerable persons e.g. drug and alcohol addictions;
- whether there is a prevalence of street drinking in the area, which may increase the risk of vulnerable persons using the premises;
- the type of gambling product or facility offered;
- the layout of the premises;
- the external presentation of the premises;
- the location of nearby transport links and whether these are likely to be used by children or vulnerable persons;
- the customer profile of the premises;
- staffing levels;
- staff training, knowledge and experience;
- whether there is any indication of problems with young person's attempting to access adult gambling facilities in that type of gambling premises in the area.

It is recommended that operators liaise with other gambling operators in the area to identify risks and consult with any relevant responsible authorities as necessary.

This Statement of Principles does not preclude any application being made and every application will be decided on its individual merits, with the opportunity given for the applicant to show how potential concerns can be overcome.

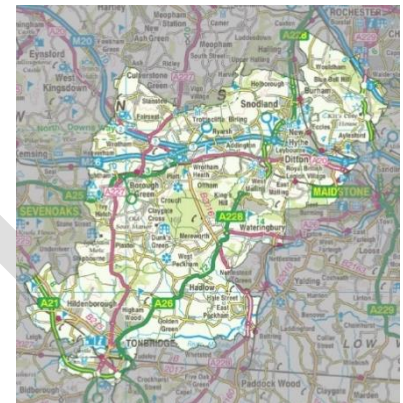
The Licensing Authority expects applicants to keep a copy of the local area risk assessment on the licensed premises and to ensure that all staff have seen the risk assessment, have received training in respect of its content, and are able to produce the risk assessment on request by an authorised officer of the Council, the Police or the Gambling Commission.

## 11. Local Area Profile

### The Area

The borough of Tonbridge and Malling lies in the heart of Kent and is an area of variety and historical interest. The borough is largely rural with few large settlements; Tonbridge in the south being the largest, the remainder of the borough is dotted with villages and smaller towns. The latest population figures from the 2021 Census show that there are 132,200 people living in the borough. This population size makes Tonbridge & Malling the 6<sup>th</sup> largest local authority district in the Kent County Council (KCC) area. 70% of the borough's population live in the urban areas, with the remaining 30% living in the surrounding rural area and settlements.

Industry and commerce are concentrated around Tonbridge, Aylesford, Ditton, Larkfield and Snodland. Mineral extraction has been carried out in the area for many years. Distribution, general and light industry and many small businesses make up the industrial scene. The borough is a popular area for office location and high-tech development, particularly at the Kings Hill business and residential community.



Tonbridge & Malling has a younger age profile compared to the county average, with a greater proportion of 5 – 19-year-olds than the average for the KCC area. Tonbridge & Malling also has a higher proportion of middle-aged residents, aged between 35 and 59 compared to the county average.

Over the last 10-years Tonbridge & Malling's population has grown by 9.4% (an additional 11,400 people). This is the 5th highest rate of growth of any Kent district. The population growth in Tonbridge & Malling is set to continue with current forecasts suggesting that between 2021 and 2041 the population of the borough will increase by a further 23.5%. This is the 4th highest rate of growth expected for any Kent district and a growth rate that is higher than the county average of 20.1%. This forecast is based on KCC's assessment of the district authority's future housing targets as at November 2021. Such targets will be subject to changes as district authorities develop their Local Development Framework.

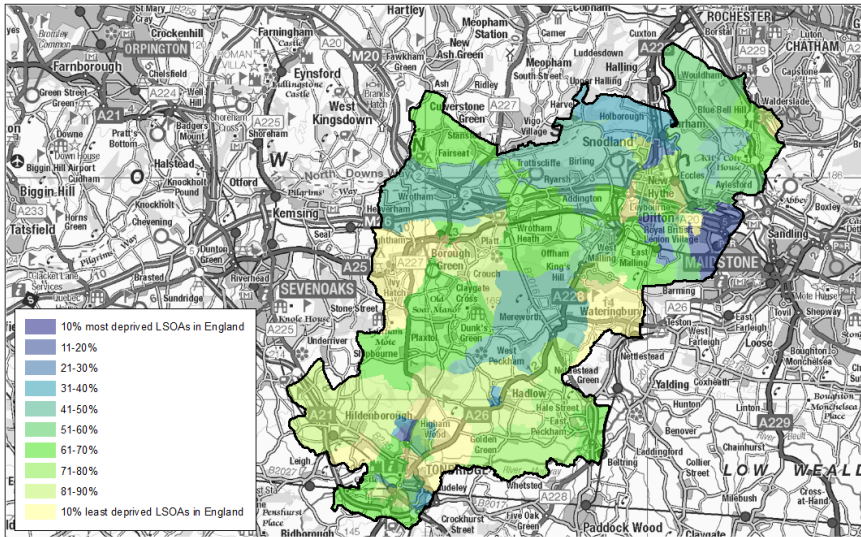
88.3% of Tonbridge & Malling's population is of white ethnic origin with the remaining 11.7% being classified as of Black Minority Ethnic (BME) origin. The proportion of Tonbridge & Malling's population classified as BME is lower than the county average of 16.8%.

Within the ethnic minority population of Tonbridge & Malling, the largest ethnic group is Other White (accounting for 3.9% of all residents) with the second largest group being residents of Indian ethnic group accounting for 1.2% of all residents.

In 2019 Tonbridge & Malling Borough is ranked as the 10th most deprived district in Kent (out of 12 districts, with the most deprived being ranked 1). Nationally, Tonbridge & Malling is ranked at 236th out of 317 local authority districts in England. This rank places it within England's 25% least deprived authorities.

The county rank of Tonbridge & Malling has moved up one position in the county rankings from 11th. Nationally, Tonbridge & Malling has moved up 33 positions on the national ranking from 269th in 2015 to 236th in 2019. This indicates that Tonbridge & Malling's level of deprivation has increased, relative to other areas in England.

Map 1: Overall IMD2019: National rank of Lower Super Output Areas (LSOAs) in Tonbridge & Malling



Source: The English Indices of Deprivation 2019 (IoD2019); The Ministry of Housing, Communities & Local Government (MHCLG)  
 Map produced by Strategic Commissioning - Analytics, Kent County Council © Crown Copyright and database right 2019, Ordnance Survey 100019238

Tonbridge & Malling’s unemployment rate is currently 2.2%. This is lower than both the county average of 3.3% and the national average of 3.7%. In August 2023 there were 1,765 unemployed people in Tonbridge & Malling which is 0.9% higher (15 more unemployed people) than in July 2023 and 10.7% higher (170 more unemployed people) than in August 2022.

Unemployment rates vary across the district. The lowest unemployment is in Downs and Mereworth ward where 0.9% of the working age population are unemployed. The highest rate is in Trench ward where 3.9% of the working age population are unemployed.

A slightly higher proportion of those in Tonbridge & Malling who are unemployed (18.7%) are aged 18-24 years old compared to the average for Kent (18.4%) and higher than the national average (17.6%).

### All crime

During the period October 2022 to September 2023 there were 9,119 recorded crimes compared to 8,894 in the preceding 12 months. This is an increase of 2.5% (225 offences). The chart below shows the crime types broken down into percentage levels. It can be seen that violent crime accounts for 45% of all recorded crime in the borough, with theft following at 19%.

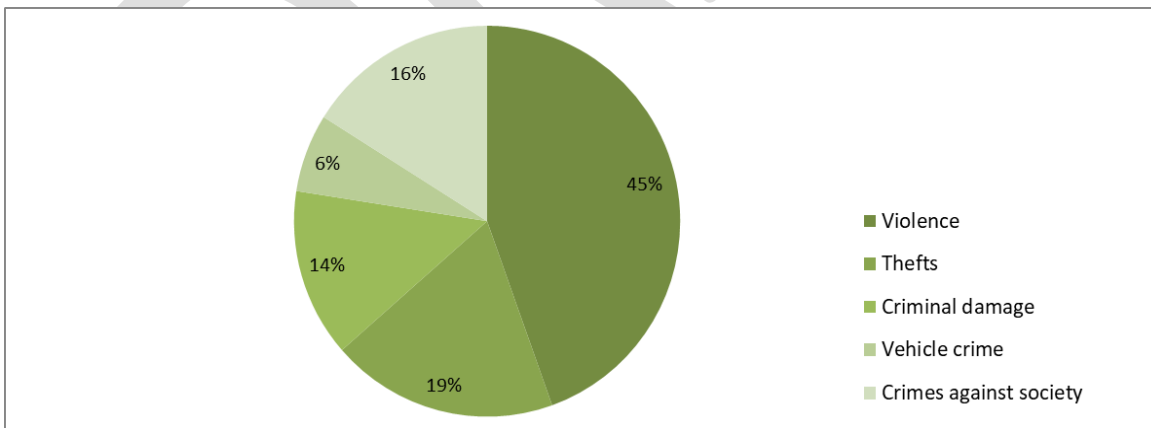


Chart 1. The percentage of recorded crime by major crime type, October 2022 to September 2023. Source: Kent Police

For victim-based crimes there were 7,722 recorded between October 2022 and September 2023, compared to 7,609 in the preceding 12 months. This is an increase of 1.5%.

Tonbridge & Malling has the third lowest crime rate in Kent. The three CSPs in West Kent continue to have the lowest overall recorded crime rates in Kent.





Chart 2. Comparison of recorded crime between Tonbridge & Malling, Sevenoaks and Tunbridge Wells for the past two years. Source: Kent Police

The chart below gives a comparison of all crime types, as well as comparing the borough to others within Kent and showing whether there has been an increase or decrease in the crime types.

Crime Type	Recorded Offences/Incidents					County Position	
	This Year	Last Year	% Change	No. change	Direction	21/22	22/23
<b>All crime</b>	<b>9119</b>	<b>8894</b>	<b>2.5%</b>	<b>225</b>	▲	<b>3</b>	<b>3</b>
<b>Victim Based Crime</b>	<b>7722</b>	<b>7609</b>	<b>1.5%</b>	<b>113</b>	▲	3	4
VAP	3527	3756	-6.1%	-229	▼	3	3
Sexual	320	326	-1.8%	-6	▼	3	3
Robbery	27	45	-40%	-18	▼	3	1
Most serious violence	51	56	-1.8%	-5	▼	3	3
Burglary residential	241	225	7.1%	16	▲	1	2
Burglary, business & community	104	102	2.0%	2	▲	2	4
Theft Offences	1654	1453	13.8%	201	▲	4	6
Vehicle Crime	563	432	30.3%	131	▲	4	6
Criminal Damage	1212	1208	0.3%	4	▲	3	5
<b>Crimes Against Society</b>	<b>1397</b>	<b>1285</b>	<b>8.7%</b>	<b>112</b>	▲	3	4
Drug offences	333	215	54.9%	77	▲	3	6
Possession of weapons	76	58	31%	18	▲	1	3
Public Order	662	679	-2.5%	-17	▼	3	5
Other Misc crimes	326	333	-2.1%	-7	▼	3	3
<b>Anti-Social Behaviour</b>	<b>1675</b>	<b>1582</b>	<b>5.9%</b>	<b>93</b>	▲	2	6
<b>Domestic Abuse</b>	<b>2662</b>	<b>2711</b>	<b>-1.8%</b>	<b>-49</b>	▼	3	3
<b>Hate crime</b>	<b>317</b>	<b>268</b>	<b>18.3%</b>	<b>49</b>	▲	2	3

*Chart 3. Comparison of crime types, along with % change and direction of travel. Source: Kent Police*

### **National Probation Service**

In June 2021, the Kent, Surrey and Sussex Community Rehabilitation Company and the Probation Service merged to create a National Probation Service working across 12 regions in England and Wales. Staff who were working within the CRC were transferred to the Probation Service. There is a Probation Service covering Kent, Surrey and Sussex. Regional Probation Directors (RPDs) oversee each region to drive greater cooperation with partners at a local level and improve outcomes in areas, such as health and accommodation, which directly contribute to reduce reoffending.

Data provided by the Probation Service (from November 2022 to September 2023) shows that they were supporting 228 people in Tonbridge & Malling. This has decreased from 235 people for the same period last year. Of the 228 individuals, 209 are male and 19 are female. Those aged 30-39 are the highest age group, with violence the highest offence category.

A breakdown of the latest crime statistics for Tonbridge & Malling Borough Council is available at the following web link:

[Tonbridge and Malling Westminster Constituency \(ukcrimestats.com\)](https://ukcrimestats.com)

The Gambling Commission has indicated that the 2020 Pandemic has significantly impacted gambling behavior, as many of the premises remained closed and gambling moved towards the online gambling whilst people remained at home.

Tonbridge and Malling Licensed premises are listed below.

Type of premises	Name of premises	Location	Address	Ward
Adult Gaming Centre	Mr P's Classic Amusements Limited	Tonbridge	75 High Street, Tonbridge	Cage Green and Angel
Betting Shop	Coral	Borough Green	Wrotham Road Borough Green	Borough Green And Platt
Betting Shop	Betfred	Larkfield	9 And 13 Martin Square Larkfield	Larkfield
Betting Shop	Betfred	Snodland	20/22 Holborough Road, Snodland	Snodland East and Ham Hill
Betting Shop	Coral	Snodland	28 High Street, Snodland	Snodland East And Ham Hill
Betting Shop	GR8ODDS Ltd	Tonbridge	15 York Parade Shipbourne Road Tonbridge	Trench
Betting Shop	Betfred	Tonbridge	85/87 High Street Tonbridge	Cage Green and Angel
Betting Shop	Ladbrokes	Tonbridge	2/3 Quarry Hill Road Tonbridge	Judd
Betting Shop	Coral	West Malling	79 High Street West Malling	East Malling West Malling And Offham

Tonbridge and Malling permits are listed below.

Type of premises	Name of premises	Location	Address	Ward
Unlicensed Family Entertainment Centre	Go Jump In Tonbridge	Tonbridge	Unit 2 2 - 8 Morley Road Tonbridge	Cage Green and Angel

## 12. Preventing Gambling from becoming a source of crime, Problem Gambling and protecting children/vulnerable persons.

### Preventing gambling from being a source of crime or disorder.

The Licensing Authority will consider whether the premises make, or are likely to make, a contribution to the levels of crime and disorder in an area and whether the applicant has demonstrated that he has, or intends to, implement sufficient controls to prevent the premises being a source of, and/or associated with crime or disorder, or being used to support crime, if the application is granted.



Where an area is known for high levels of crime (particularly crime associated with premises used for gambling), the Licensing Authority will consider whether gambling premises are suitable to be located there, and whether additional conditions may be necessary, such as the provision of CCTV, minimum levels of staffing and licensed door supervisors.

In terms of disorder, the Guidance to Licensing Authorities published by the Gambling Commission states, "Licensing Authorities should generally consider disorder as activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether Police assistance was required and how threatening the behaviour was to those who could hear or see it. There is not a clear line between nuisance and disorder and the Licensing Authority should take the views of its lawyers before determining what action to take in circumstances in which disorder may be a factor".

The Licensing Authority will consider whether the layout, lighting, staffing and fitting out of the premises have been designed so as to minimise conflict and opportunities for crime and disorder.

The Licensing Authority will consider whether sufficient management measures are proposed or are in place to prevent the premises being a source of, or associated with crime or disorder, or used to support crime either as a place of association or to avoid apprehension.

### **Ensuring that gambling is conducted in a fair and open way**

Though this licensing objective is primarily the responsibility of the Gambling Commission, the Licensing Authority will have a role in respect of the licensing of tracks, where an Operator's Licence from the Gambling Commission is not required. Matters to be taken into account will include:

- whether the layout, lighting and fitting out of the premises have been designed so as to ensure gambling is conducted in a fair and open way.
- whether sufficient management measures are proposed or are in place to ensure that gambling is conducted in a fair and open way.
- whether the management and operation of the premises is open and transparent.
- whether the operators of the premises have been or will be fully cooperative with enforcement agencies.
- whether the operator has a transparent procedure in place for dealing with consumer complaints that are available to all customers and implemented where necessary.
- whether gaming machines are compliant with Gambling Commission Technical Standards in respect of machine livery requirements such as clear display of stakes, prizes, machine category and RTP.
- whether the terms and conditions on which gambling products and promotions are offered and rules are clear and readily available to customers.
- whether the Gambling Commission's Licence Conditions and Codes of Practice have been complied with.

Problem gambling can have a detrimental effect on personal finances but can cost more than just money when it comes to everyday lives. Problem gamblers can often feel isolated, and this can lead to truancy or staying off work in order to gamble. Problem gambling can be progressive in nature and this in turn can lead to crime.

Link to research around problem gambling

[How the consumer engages with safer gambling opportunities - Gambling Commission](#)

Link to safer gambling

[Safer Gambling - Gambling Commission](#)

### **Protecting children and other vulnerable persons from being harmed or exploited by gambling**

The Licensing Authority will consider the following when taking this licensing objective into account:

- whether the operator has a specific training programme for staff to ensure they are able to identify children and vulnerable people and take appropriate action to promote this objective to exclude them from the premises or parts of the premises;
- if the premises is an adult only environment, whether the operator has taken effective measures to implement a proof of age scheme such as Think 21 to ensure no one under the age of 18 is admitted to the premises or restricted areas;
- whether the layout, lighting and fitting out of the premises have been designed so as to not attract children and other vulnerable persons who might be harmed or exploited by gambling;
- whether sufficient management measures are proposed or are in place to protect children and other vulnerable persons from being harmed or exploited by gambling;
- whether any promotional material associated with the premises could encourage the use of the premises by children or young people;
- whether the operator can produce a record of underage challenges and action taken to establish age and prevent underage persons from being able to gamble;
- whether the premises are located near to facilities that may encourage their use by vulnerable people, such as hostels for those with mental illness and/or addiction problems.

The Licensing Authority expects applicants to consider the measures necessary to promote the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. It is noted that neither the Act nor the Gambling Commission Guidance define the term 'vulnerable persons'. The Licensing Authority consider the term 'vulnerable persons' to include people who gamble more than they want to; people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, changes in circumstances such as bereavement, loss of employment or ill health or due to alcohol or drugs.

## Premises Licences

### Licences

Any person or business that wishes to offer gambling for which an Operating Licence from the Gambling Commission is required, and which is premises based, must apply to the Licensing Authority for a Premises Licence.

Premises Licences can authorise the provision of facilities on:

- (a) casino premises,
- (b) bingo premises,
- (c) betting premises including tracks and premises used by betting intermediaries,
- (d) adult gaming centre premises, or
- (e) family entertainment centres.

Matters the Licensing Authority may not take into account include:

- the expected demand for gambling premises in the area;
- planning or building law restrictions;
- moral or ethical objections to gambling as an activity;
- dislike of gambling;
- a general notion that gambling is undesirable.

All licences will be subject to mandatory and/or default conditions and conditions imposed by the Licensing Authority. The Licensing Authority may consider that conditions other than the mandatory or default conditions are necessary to ensure the premises are reasonably consistent with the licensing objectives, the Gambling Commission's Codes of Practice and this Statement of Principles.

The Licensing Authority will take decisions in accordance with the Gambling Commission's Guidance and Licence Conditions and Codes of Practice and will have regard to the advice which it issues from time to time. The Licensing Authority will monitor the operation of premises and report any potential breach of Operating Licence conditions to the Gambling Commission. Applicants for new Premises Licences or variations to existing ones should be clear that the premises are intended to be used for the primary gambling activity proposed. For example, a betting Premises Licence application that has four gaming machines, but no betting counter or associated betting facilities shown on the proposed plans would not be considered as offering the primary gambling activity in accordance with that indicated on the application.

The majority of Premises Licences will have mandatory and/or default conditions attached to the licence. The Licensing Authority can attach its own conditions to a Premises Licence if it believes this will promote the licensing objectives. Any conditions attached 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;
- relate to the scale and type of premises; and
- reasonable in all respects.

Certain matters are set out in the Act may not be the subject of conditions. These are:

- conditions which make it impossible to comply with an Operating Licence
- conditions as to gaming machines that contradict the provisions in the Act
- conditions making activities, premises or parts of them operate as a membership club
- conditions on fees, winnings, stakes or prizes.

Conditions will be attached to individual licences on the basis of their merits. However, there will be a number of measures the Licensing Authority will commonly consider utilising in order to pursue the licensing objectives. These may include measures such as:

- the supervision of entrances;
- separation of gambling from non-gambling areas frequented by children;
- the supervision of gaming machines in premises not specifically for adult gambling and
- appropriate signage for adult only areas.

The Licensing Authority will expect the applicant to propose how the licensing objectives can be met effectively through the use of conditions.

### **Split Premises**

The Gambling Commission's Guidance states that a building can, in principle, be divided into more than one premises and be subject to more than one Premises Licence provided they are for different parts of the building, and the different parts of the building can reasonably be regarded as being different premises. An example is given of units within a shopping mall, where each unit is separate self-contained premises contained within one building. It is also possible for licensed premises to be located next to each other.

The Gambling Commission state they do 'not consider that areas of a building that are artificially separated, for example by ropes or moveable partitions, can properly be regarded as separate premises'.

Whether different parts of a building can be reasonably regarded as different premises will depend on the circumstances of the individual building and how any division is proposed. To agree to accept applications to grant or vary a licence for a building which has been divided, the Licensing Authority will need to be satisfied the premises are genuinely separate premises, and not an artificially created additional part of single premises.

In considering whether different areas of a building are genuinely separate premises the Licensing Authority will take into account factors which will include:

- whether there are separate registrations for business rates in place for each premises;
- whether separate sets of staff work in the individual premises;
- whether there is a separate cash desk/reception for each of the premises;
- whether each premises has its own postal address;
- whether the premises are owned or operated by the same person;
- whether each of the premises can be accessed from a street or public passageway;
- whether the premises can only be accessed from any other gambling premises.

When considering proposals to divide a building into separate premises, the Licensing Authority will also need to be satisfied that the form of separation between the premises is appropriate. The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another.

It may be acceptable for staff working in adjacent premises to have access through barriers between premises. The applicant must demonstrate that in providing staff access there are suitable control measures in place that will ensure the safety and security of staff and will prevent the public from using the same access point to enter the other premises.

The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises, the Licensing Authority will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions relating to access between premises.

The Guidance at paragraph 7.22 states “There is no definition of ‘direct access’ in the Act or Regulations, but Licensing Authorities may consider that there should be an area separating the premises concerned (for example a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access.”

It is the Licensing Authority’s opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.

The Licensing Authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or cashpoint machines.

Where the Licensing Authority is satisfied that a building can be divided into separate premises it will expect applicants to ensure that:

- the premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part;
- the premises are not configured so children are likely to enter an adult only area to join a parent gambling in that adult only area,
- entrances and exits from parts of a building covered by one or more Premises Licences are separate and identifiable so the separation of different premises is not compromised, and people do not ‘drift’ into a gambling area. In this context it should 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.

This is not an exhaustive list, and the Licensing Authority will consider other aspects based on the merits of the application.

## Access to Premises

The Gambling Act 2005 (Mandatory and Default Conditions) Regulations set out access provisions for each type of licensed gambling premises. The broad principle is there can be no direct access from one licensed gambling premises to another, except between premises which allow those aged under-18 to enter and with the further exception that licensed betting premises may be accessed via other licensed betting premises.

'Direct access' is not defined, but the Licensing Authority will consider there should be an area such as a street or café to which the public attend for purposes other than gambling for there to be no direct access.

Type of Premises	Access Provisions
Casino	<ul style="list-style-type: none"> <li>The principal access to the premises must be from a 'street';</li> <li>No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons;</li> <li>No customer must be able to access a casino directly from any other premises which holds a gambling premises licence.</li> </ul>
Adult Gaming Centre	<ul style="list-style-type: none"> <li>No customer must be able to access the premises directly from any other licensed gambling premises.</li> </ul>
Betting Shop	<ul style="list-style-type: none"> <li>Access must be from a 'street' or from other premises with a betting licence;</li> <li>No direct access is permitted from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be any entrance to a betting shop from a shop of any kind unless that shop is in itself a licensed betting premises.</li> </ul>
Track	<ul style="list-style-type: none"> <li>No customer must be able to access the premises directly from a casino or Adult Gaming Centre.</li> </ul>
Bingo Premises	<ul style="list-style-type: none"> <li>No customer must be able to access the premises directly from a casino, an Adult Gaming Centre or a betting premises, other than a track.</li> </ul>
Family Entertainment Centre	<ul style="list-style-type: none"> <li>No customer must be able to access the premises directly from a casino, an Adult Gaming Centre or a betting premises, other than a track.</li> </ul>

## Plans

The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 state that a plan to accompany an application for a Premises Licence must show:

- the extent of the boundary or perimeter of the premises
- where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building
- where the premises forms part of a building, the location of any external or internal walls of the building which are included in the premises
- where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel which are included in the premises
- the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which exit leads.

The Regulations also state that other than in respect of a track, the plan must show 'the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence'. The Licensing Authority may, however, consider that these minimum requirements are insufficient to satisfy them in respect of the licensing objectives at tracks, Gambling Commission Guidance, Codes of Practice or its own Statement of Principles. In such cases, the Licensing Authority may ask for such additional information to be shown on the plan as it deems necessary to enable it to discharge its duties effectively. Information shown on the plan that is not required by Regulations will not form part of the Premises Licence and will only be used by the Licensing Authority to help it make a considered decision on the application.

If plans change in any material respect during the lifetime of the licence, the applicant will be in breach of their licence and would either need to make a fresh application under s.159 or to seek an amendment to the licence under s.187 of the Gambling Act 2005. If the changes are substantial, this may, in the opinion of the Licensing Authority, render the premises different to those to which the licence was granted. In such cases, variation of the licence under s.187 would not be possible and an application for a new application would be required under s.159.

### **General Requirements for All Premises**

The Licensing Authority expects all applicants for gambling Premises Licences to ensure there is adequate provision for staff to supervise persons using the licensed premises. This is to identify those who have self-excluded, vulnerable persons, under age persons, persons gambling beyond limits they have set for themselves, person who may be involved in crime, persons who may be prone to anti-social behaviour, persons who are drinking alcohol where this is prohibited and persons who are showing signs of distress in respect of their gambling.

Applicants must take the structure and layout of the premises into account when considering their own policies and procedures. For example, where it is not possible for counter staff to supervise persons using gambling facilities such as gaming machines, the Licensing Authority would expect applicants to volunteer conditions that floor walkers will be used or that counter staff will be able to view all areas of the premises on CCTV provided to the counter area where it can be clearly seen.

Arrangements must be made for how staff will deal with customers who become aggressive and for ejecting patrons who are, for example, self-excluded, vulnerable or under age. This will include staff training and ensuring there are appropriate numbers of staff to deal with problems.

Staff should be in a position to monitor entrances and gaming machines and challenges should be initiated at the earliest opportunity.

Where access to premises is age restricted, the Licensing Authority expects applicants to have a Think 21 policy in place and to train its staff in recognising acceptable forms of identification. Posters should also be displayed stating that the relevant policy is in place and that users may be challenged.

Licence holders should record details of persons who have self-excluded, persons who have been ejected or refused admission, persons who have been barred by the operator, and any instances of crime or disorder that occurs on, or in association with, the licensed premises.

Applicants should demonstrate how they will identify self-excluded persons.

Where applicable, operators shall be able to demonstrate they are participating effectively in the relevant multi-operator self-exclusion scheme.

## Casinos

**No Casinos resolution** – Section 166 of the Gambling Act 2005 gives a Licensing Authority the ability to resolve not to issue casino premises licences. This licensing authority has **not** passed a 'no casino' resolution. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

In determining applications for casino premises, the Licensing Authority shall consider the following:

- proof of age schemes
- CCTV
- entry control system
- staff numbers
- staff training
- layout of premises
- supervision of entrances/machine areas/gaming tables
- notices/ signage
- opening hours
- provision of responsible gambling information
- identification of customers

This list is not exhaustive and is merely indicative of example measures the Licensing Authority will expect applicants to offer to meet the licensing objectives.

## Bingo

This policy applies to applications for a Bingo Premises Licence. Bingo has its ordinary and natural meaning and includes any version of the game irrespective of by what name it is described. A holder of a bingo Premises Licence will be able to offer bingo in all its forms.

Children and young persons are permitted in bingo premises but may not participate in the bingo. If any Category B or C machines are made available for use, these must be separated from areas where children and young people are allowed.

The Licensing Authority expects that where children are permitted in bingo premises, any Category B or C machines are located in an area which is separated from the rest of the premises by barriers or in a separate room, where it is made clear that entry is permitted only for those aged 18 or over. Appropriate signage should be provided to this effect and the area should be monitored by staff, either through direct supervision or by monitored CCTV.

To avoid a situation where a premises holds a bingo Premises Licence primarily to benefit from the gaming machine allowance, the Licensing Authority will need to be satisfied that bingo is regularly played in any premises for which a Premises Licence is issued and that the



premises presentation is clearly that of a bingo premises and readily identifiable as such to any customer using the premises.

In determining applications for bingo premises, the Licensing Authority shall consider the following:

- proof of age schemes
- CCTV
- entry control system
- staff numbers
- staff training
- supervision of entrances/ machine areas
- whether children are permitted on the premises and, if so, how the operator intends to prevent them from playing bingo or being able to access adult only machine areas
- notices/ signage
- opening hours
- the times and frequency of which bingo is offered
- whether bingo is offered by a caller or only electronically
- whether the premises are clearly identifiable as being licensed for the purposes of offering bingo facilities
- provision of responsible gambling information

This list is not exhaustive and is merely indicative of example measures the Licensing Authority will expect applicants to offer to meet the licensing objectives.

Young persons, aged 16 and 17, may be employed in bingo premises provided their duties are not connected with the gaming or gaming machines. The Licensing Authority will not grant licences unless the applicant demonstrates how they intend to meet this licensing objective and identify appropriate measures they will take to protect young employees.

Where hand held gaming devices are to be used on bingo premises, the Licensing Authority expects applicants to demonstrate how use of these devices will be monitored by staff

### **Betting Premises**

This policy applies to applications for off-course betting premises. This is betting that takes place other than at a track, typically in a betting shop.

The Licensing Authority must be satisfied that the primary use of the premises is to operate as betting premises. The applicant will be expected to demonstrate they are offering sufficient facilities for betting or otherwise should not make gaming machines available on the premises.

In determining applications for betting premises, the Licensing Authority shall consider the following:

- proof of age schemes
- CCTV
- entry control system
- staff numbers

- staff training
- counter layout
- supervision of entrances/ machine areas
- machine privacy screens
- notices/ signage
- opening hours
- provision of responsible gambling information

This list is not exhaustive and is merely indicative of example measures the Licensing Authority will expect applicants to offer to meet the licensing objectives.

Betting machines made available at betting premises that accept bets on live events such as horse racing (SSBT's or self-service betting terminals) are not gaming machines and therefore do not count towards the total number of gaming machines that may be permitted at betting premises. However, where a machine is made available to take bets on 'virtual' races (e.g., results/images generated by a computer to resemble a real race or event), that IS a gaming machine and counts towards the maximum permitted number of gaming machines and is subject to the relevant statutory limits on stakes and prizes.

Section 181 of the Gambling Act 2005 permits the Licensing Authority to restrict the number of SSBT's, their nature and the circumstances in which they may be made available by attaching a relevant condition to a Premises Licence for a betting office. When considering whether to do so, the Licensing Authority will consider, among other things, the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people.

The Licensing Authority when considering the number, nature and circumstances of self-service betting terminals an operator wants to offer will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.

Where an SSBT includes functionality to be marketed or presented in languages other than English, the Licensing Authority will seek to ensure the operator has considered the ordinary code provision set by the Gambling Commission about making the following information also available in the relevant languages:

- information on how to gamble responsibly and access the help referred to in the Gambling Commission's Licence Conditions and Codes of Practice;
- the player's guide to any game, bet or lottery under the provisions of the Gambling Commission's Licence Conditions and Codes of Practice;
- the summary of the contractual terms on which gambling is offered, which is a condition of the licence holder's Operating Licence issued by the Gambling Commission.

### **Betting Tracks and Other Sporting Venues**

Tracks include premises where a race or other sporting event takes place or is intended to take place. These may be subject to one or more than one Premises Licence, provided each licence relates to a specified area of the track. The Gambling Commission Guidance identifies that operator of track betting premises will not necessarily hold an Operating Licence issued by the Commission. The Licensing Authority will have particular regard to proposals and measures to ensure the environment in which betting takes place is suitable for betting and that betting is conducted in a fair and open way.

Examples of tracks include:

- Horse racecourses
- Greyhound tracks
- Point to point meetings
- Football, cricket and rugby grounds
- Athletics stadia
- Golf courses
- Venues hosting darts, bowls or snooker tournaments
- Premises staging boxing matches
- Sections of river hosting fishing competitions
- Motor racing events

The offence of permitting a child or young person to enter gambling premises under section 47 of the Act does not apply to tracks. Therefore, the Licensing Authority will consider the impact upon the objective of protection of children and vulnerable persons, the need to ensure that entrances to each type of licensed premises within the sporting venue are distinct, and that children are excluded from gambling areas which they are not permitted to enter.

The possibility of multiple licences at tracks is noted in Part 20 of the Gambling Commission Guidance. The Licensing Authority will expect the applicant for a Premises Licence to demonstrate suitable measures to ensure that children do not have access to adult-only gaming facilities. Children and young persons are permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place but are still prevented from entering areas where gaming machines (other than Category D machines) are provided. Children and young persons are not prohibited from playing Category D machines on a track.

In determining applications for betting at tracks, consideration will be given to appropriate measures/licensing conditions to address the matters listed below:

- proof of age schemes such as Think 21
- CCTV
- entry control system
- supervision of entrances/ machine areas
- physical separation of areas
- notices/ signage
- opening hours
- provision of responsible gambling information
- provision of policies and procedures in relation to social responsibility measures as set out below
- staffing levels
- staff training and records of staff training
- recording of incidents such as underage challenges, customer interactions for problem gambling, self-exclusions and complaints and disputes relating to gambling
- details of action to be taken where an on-course bookmaker has breached their Gambling Commission Operating Licence conditions repeatedly, for example where children have been able to gamble.

This list is not exhaustive and is merely indicative of example measures the Licensing Authority will expect applicants to offer to meet the licensing objectives.

Track betting operators must be able to demonstrate their adoption of socially responsible gambling policies and procedures. Such policies and procedures must ensure that track betting activities promote the licensing objectives of ensuring that gambling is conducted in a fair and open way and children and other vulnerable people are not harmed or exploited by gambling.

A track Premises Licence does not in itself entitle the holder to provide gaming machines. However, by virtue of section 172(9) of the Act, track owners who hold both a track Premises Licence AND a pool betting Operating Licence issued by the Gambling Commission (this currently only applies to greyhound tracks) may provide up to four Category B2 to D gaming machines on the track.

The Licensing Authority will consider the location of gaming machines at tracks, and applicants for track Premises Licences will need to demonstrate that, where the applicant holds or seeks a pool betting Operating Licence and is going to use their full entitlement to gaming machines, these machines are located in areas from which children are excluded. The applicant will be required to provide information as to what measures it will put in place around the gaming machines to ensure that children are excluded.

The Licensing Authority will expect applicants to include detailed plans for the track itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”), pool betting, and any other proposed gambling facilities. Plans should make clear what is being sought for authorisation under the track betting Premises Licence and what, if any, other areas are to be subject to a separate application for a different type of Premises Licence. Any such plans must also contain the information prescribed by regulations.

In respect of staff training, the Licensing Authority would expect staff involved with the provision of gambling facilities at the track to be trained in social responsibility measures including, but not limited to, age verification, problem gambling indicators and action to be taken, self-exclusion, complaints procedures and money laundering indicators and action to be taken. Records of such training should be retained by the track management showing the subjects the staff member was trained in and the date training took place. These should be signed off by the staff member and training should be refreshed at least annually.

The Licensing Authority expects track operators to have policies and procedures in place to deal with age verification, self-exclusion, money laundering, complaints and disputes and problem gambling as a minimum and to ensure that all staff involved in the provision of gambling facilities are aware of these policies and procedures and have been trained in their implementation.

The Licensing Authority expects track management to ensure appropriate problem gambling information is provided commensurate to the size and layout of the premises. This should be in the form of posters and also leaflets which a customer can take away. Leaflets should be provided in areas where they can be taken away discreetly by the customer.

Section 152 of the Act permits tracks to be the subject of multiple Premises Licences.

Access between premises licensed for gambling and non-gambling areas will be considered carefully by the Licensing Authority for the following reasons:

- To prevent operators from attempting to circumvent the Act by artificially subdividing premises and securing separate Premises Licences for its composite parts;
- To ensure operators do not circumvent the regulations governing the maximum number of gaming machines that may be provided at specific premises;
- To ensure people who have entered premises to take part in one form of gambling are not exposed to another form of gambling;
- To ensure there is no direct access between gambling premises to which children have access and those which they are prohibited from entering;
- To ensure all gambling premises have publicly accessible entrances;
- To ensure gambling premises are not developed in 'back rooms' of other commercial premises.

### **Adult Gaming Centres (AGC's)**

Adult gaming centre (AGC) Premises Licences allow the holder of the licence to make gaming machines available for use on the premises. Persons operating an AGC must hold a relevant Operating Licence from the Gambling Commission and must seek a Premises Licence from the Licensing Authority. Gaming machines are a form of gambling attractive to children and AGC's may contain machines of a similar format to the Category D machines on which children are allowed to play. However, persons under the age of 18 are not permitted to enter an AGC.

Because gaming machines provides opportunities for solitary play and immediate pay-outs, they are more likely to engender repetitive and excessive play. The Licensing Authority in considering Premises Licences for AGC's 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 are not attracted to, or gain access to, the premises.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives; however appropriate measures / licence conditions may cover issues such as:

- proof of age schemes
- CCTV
- entry control system
- supervision of entrances/ machine areas
- physical separation of areas
- notices/ signage
- opening hours
- staffing levels
- staff training
- provision of problem gambling information
- self-exclusion schemes

This list is not exhaustive and is merely indicative of example measures the Licensing Authority will expect applicants to offer to meet the licensing objectives.

## Family Entertainment Centres (FEC's)

Generally, FEC's must be operated by a person or body having an Operating Licence from the Gambling Commission. Unlicensed Family Entertainment Centres do not require the operator to have a Gambling Commission Operator's Licence or Premises Licence from the Licensing Authority but do need to have a gaming machine permit as set out in the section on Permits. Unlicensed Family Entertainment Centres may only be used to provide Category D gaming machines.

Gaming machines are a form of gambling which is attractive to children and licensed FEC's will contain both Category D machines on which they are allowed to play, and Category C machines on which they are not. Because gaming machines provide opportunities for solitary play and for immediate pay-outs, they are more likely to engender repetitive and excessive play. The Licensing Authority, in considering applications for FEC Premises Licences, 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.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/ licence conditions may cover issues such as:

- CCTV
- supervision of entrances/ machine areas
- physical separation of areas for Category C machines
- location of entry
- notices/ signage
- opening hours
- staffing levels
- staff training
- self-exclusion schemes
- provision of problem gambling information
- measures and training for dealing with children on the premises suspected of truanting.

This list is not exhaustive and is merely indicative of example measures the Licensing Authority will expect applicants to offer to meet the licensing objectives.

The Licensing Authority expects applicants to demonstrate adequate separation between the area in which Category C gaming machines are made available and areas of the premises to which children may have access. This will include whether physical separation is provided, staff supervision, signage and layout and presentation of the premises as a minimum. Operators should be aware of the risk of children entering adult only areas to speak to a parent who may be gambling in that area for example and have appropriate controls in place to reduce the risk of this.

## Door Supervisors

The Gambling Commission Guidance advises that Licensing Authorities may consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, but there can also be a need for supervision to stop premises becoming a source of crime. Door supervisors at casinos or bingo premises are not required to be registered by the Security Industry Authority (SIA) under the Private Security Industry Act 2001. Door supervisors not directly employed by a casino or bingo operator do however have to be SIA registered.

For betting offices and other premises, the operator and/or the Licensing Authority may decide that supervision of entrances or machines is appropriate in particular cases. The Licensing Authority will make door supervision a requirement where there is evidence, from the history of trading at the premises or in the area, which the premises cannot be adequately supervised by counter staff or that problem customers cannot be dealt with effectively by counter staff alone and that door supervision is both necessary and proportionate.

## Provisional Statements

Following the grant of a provisional statement, no further representations from responsible 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 to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional licence stage; or
- (b) which in the authority's opinion reflect a change in the operator's circumstances.

## Reviews

Requests for a review of a Premises Licence can be made by interested parties or responsible authorities, including the Licensing Authority. 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:

- any relevant Code of Practice issued by the Gambling Commission;
- any relevant guidance issued by the Gambling Commission;
- the licensing objectives;
- this Statement of Principles.

The Licensing Authority may reject an application for review if it thinks the grounds on which the review is sought:

- a) are not relevant to the relevant code of practice or guidance issued by the Gambling Commission, the licensing objectives or the Licensing Authority's statement of principles;
- b) are frivolous;
- c) are vexatious;
- d) 'will certainly not' cause the Licensing Authority to revoke or suspend the licence

- or to remove, amend or attach conditions on the Premises Licence;
- e) are substantially the same as grounds cited in a previous application relating to the same premises (the Licensing Authority will consider the length of time that has passed since the earlier application in deciding whether this is a reasonable reason to reject the review application);
  - f) are substantially the same as representations made at the time the application for the Premises Licence was considered. While the Licensing Authority will consider the length of time that has passed since the representations were made, it will not normally review a licence on the basis of the same arguments considered on the grant of the Premises Licence.

General objections to gambling as an activity are not likely to be considered relevant reasons for a review. Other examples of irrelevant considerations include demand for gambling premises, issues relating to planning, public safety and traffic congestion.

The Licensing Authority can initiate a review of a particular Premises Licence, or any particular class of Premises Licence, for any reason it believes is appropriate. This includes reviewing 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.

The Licensing Authority may review any matter connected with the use made of a particular premises if it has reason to believe the Premises Licence conditions are not being observed, or for any other reason which gives it cause to believe a review may be appropriate.

A responsible authority or interested party may apply to the Licensing Authority to review a Premises Licence. Such reviews can be made in relation to, amongst other things if there are repeated incidents of crime and disorder associated with the premises or the gambling activity which the premises operator has failed to adequately address, where incidents that have adversely effected one or more licensing objectives have occurred at premises that could have been prevented if advice and guidance from a responsible authority had been heeded, or if the premises due to the activities being undertaken is either attracting children or people likely to be involved in crime and disorder.

As a review of a Premises Licence can lead to its revocation, the Licensing Authority will consider whether informal actions to ensure timely or immediate compliance have been exhausted prior to an application being made. The Licensing Authority accepts that an application for review may be appropriate without informal measures being taken but will seek to establish that all options have been considered in determining review applications.



### Travelling Fairs and Permits

#### Travelling Fairs

The Act defines a travelling fair as 'wholly or principally' providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. Travelling fairs do not require a permit to provide gaming machines but must comply with legal requirements about the way the machines are operated.

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

The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair. The 27-day statutory maximum for the land being used as a fair each calendar year applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Authority will keep a record of any travelling fairs that take place in Tonbridge & Malling Borough Council that offer gambling as an ancillary use to the fair. The Licensing Authority will ensure the 27-day statutory maximum for the land being used is not breached. The Licensing Authority will advise travelling fair operators if requested of the statutory time period remaining for the land they intend to use.

#### Permits

Permits regulate gambling and the use of gaming machines in a premises which do not hold a Premises Licence. They are required when a premises provides gambling facilities but either the stakes are very low, or gambling is not the main function of the premises.

The Licensing Authority is responsible for issuing the following permits:

- a) unlicensed family entertainment centre gaming machine permits;
- b) alcohol licensed gaming machine permits;
- c) prize gaming permits;
- d) club gaming permits and club machine permits.

The Licensing Authority can only grant or reject an application for a permit and cannot attach conditions. Therefore, the Licensing Authority will consider a number of factors before determining an application for a permit to ensure that the permit holder and the premises are suitable for the proposed gambling activities.

#### Unlicensed family entertainment centre gaming machine permits

This policy applies to those premises that are proposed to be used as Unlicensed Family Entertainment Centres (uFEC's). uFEC's are premises primarily used for making gaming machines available that offer only Category D gaming machines. A uFEC permit allows any number of these machines to be made available at the premises (subject to other

considerations such as health and safety and fire regulations). Given that Category D machines have no age restrictions, these premises particularly appeal to children and young persons. Therefore, the Licensing Authority will give particular weight to matters relating to child protection issues.

The Licensing Authority will grant an application for a permit only if it is satisfied that the premises are used wholly or mainly for making gaming machines available for use and following consultation with the Police.

The Licensing Authority will not grant uFEC permits where the premises are not primarily used for making gaming machines available for use in accordance with section 238 of the Gambling Act 2005. This will preclude granting permits to lobbies in shopping centres or motorway service areas for example.

In cases where an existing uFEC permit has been granted to premises not primarily used for making gaming machines available, the Licensing Authority shall refuse to renew such permits.

Applicants for uFEC permits are expected to provide a scale plan of the premises with their application showing entrances/exits, location of CCTV cameras, cash desk, and machine locations as well as other features such as a bowling alley for example or play area which may form part of the premises.

The Licensing Authority will require applicants to demonstrate as a minimum:

- a full understanding of the maximum stakes and prizes of gambling that is permissible in unlicensed FECs;
- that problem gambling information will be provided in the premises commensurate with its size and layout;
- that the applicant has a written policy in place to deal with complaints and disputes which can be given to a customer on request;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act);
- that staff are trained to recognise problem gambling and signpost a customer to problem gambling information;
- that staff have been trained in how to deal with complaints and disputes in line with the applicant's policy.

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

- measures/training for staff regarding suspected truant school children on the premises;
- measures/training covering how staff will deal with unsupervised very young children being on the premises;
- measures/training covering how staff would deal with children causing perceived problems on or around the premises.
- Safeguarding awareness training.

## **Automatic entitlement to two gaming machines**

Premises licensed to sell alcohol on the premises under the Licensing Act 2003 are automatically entitled to provide two gaming machines of Category C and/or D. The holder of the Premises Licence under the Licensing Act 2003 must notify the Licensing Authority of their intention to make the gaming machines available for use and must pay the prescribed fee.

This entitlement only relates to premises with a Licensing Act 2003 Premises Licence that authorises the sale of alcohol for consumption on the premises and which contain a bar at which alcohol is served without the requirement that alcohol is only sold ancillary to the provision of food.

Licensee's siting gaming machines must comply with the relevant Gambling Commission Code of Practice.

Licensees must be aware that gaming machines can only be supplied by a person holding an Operating Licence from the Gambling Commission enabling them to do this. A register of licensed suppliers can be found on the Gambling Commission's website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).

In the event that the relevant authorisation under the Licensing Act 2003 is transferred, lapses or is revoked, the automatic entitlement to two gaming machines ceases to have effect and a new notification will need to be served on the Licensing Authority.

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

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a provision of section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

## **Permit for three or more gaming machines**

This policy applies to alcohol licensed premises that propose to have three or more gaming machines. Licensed premises wishing to have three or more gaming machines of Category C or D must apply to the Licensing Authority for a permit. This permit will replace the automatic entitlement to two gaming machines rather than be in addition to it and the holder must comply with the relevant Gambling Commission Code of Practice.

As gaming machines provide opportunities for solitary play and immediate pay-outs, they are more likely to engender repetitive and excessive play. The Licensing Authority, on considering an application, will consider whether granting a permit would be appropriate on a case-by-case basis, but will specifically have regard to:

- the need to protect children and vulnerable people from harm or being exploited by gambling;
- measures taken by the applicant to satisfy the Licensing Authority that there are sufficient measures to ensure that under 18-year-olds do not have access to the adult only gaming machines;
- whether the applicant has an effective policy in place for handling customer complaints or disputes about the gaming machines.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures may cover issues such as:

- the adult machines being in the sight of staff who will monitor that the machines are not being used by those under 18 and look for signs of problem gambling, attempts to cheat the machine, or suspected money laundering;
- notices and signage;
- the provision of information leaflets or helpline numbers for organisations who can assist with problem gambling.

If the Licensing Authority is not satisfied that appropriate measures have been taken by the applicant to comply with this policy, it may refuse to grant the permit, or it may vary the number or category of gaming machines authorised by the permit.

The Licensing Authority may cancel a permit or may vary the number or category (or both) of gaming machines authorised by it if:

- (a) it would not be reasonably consistent with pursuit of the licensing objectives for the permit to continue to have effect,
- (b) gaming has taken place on the premises in purported reliance on the permit but otherwise than in accordance with the permit or a condition of the permit,
- (c) the premises are mainly use or to be used for making gaming machines available, or,
- (d) an offence under the Gambling Act 2005 has been committed on the premises.

Before the Licensing Authority cancels or varies a permit it will give the permit holder 21 days' notice of its intention and allow him/her the opportunity to make a representation. If the permit holder requests a hearing the Licensing Authority will arrange a Licensing Sub-Committee hearing to consider the permit holder's representation and any other evidence available before making its determination.

When determining an application for an alcohol-licensed premises gaming machine permit, the Licensing Authority will consider each application on its own merits.

### **Prize Gaming Permits**

This policy applies to applications for, or renewals of, Prize Gaming Permits. Gaming is prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences.

Prize gaming may take place without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs.

Given that the prize gaming will particularly appeal to children and young persons, the Licensing Authority will give weight to child protection issues.

The applicant will be expected to set out the types of gaming that they are intending to offer and will also be expected to demonstrate:

- an understanding of the limits to stakes and prizes set out in regulations;
- that the gaming offered is within the law;
- clear policies that outline the steps to be taken to protect children and vulnerable persons from harm.

The Licensing Authority will only grant a permit after consultation with the Police. This will enable the Licensing Authority to determine the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming, the suitability of the premises in relation to their location, and issues about disorder.

There are conditions in the Act with which the permit holder must comply, though the Licensing Authority cannot attach conditions. The conditions in the Act are:

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

### **Club Gaming and Club Machine Permits**

Members clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club machine permit. Commercial clubs such as snooker clubs run on a profit basis may apply for a club machine permit. Each type of permit allows the provision of different types of gaming and provision of game machines. The current entitlements Club Gaming machine can be found by visiting the Gambling Commission's website ([www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)).

A commercial club is defined as a club where membership is required but the club is operated for commercial gain.

A non-commercial club is a club where no commercial gain is made. A non-commercial club must meet the following criteria to be considered a members' club:

- it must have at least 25 members;
- it must be established and conducted wholly or mainly for purposes other than gaming (with the exception of bridge or whist);
- it must be permanent in nature;
- it must not be established to make a commercial profit;
- it must be controlled by its members equally.

Examples of these include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

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

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

There is also a "fast-track" procedure available under the Act for premises that hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds upon which a Licensing Authority can refuse a permit are reduced. The grounds on which an application under this process may be refused are that:

- a) the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- b) in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- c) a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

There are statutory conditions on club gaming permits that no child may use a Category B or C gaming machine on the premises and that the holder complies with any relevant provision of a Gambling Commission Code of Practice about the location and operation of gaming machines.

The Licensing Authority will need to satisfy itself that the club meets the requirements of the Gambling Act 2005 to hold a club gaming permit. In order to do this, it may require proof of additional information from the operator such as:

- is the primary activity of the club something other than gaming?
- are the club's profits retained solely for the benefit of the club's members?
- are there 25 or more members?
- are the addresses of members of the club genuine domestic addresses and do most members live reasonably locally to the club?
- do members participate in the activities of the club via the internet?

- do guest arrangements link each guest to a member?
- is the 48-hour rule being applying for membership and being granted admission being adhered to?
- are there annual club accounts available for more than one year?
- how is the club advertised and listed in directories and on the internet?
- are children permitted in the club?
- does the club have a constitution, and can it provide evidence that the constitution was approved by members of the club?
- is there a list of Committee members and evidence of their election by the club members?

When examining the club's constitution, the Licensing Authority would expect to see evidence of the following:

- Who makes commercial decisions on behalf of the club?
- Are the aims of the club set out in the constitution?
- Are there shareholders or members? Shareholders indicate a business venture rather than a non-profit making club.
- Is the club permanently established? (Clubs cannot be temporary).
- Can people join with a temporary membership? What is the usual duration of membership?
- Are there long-term club membership benefits?

Aside from bridge and whist clubs, clubs may not be established wholly or mainly for the purposes of gaming. The Licensing Authority may consider such factors as:

- How many nights a week gaming is provided;
- How much revenue is derived from gambling activity versus other activity;
- How the gaming is advertised;
- What stakes and prizes are offered;
- Whether there is evidence of leagues with weekly, monthly or annual winners;
- Whether there is evidence of members who do not participate in gaming;
- Whether there are teaching sessions to promote gaming such as poker;
- Where there is a tie-in with other clubs offering gaming through tournaments and leagues;
- Whether there is sponsorship by gaming organisations;
- Whether participation fees are within limits.

### Notices

#### Temporary Use Notices

This policy applies to applications for Temporary Use Notices. Temporary Use Notices allow the use of premises for gambling where there is no Premises Licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for gambling would include hotels, conference centres and sporting venues.

The Licensing Authority can only grant a Temporary Use Notice to a person or a company holding a relevant Operating Licence.

Currently, Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner.

The Licensing Authority, in considering applications for Temporary Use Notices, will consider whether gambling should take place, or should only take place with modifications to the TUN. In doing so, the Licensing Authority will consider:

- the suitability of the premises;
- the location of the premises, paying particular attention to its proximity to any schools, hostels or other sensitive premises;
- the CCTV coverage within the premises;
- the ability of the premises to provide sufficient staff and/or licensed door supervisors for the notice period;
- whether the premises or the holder of the Operating Licence have given the Licensing Authority any cause for concern at previous events in relation to the licensing objectives, the guidance issued by the Gambling Commission, the relevant code of practice or this Statement of Principles.

#### Occasional Use Notices

The Licensing Authority has very little discretion on Occasional Use Notices for betting at tracks aside from ensuring the statutory limit of eight days a calendar year is not exceeded. The Licensing Authority will consider the definition of a “track” and whether the applicant can demonstrate they are responsible for the administration of the “track” or an occupier, and thus permitted to avail themselves of the notice. The definition of “track” in the Act is wider than dog tracks or horse racecourses and includes places where races or other sporting events take place. This could include major halls, hotels and other venues. If notices are given for a single track which would permit betting to occur for more than eight days per year, the Licensing Authority is obliged to issue a counter notice preventing such a breach occurring.



### Small Society Lotteries

The Gambling Act 2005 provides that promoting or facilitating a lottery is illegal, unless it falls into one of two categories of permitted lottery, namely:

- licensed lotteries – these are large society lotteries and lotteries run for the benefit of local authorities that are regulated by the Commission and require operating licences
- exempt lotteries – there are four types of exempt lottery that are expressly permitted under Schedule 11 of the Act, including the small society lottery.

#### Definition of lottery

A lottery is any arrangement that satisfies all of the criteria contained within the statutory description of either a simple lottery or a complex lottery, under s.14 of the Gambling Act 2005.

An arrangement is a simple lottery if:

- persons are required to pay to participate
- one or more prizes are allocated to one or more members of a class
- the prizes are allocated by a process which relies wholly on chance.

An arrangement is a complex lottery if:

- persons are required to pay to participate
- one or more prizes are allocated to one or more members of a class
- the prizes are allocated by a series of processes
- the first of those processes relies wholly on chance.

#### Definition of society

A 'society' is the society, or any separate branch of such a society, on whose behalf a lottery is to be promoted. Section 19 of the Gambling Act 2005 defines a society as such if it is established and conducted:

- for charitable purposes, as defined in s.2 of the Charities Act 2006
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity
- for any other non-commercial purpose other than that of private gain.

It is inherent in this definition that the society must have been established for one of the permitted purposes as set out in s.19 of the Act, and that the proceeds of any lottery must be devoted to those purposes. It is not permissible to establish a society whose sole purpose is to facilitate lotteries.

Participation in a lottery is a form of gambling. Lotteries must be conducted in a socially responsible manner and in accordance with the Act.

The minimum age for participation in a lottery is sixteen. The holder of a small society lottery registration must take reasonable steps to ensure that all those engaged in the promotion of their lottery understand their responsibilities for preventing underage gambling, returning stakes and not paying prizes to underage customers.

## **External Lottery Managers**

External lottery managers (ELM's) are required to hold a lottery operator's licence issued by the Gambling Commission to promote a lottery on behalf of a licensed society.

However, individuals or firms can and do provide services to a society or local authority lottery without assuming the role of an ELM. When determining whether a third party is a 'service provider' only, or has assumed the role of an ELM, the degree of management undertaken by both the promoter and the sub-contractor will be crucial factors. Key indicators will include:

- who decides how the lottery scheme will operate
- who appoints and manages any sub-contractors
- the banking arrangements for handling the proceeds of the lottery
- who sells the tickets and pays the prizes
- who controls promotional aspects of the lottery.

Societies employing an unlicensed ELM may be committing an offence and they will need to satisfy themselves that any ELM they employ holds the relevant operator's licence issued by the Commission. The Commission publishes a register of operating licences on its website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).

## **Lottery Tickets**

Lotteries may involve the issuing of physical or virtual tickets to participants (a virtual ticket being non-physical, for example in the form of an email or text message). All tickets must state:

- the name of the promoting society
- the price of the ticket, which must be the same for all tickets (e.g. there can be no option to 'buy two tickets, get one free')
- the name and address of the member of the society who is designated as having responsibility at the society for promoting small lotteries or, if there is one, the ELM
- the date of the draw, or information which enables the date to be determined.

The requirement to provide this information can be satisfied by providing an opportunity for the participant to retain the message electronically or print it.

The society should maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw. The Licensing Authority may wish to inspect the records of the lottery for any purpose related to the lottery.

## **Where tickets may be sold**

The Licensing Authority expects holders of small society lottery registrations not to sell lottery tickets to a person in any street. For these purposes 'street' includes any bridge, road, lane,

footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not. Tickets may, however, be sold in a street from a static structure such as a kiosk or display stand. Tickets may also be sold door to door. Licensees must ensure that they have any necessary local authority permissions, such as a street trading licence, in order to do this.

## **Prizes**

Prizes awarded in small society lotteries can be either cash or non-monetary. Prizes declared on returns must not exceed the limits on prizes set out by the Act - in effect that combined with any expenses incurred with the running of the lottery, such as managers' fees, they must not comprise more than 80% of the total proceeds of the lottery. Donated prizes would not be counted as part of this 80% (as no money would be withdrawn from the proceeds to cover their purchase) but are still subject to the limit on a single maximum prize of £25,000 and should be declared on the return following the lottery draw.

Alcohol should not be offered as a prize in a lottery without the society first ensuring that no Licensing Act 2003 consent is required for this from the Licensing Authority. If such consent is required, then alcohol shall not be offered as a prize unless such consent has been obtained.

## **Small society registration**

The promoting society of a small society lottery must, throughout the period during which the lottery is promoted, be registered with a Licensing Authority. Parts 4 and 5 of Schedule 11 of the Act set out the requirements on both societies and Licensing Authorities with respect to the registration of small society lotteries.

The Licensing Authority with which a small society lottery is required to register must be in the area where their principal office is located.

Applications for small society lottery registrations must be in the form prescribed by the Secretary of State and be accompanied by both the required registration fee and all necessary documents required by the Licensing Authority to assess the application. This information shall include a copy of the society's terms and conditions and their constitution to establish that they are a non-commercial society.

Societies may not circumvent the requirement to hold a Gambling Commission Lottery Operating Licence by obtaining two or more registrations with the same or different Licensing Authorities. As set out previously, the Act states that a society lottery is a large lottery if the arrangements for it are such that its proceeds may exceed £20,000 in a single lottery, or if the aggregate proceeds in a calendar year exceed £250,000.

In cases where a society has separate branches with different aims and objectives, it is acceptable for them to hold more than one licence or registration. However, in cases where a society holds more than one registration and the aims and objectives of those societies are the same, this may constitute a breach of the threshold limits for small society lotteries set out in Schedule 11 of the Act.

By virtue of Schedule 11 paragraph 31(5) of the Act, societies may not hold an Operating Licence with the Gambling Commission and a local authority registration with the same aims and objectives at the same time. This paragraph also provides for a statutory period of three years during which a large society cannot convert to small society status.

Registrations run for an unlimited period, unless the registration is cancelled.

### **Refusal of registration**

The Licensing Authority may propose to refuse an application for any of the following reasons:

- An operating licence held by the applicant for registration has been revoked or an application for an operating licence made by the applicant for registration has been refused, within the past five years. The Commission will be able to advise the details of people and organisations that have been refused an operating licence or have had an operating licence revoked in the past five years. Licensing Authorities should consult the Commission as part of their consideration process.
- The society in question cannot be deemed non-commercial.
- A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, listed in Schedule 7 of the Act.
- Information provided in or with the application for registration is found to be false or misleading.

The Licensing Authority may only refuse an application for registration after the society has had the opportunity to make representations. These can be taken at a formal hearing or via correspondence. The Licensing Authority shall inform the society of the reasons why it is minded to refuse registration and provide it with at least an outline of the evidence on which it has reached that preliminary conclusion, in order to enable representations to be made.

### **Revocation of a small society's registered status**

The Licensing Authority may revoke the registration of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and provide them with the evidence on which it has reached that preliminary conclusion.

### **Administration and returns**

The Act requires that a minimum proportion of the money raised by the lottery is channelled to the goals of the society that promoted the lottery. If a small society lottery does not comply with these limits, it will be in breach of the Act's provisions, and consequently be liable to prosecution.

The limits are as follows:

- at least 20% of the lottery proceeds must be applied to the purposes of the society (Schedule 11, paragraph 33)

- no single prize may be worth more than £25,000 (Schedule 11, paragraph 34)
- rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society, and the maximum single prize is £25,000 (Schedule 11, paragraph 35)
- every ticket in the lottery must cost the same and the society must take payment for the ticket fee before entry into the draw is allowed (Schedule 11, paragraph 37).

Paragraph 39 of Schedule 11 in the Act sets out the information that the promoting society of a small society lottery must send as returns to the Licensing Authority with which it is registered, following each lottery held. This information allows Licensing Authorities to assess whether financial limits are being adhered to and to ensure that any money raised is applied for the proper purpose. The following information must be submitted:

- the arrangements for the lottery - specifically the date on which tickets were available for sale or supply, the dates of any draw and the value of prizes, including any donated prizes and any rollover
- the total proceeds of the lottery
- the amounts deducted by the promoters of the lottery in providing prizes, including prizes in accordance with any rollovers
- the amounts deducted by the promoters of the lottery in respect of costs incurred in organising the lottery
- the amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds)
- whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds, and, if so, the amount of expenses and the sources from which they were paid.

Paragraph 39 of Schedule 11 in the Act also requires that returns must:

- be sent to the Licensing Authority no later than three months after the date of the lottery draw, or in the case of 'instant lotteries' (scratch cards) within three months of the last date on which tickets were on sale
- be signed (electronic signatures are acceptable if the return is sent electronically) by two members of the society, who must be aged 18 or older, are appointed for the purpose in writing by the society or, if it has one, its governing body, and be accompanied by a copy of their letter or letters of appointment.

The Gambling Commission may inspect a society's returns, although it will not routinely do so. The Licensing Authority is required to retain returns for a minimum period of three years from the date of the lottery draw. They must also make them available for inspection by the general public for a minimum period of 18 months following the date of the lottery draw.

The Licensing Authority will monitor the cumulative totals of returns to ensure that societies do not breach the annual monetary limit of £250,000 on ticket sales. The Licensing Authority must notify the Commission if returns reveal that a society's lotteries have exceeded the values permissible, and such notifications will be copied to the society in question. The Gambling Commission will contact the society to determine if they are going to apply for a lottery operator's licence, thereby enabling them to run large society lotteries lawfully, and will inform the Licensing Authority of the outcome of its exchanges with the society.

## Table of delegations of licensing functions

Matter to be dealt with	Full Council	Licensing Committee	Sub-committee	Officers
Three year licensing statement	X			
Resolution not to permit casinos	X			
Fee Setting - when appropriate		X		
Application for premises licences			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence			Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence			X	
Application for club gaming / club machine permits			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits			Where representations have been received and no hearing is requested	Where no request for a hearing is received
Application for other permits				X
Cancellation of licensed premises gaming machine permits				X
Consideration of temporary use notice				X
Decision to give a counter notice to a temporary use notice			X	

Summary of machine provisions by premises

Machine category

Premises type	A	B1	B2	B3	B4	C	D	
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories E to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)						
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)						
Pre-2005 Act casino (no machine/table ratio)		Maximum of 20 machines categories E to D (except B3A machines), or any number of C or D machines instead						
Betting premises and tracks occupied by pool betting		Maximum of 4 machines categories B2 to D (except B3A machines)						
Bingo premises <sup>1</sup>				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4	No limit on category C or D machines			
Adult gaming centre <sup>2</sup>				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4	No limit on category C or D machines			
Licensed Family entertainment centre)						No limit on category C or D machines		
Family entertainment centre (with permit) <sup>3</sup>						No limit on category D machines		
Clubs or miners' welfare Institute (with permits) <sup>4</sup>				Maximum of 3 machines in categories B3A or B4 to D <sup>4</sup>				
Qualifying alcohol-licensed premises				1 or 2 machines of category C or D automatic upon notification				

Summary of gaming machine categories and entitlements

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

- Unlimited – No category A gaming machines are currently permitted



Summary of gaming entitlements for clubs and pubs

	Members' club or MW institute with club gaming permit	Bridge or whist club	Members' club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit	Pubs and other alcohol-licensed premises
<b>Equal chance gaming</b>	Yes	Bridge and/or Whist only	Yes	Yes	Yes
<b>Limits on stakes</b>	No limit	No limit	<b>Poker</b> £1000 per week £250 per day £10 per person per game <b>Other gaming</b> No limit	<b>Poker</b> £1000 per week £250 per day £10 per person per game <b>Other gaming</b> No limit	<b>Poker</b> £100 per premises per day <b>Other gaming</b> £5 per person per game  <b>Cribbage &amp; dominoes</b> No limit
<b>Limits on prizes</b>	No limit	No limit	<b>Poker</b> £250 per game <b>Other gaming</b> No limit	<b>Poker</b> £250 per game <b>Other gaming</b> No limit	<b>Poker</b> £100 per game <b>Other gaming</b> No limit
<b>Maximum participation fees – per person per day</b>	<b>Bridge and/or whist*</b> £20 <b>Other gaming</b> £3	£18 (without club gaming permit) £20 (with club gaming permit)	<b>Bridge and/or whist*</b> £18 <b>Other gaming</b> £3 (commercial club) £1 (members' club)	<b>Bridge and/or whist*</b> £18 <b>Other gaming</b> £1	None permitted
<b>Bankers or unequal chance gaming</b>	Pontoon Chemin de Fer	None permitted	None permitted	None permitted	None permitted
<b>Limits on bingo</b>	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	No bingo permitted	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.

\* On a day when no other facilities for gaming are provided

### List of Consultees

- British Amusement Catering Trade Association (BACTA)
- Association of British Bookmakers
- Gamble Aware
- The Gambling Commission
- The Chief Officer of Kent Police
- Kent Fire & Rescue
- TMBC – Environmental Health / Health and Safety
- TMBC – Planning
- Social Services
- HM Revenue and Customs
- Operators of Betting Premises in Tonbridge & Malling Borough Council
- Operators of Adult Gaming Centres in Tonbridge & Malling Borough Council
- Holders of Gaming Machine Permits in Tonbridge & Malling Borough Council
- Holders of Club Gaming Permits in Tonbridge & Malling Borough Council
- Holders of Club Machine Permits in Tonbridge & Malling Borough Council
- Tonbridge & Malling Borough Council Ward Members
- Parish Councils

Any other body prescribed in regulations made by the Secretary of State.

## Responsible Authorities:

### **The Chief Officer of Kent Police**

Community Safety Unit  
Tonbridge & Malling Borough Council  
Gibson Drive  
Kings Hill  
West Malling  
Kent ME19 4LZ  
[west.division.licensing@kent.police.uk](mailto:west.division.licensing@kent.police.uk)

### **Kent Fire & Rescue**

Building Safety  
Fire Risk and Inspection Team  
Maidstone Fire Station  
Loose Road  
Maidstone  
ME15 9QB  
[buildingsafety.maidstone@kent.fire-uk.org](mailto:buildingsafety.maidstone@kent.fire-uk.org)

### **Environmental Health / Health and Safety**

Tonbridge & Malling Borough Council  
Gibson Building  
Gibson Drive  
Kings Hill  
West Malling  
Kent ME19 4LZ  
[environmental.protection@tmbc.gov.uk](mailto:environmental.protection@tmbc.gov.uk)

### **Licensing Services**

Tonbridge & Malling Borough Council  
Gibson Building  
Gibson Drive  
Kings Hill  
West Malling  
Kent ME19 4LZ  
[licensing.services@tmbc.gov.uk](mailto:licensing.services@tmbc.gov.uk)

### **Planning**

Tonbridge & Malling Borough Council  
Gibson Building  
Gibson Drive  
Kings Hill  
West Malling  
Kent ME19 4LZ  
[planning.applications@tmbc.gov.uk](mailto:planning.applications@tmbc.gov.uk)

**Social Services**

Kent Safeguarding Children's Board  
Sessions House  
County Hall  
Maidstone  
Kent ME14 1XQ  
[KSCMP@kent.gov.uk](mailto:KSCMP@kent.gov.uk)

**The Gambling Commission**

Victoria Square House  
Victoria Square  
Birmingham B2 4PB  
[info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

**HM Revenue and Customs**

Excise Processing Teams  
BX9 1GL  
United Kingdom  
[nrubettinggaming@hmrc.gov.uk](mailto:nrubettinggaming@hmrc.gov.uk)

DRAFT

**Annex 2**

**Feedback Form – Statement of the principles 2025 - 2028 – consultation response**

<b>Respondent</b>	<b>Ref from Current Policy</b>	<b>Comment</b>

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### LICENSING & APPEALS COMMITTEE

25 September 2024

#### Report of the Director of Central Services and Deputy Chief Executive

#### Part 1- Public

#### Delegated

### 1 DISCUSSION – SAFETY OF WOMEN WHEN TAKING A TAXI OR PRIVATE HIRE JOURNEY

#### 1.1 Executive Overview

1.1.1 At the Licensing and Appeals Committee on the 26 March 2024, Cllr Anna Cope, Member for Cage Green and Angel Ward raised concerns that had been reported by members of the public over the experiences of women while taking a taxi from Waterloo Taxi Stand in Tonbridge.

1.1.2 The Licensing and Appeals Committee agreed to hold a discussion at the meeting of the Committee on the 25 September 2024.

1.1.3 Within the examples given are:

- *Taxi not taking the first fare* – A passenger taking a taxi does not have to take the first taxi on the rank, however where a driver refuses to take a fare due to a short journey, the current Hackney Carriage and Private Hire Policy is very clear, that refusal will have 9 penalty points being imposed on their TMBC driving licence and a two-week suspension.
- *Card machine isn't working* – The policy at section 6.1.1 makes it very clear that That all Hackney Carriage Vehicles must have working card payment facilities for credit/debit card payments.
- *Taxi Marshalls* – The current costs to provide Taxi Marshalls for 2025 would be charged at a rate of £19.76 a hour. If two Marshalls worked for 15 hours a week would cost £593, 20 hours a week would cost £790, and 37 hours a week would cost £1,462. Currently there is no budget in place to cover the presence of Taxi Marshalls.

1.1.4 The examples of concerns provided by Cllr Cope are shown at **Annex 1**.

#### 1.2 Background

1.2.1 Public safety is a paramount consideration when processing application forms for prospective candidates by ensuring only fit and proper persons are licensed to be

entrusted to drive members of the public safely, professionally, and courteously to and from their required destinations.

- 1.2.2 All licenced drivers are required to undertake Child Sexual Exploitation and Safeguarding Training and Disability equality training. Female safety training is currently covered under Safeguarding training.
- 1.2.3 One of TMBC objectives in setting out the Taxi policy is ensuring the safety of the public and of licensed drivers.
- 1.2.4 All our drivers are required to have an enhanced disclosure and barring service checks.

### **1.3 Violence against Women and Girls Survey**

- 1.3.1 Earlier this year TMBC ran a survey about Violence against Women and Girls, to which 80 responses were received.
- 1.3.2 References to taxis included:

“I would never walk around at night alone, even in the roads surrounding my house. Alley ways freak me out even though they are generally well lit but there is not adequate streetlights on for me to feel safe alone. I also find getting into taxi's alone very scary.”

“Improve education. Improve lighting and services for women i.e. taxis”

“Pickpockets, taxi drivers, walking home at night”

“In terms of travelling safely, I prefer cycling to getting a bus or taxi, so safer cycle routes to Hadlow would help, but this is probably too indirectly linked to VAWG, but like the parking aspect above, recognises the wider policy & decision making across TMBC/KCC that needs to consider how women will be impacted”.

“Cameras in taxis, CCTV in public places, table bag hooks in restaurants and bars”

“Woman only train carriages and minibus services. Raise awareness and encourage use of women only taxis. Visible police patrolling at late/last train times with male and female officers. Free or low cost self defence training local locations. Ebikes at the station so women don't have to walk home”

- 1.3.3 A copy of the results from the consultation is shown at **Annex 2**

### **1.4 Proposed Door Signs**

When Licensing Services receive a complaint or concern about a taxi driver, vehicle or journey, a lot of complainants do not remember which taxi or private hire vehicle plate number is the subject of the complaint.



To help with identifying which vehicle is involved the Licensing Team have acquired some sample door signs for Members' consideration.

Copies of the door signs are shown at **Annex 3**.

## **1.5 Legal Implications**

1.5.1 None identified for this discussion

## **1.6 Financial and Value for Money Considerations**

1.6.1 None identified for this discussion

## **1.7 Equality Impact Assessment**

1.7.1 Within the current taxi fleet of driver's licences by TMBC there are very few female taxi or private hire drivers. In addition, we have a very wide cosmopolitan make-up of drivers from many different cultural backgrounds and Countries.

1.7.2 The Safeguarding training does aim to reduce inequalities

## **1.8 Recommendations**

1.8.1 Members are requested to APPROVE the introduction of the proposed door signs at Annex 3.

Background papers:

contact:  
Anthony Garnett 6151

Adrian Stanfield  
Director of Central Services and Deputy Chief Executive

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Last night when the second last train from London pulled into Tonbridge Station, there were probably about 12 taxis at the Taxi stand.

By the time I was next in line, I asked each taxi driver if they accepted Card payments. Each and every one declined even though they had a card machine in their car (those I knew because they answered with "where you're going to" and I then said "it doesn't matter where I'm going to. Do you have a Card payment machine or not").

They are purposely not taking small rides on Card machines.

This is actually illegal and by the beginning of February they will all have to have Card machines fitted.

If they don't they can't use the taxi stand at the station

I ended up having to walk home after asking up to 12 taxis if they had Card machines

I was a female travelling on my own having to walk 45 minutes home.

Think the taxi drivers in Tonbridge are rude 😞 we went ice skating the other day me and my 3 boys. Ask 3 taxis at the rank if they would take us home. Most of them declined because it was a short journey. When we finally got a taxi he was rude and told my boys to shut up cause they were excited to see the lights on the way home. I just think there rude wheres there Christmas spirit

I tried getting a taxi home a little while ago from the station and I asked 5 taxi's to take me to the north end of the town and each said no, they were all waiting for a better paying fare or one which took them to a better location.

I never feel brave enough to get moody, take down their details and then walk home alone with them knowing I have their details down. I don't even try to get a cab now. Irony is, if they took the small fares it would be a vibrant and busy rank turning over more fares ...

I had the same a couple weeks ago. Asked every taxi on the rank if they took card and they all said no and also asked where I was going.

I walked home in the end late at night

This has happened to me too on numerous occasions, in the rain and dark, walking over an hour. It's really frightening as a lone woman.

They tried to charge me n my boyfriend £170 once for a 25 minute drive way before midnight! Ridiculous

My husband tried to get one around midnight and was refused by 3 drivers as journey was to short!!

I reported a driver 2 years ago. A young girl only had £50 on her and a bank card. Driver wouldn't accept either of them and refused to stop at a cash point. The cash point at station was out of order. My partner and I took her with us in our taxi.

When my husband has been out and comes back late on the train, I always ask him to get a taxi home safely. He was driven to a cash point ( to get cash out for the driver but it wasn't working ) the driver begrudgingly took a card payment!!



I live at the top of Deakin Leas and only get a cab when it is late but no try to avoid at all costs due to my past experiences of hostile and rude drivers making me feel so guilty and also I feel I have to pay extra as they are acting so pissed off. Making the whole experience uncomfortable so I now avoid.

When I was pregnant in 2017 and in 2021 I was on crutches both times and was repeated made to feel like I was a huge inconvenience to them as my journey wasn't far (up by Leigh academy) but far enough on crutches and heavily pregnant, it was awful I dreaded every train journey knowing I was going to be met with utter disdain. I was never refused but comments were made eyes were rolled and I was made to feel truly awful

I had a really hard time in 2019 when I was pregnant getting a taxi to the drs for my appointments from the station no one wanted to take me because it was a short distance this happened regularly and more recently I was eye rolled because my destination was not far enough to warrant the taxi drivers time but I and my luggage were already in the car so the driver begrudgingly took me it made me feel very awkward

I have tried 3 times to get a taxi over the years and have now given up. Yes I want a taxi home so the demand is there. But I'm not inclined to face laughter or an angry man. Taking their number and complaining is not an option. I just want to get home. I'm often willing to pay double for the short journey. This shouldn't be the case either. I have been refused, told to go further down the rank and one guy took me moaning the whole time and drove like a maniac in anger

Journey last week. Driver really shirty about taking card payment for "short" £14 journey despite the sign saying could pay via card.

Before we got our car I once called one of the taxis based at the station if they could pick me up from outside Iceland's Iceland's I mentioned I had shopping n a young child in a buggy n take me to paddock wood, wen the taxi come he said to me couldn't I have walked up to the station to get one !!! No words was said in the whole journey home n he didn't even help to get pram or shopping out of car only opened the boot for me x

The way they park on the taxi rank they take up 2 lanes, they don't indicate just pull out in front of u once the light changes to green, and standing around on pavement smoking and spitting on pavement is disgusting loads of school kids and people walk past. I was asked to go to the cab behind as I needed a short distance then that cab got out and shouted and the cab I originally asked. I just wanted to walk away but the cab that took me was rude and said he had been sat there for an hour and these little jobs are pointless because now he gotta go and sit bk in the queue, I will never use them again.



I'd like to share an encounter I had yesterday evening with a taxi driver, in hope that we can advocate for change in Tonbridge. I have also written to: [licensing.services@tmbc.gov.uk](mailto:licensing.services@tmbc.gov.uk), and would encourage anyone else having a similar experience to write to them so we can stop this behaviour (I've read previous posts on Tonbridge Mums, so I know it's not just me!)

As I approached the taxi rank, I realised there was a mini bus at the front, so mentioned that it was just me and was that okay? His response was unbelievably rude, and made me feel very uncomfortable: *'I can see you are one person, I'm not blind'*. He then asked me where I was going, to which I replied my address, which is a short journey, to which he laughed and threw his hands up in the air. I then asked if he would take card, and he declined and said he would not take me.

There was then a kerfuffle where the cars behind were not happy with the said driver not taking me, because it wasn't fair on them.

For context, I'm 8 months pregnant, and I'm just trying to get home safely in the evening after working late, in the dark and cold - and there is also a huge hill that I have to walk up. So, this was extremely distressing for me. I cannot help that I'm a short journey.

One of the taxis did end up taking me and taking card, but the whole encounter made me feel so uncomfortable and actually quite put off getting taxis in the future, despite really needing one after work at the moment, especially when I'm working late.

I cannot help being a short journey, and I know that a lot of other people have had the same issues with taxis in Tonbridge waiting at the station.

I know it's not all taxi drivers, but PLEASE can I re-iterate that we're just trying to use a service, and are not just your 'bad luck' if we are a short journey. It's incredibly uncomfortable, and we should all be able to happily get a taxi, especially on a cold evening!

If it's the mini bus it maybe the same guy I had issues with last year.

The taxis at the station have been horrid for a while I always advice people to stay clear. Castle cars are always helpful and friendly also can highly recommend Steve taxis. He is very busy man but will always try and fit in people where he can.

My husband had a similar incident when he was on crutches after knee surgery. To be honest I often just walk at night even if it's late because I can't face the eye rolling and rudeness I have sometimes encountered over the short journey... even though my other half would rather I jumped in a cab. I believe it's a few drivers only making it difficult for the others. x

same for me. I will always walk home. Sick of it

Same for me. Just couldn't face the stress of if your gonna get a good taxi driver or a annoyed one

I am so sorry to hear about so many bad experiences. I'm a local councillor at TMBC and one of the committees I sit on deals with the taxis. I personally have had some bad experiences with the taxis at the station rank and would like to bring this up to the committee. It certainly feels as though I am not alone. Please let me know if you are happy for me to share what has been included here (anonymous or named - just let me know), or if you feel there is anything else the council should know. As an issue, it is so



linked to the safety of women and is so important that we have a service we are confident to use

Common decency and manners should dictate how you treat people regardless of the situation.

When at a rank you have to accept the good jobs along with the not so good ones so it's fair and even for everyone - if they don't want to accept that then they shouldn't be on a rank and only accept jobs via booking xx

I thought the taxis that sit at the station are there to take any fare, if they are gonna be that rude then I'd take a photo of their number plate and licence number and expose them, there are plenty of taxis willing to help anyone so why should these nasty ones ruin it for them.

I'm so sorry you experienced this - especially when pregnant it's absolutely outrageous. There seems to be no common sense thinking when the eye rolls happen. There could be a million reasons (often not visible) why people need to take taxis for short journeys - everything from having been assaulted in the past to a disability or to simply not wanting to walk that day. All of which are nobody else's business and shouldn't have to be justified by the customer. Why the drivers think commuting customers are likely to have long journeys is confusing anyhow - most people get a train to nearby where they live I would think?!

I was pregnant and on crutches and the daily abuse I faced was outrageous, this was a few years ago now, but still makes my blood boil!

I've had numerous incidents with taxis at the Tonbridge rank. I emailed Tom Tugendhat but didn't get a response. I agree with some others on here, it's best to call castle cars en route instead of using the rank.

My husband had an incident in December too. Again a short journey and wanted to pay by card, the driver took him to the shell garage ATM to get cash out (as preferred cash!!) but it wasn't working. He wasn't happy about taking the card payment.

The taxis at the station are the rudest ever. (Have had a couple of nice ones) I have felt so uncomfortable on occasions.

They are always rude. Never use them for this reason.

I had operations on both my feet a few years ago, so crutches and surgical boots on both feet. Whenever I tried getting a taxi home from the station (about 10-12 minute walk for a healthy person) the drivers used to try haggling a price first or would even ask if I'd be tipping 😞😞 awful.

I'm sorry, but I'm so, so fed up with taxi drivers getting fed up because of a short journey from the train station. I didn't choose the location of my house based on taxi prices, and I still would like to have a guilt free taxi home on a cold night.

I've been refused nearly 10 taxis before in a row because I wanted to pay card once, too. Too much of a short journey for card. It's ridiculous.

Even when I have cash I am met with reluctance.

Rant over.



Reasonable priced taxis? I've been quoted £168 for a return journey for 5 from  
Tonbridge to The Mansion House Tunbridge wells and back again 😞 I've never booked  
a taxi before 🤔 so I wouldn't have a clue 🤔

They do charge you more if you don't pay cash i was charged 2 pounds extra yes castle  
cars are fantastic ive never had problem with them I don't like getting a taxi at station but  
sometimes have no choice xx book castle cars in advance and you won't have problem  
xxx

Although really supportive of this as I never have anyone willing to take my fare. tbh I've  
given up on taxis now. I just dont know how safe I'd feel taking down all this info and  
then walking home. The rank is frankly male dominated and intimidating

My autistic 14yo daughter had to get a taxi home as I couldn't collect her one night. first  
off she got shouted at as she didn't understand that the first taxi at the rank who was  
talking to someone through his passenger window wasn't actually taking them as a fare  
& was told to get out of the car she got into. then was made to feel uncomfortable about  
the short journey. The driver wasn't too happy about me paying her fare by card when  
she got home, but he explained what had happened & I pointedly said "not a great  
experience for a first taxi ride for an autistic girl then". He did have the good grace to  
then say to her "well done for doing it", but I was pretty disappointed that any child would  
get shouted at by a grown man when she clearly wasn't sure what to do

I went to get a taxi home after work yesterday and because my journey wasn't far was made  
to feel uncomfortable and driver definitely didn't want to take me.  
I could of walked but was rushing to get back for the children as I was running late.  
I may be wrong but surely money is money and driving someone somewhere no matter the  
distance is better than just sitting at the side of the road.  
Some of the drivers near the station can be very rude and unhelpful defiantly needs to  
change or they need to change careers!

I would just like to say a massive thank you to the young taxi driver who has just  
dropped my daughter home from the station rank. She was £3 short but offered  
immediately to run in and grab the money. He said it wasn't a problem as often takes her  
home and understands a student etc and refused the extra money.  
shame on other taxi drivers who have often suggested at 1am can't she walk home as  
just a 10 minute walk and very rude to her !  
I understand we all need to make a living and she uses the rank 4 times a week as I  
insist she arrives home safely but so lovely there's decent people out there who are  
genuinely lovely kind people.

Another woman on her own was refused by 2 taxis at the station because she only had  
card to pay. We let her come with us and my partner did take a photo of the number  
plate.



Feeling disheartened tonight 🙄. At quarter past midnight I tried to get a cab home from the station. My card wouldn't work in the station card machine so I asked the 1st cab in the line if he'd take card.

I walked the line til the 7th or so cab, all of which said no cards taken for a £6.50 fare (except one who said he'd take me, but I'd have to pay £3.50 more than the cash fare, and by the time I went back to that driver he'd taken another customer). I then had a 20min walk home in the dark alone. All the drivers were men (not sure if that's relevant or not).

I get that drivers have to pay a fee for taking card payments - but feeling sad that womens safety doesn't come first. Keen to know if anyone else has found themselves in this situation in Tonbridge?

My husband had exactly this last Friday night. The whole line wouldn't accept cards for a fare that's usually c £10 and he couldn't get cash out. When he asked if they'd stop at a cash point they said no. He ended up walking home too. While it obvs wasn't a women's safety issue, I still worry about him out late at night - I don't see why anyone should have to walk when there are taxis available and a passenger has the means to pay them.

I have had this bur at the end of the journey when the driver wouldn't let me out of the cab because I refused to pay £10 rather than the £5 fare because I tried to pay by card even though he had a card machine. (I paid in the end just to get out) TMBC do have a policy for Hackney Carriages and a complaints service but it helps to have the badge number. Sorry, I know how scary it is - hope you are ok!

I'm equally worried by stories of girls & women who are kicked off trains for wrong fares & left at night in dangerous locations. Talk of other passengers not being allowed to buy them a ticket. Cases of lost tickets / catching an earlier train home than time on ticket etc. I feel there needs to be legislation which protects us. A fine you can pay later is acceptable, being dumped out on a dark unstaffed station is not.

I experienced the same. The whole line of cabs wouldn't take card - when all shops would only take card. I walked home. I'd taken the whole train journey home psyching myself up to get a taxi and then this so back to doing everything I can to avoid them again.

Yes, most taxi drivers in this area just care about the money, not the aspect of their actual jobs!

I had the same experience last night at 11.30pm. The first driver said "no card", I told him I had £7.80 in cash which I found in my bag, he then raced like a demon to get me to my destination before the meter went too high. I felt unsafe and the driver was very grumpy. Who carries cash these days! It's hit and miss with that taxi rank. Mostly miss.

I've been refused outside the station before because I wasn't going very far. I had to get the taxi at the back of the queue to take me

I've had drivers refuse my journey at the station off the last train. Worried they'll be at the back of a huge line when they get back. I now don't bother and walk home, 15m of barely lit paths and past a churchyard. I've overpaid a tenner in gratitude when someone did accept my journey once. Its shocking really.



My husband would always give me money and insist I take a cab home when I came home late at night even though I live between 5 or ten minutes from the train station but I started refusing in the end because I received such hostile behaviour from the cabbies for wasting their time with such a short fare if they didn't flat right out refuse that I felt so embarrassed and uncomfortable. I couldn't bring myself to keep asking... sorry you experienced this x

I've had this late at night where I only lived about ten mins walk away from the station but asked for a taxi to take me, purely because it was 1am at night and I didn't feel safe. Major grumps about such a small fare and raced like his profession was a rally driver!

I've had multiple drivers in the taxi rank moan my journey isn't far enough for them when I'm literally a woman trying to get home by myself in the evening (would be a half hour walk even though it's only a 5 min drive!) All they do is cheat themselves out of a tip

And they want to make us a cashless society!!!! Machines dont always work. I think it's disgusting that men would allow a woman to be stuck by themselves. Would they do that to their children, wives or mother. No, they want someone to help them. Sad state, when money means more then welfare.

Yes, I had exactly the same - had to walk the line and none of them would take a card payment - luckily the cash machine was working then so I was able to get some - otherwise I would have been walking home also!! 😞

see - you aren't alone. always problems at that station unfortunately. And this is why we always take our alarms out because we would rather walk than get these taxis. I actually feel safer walking 🙄 😞

Same thing and I've experienced serious attitude when I've asked to be taken to top end of brookstreet as its not worth there journey and they have to go to the bottom of the rank on returning!

guessing there weren't any Castle Cars on the rank 😞

sadly not, they're my go to! If I hadn't lost my rag by this point, I would've called one 😊 I'm lucky to have my husband at home - who I phoned to wake up - to share my live what's app location with as I walked back. (2 little kids asleep so I didn't make him come and get me). Shouldn't have to be like that though. 😞 It's brilliant we have a great firm like castle cars in town, but I wish women (and men) could just walk up to the rank and easily and safely get a cab home.

I have a spare £5/ 10 kept all the time in case I need cab home. I live quite close by so it's not great for drivers I get it. But I've been in a taxi where they have actually shown me their unhappiness when I mention my address and also use the cash thing to avoid my business. 😞

Looking for some advice... got a taxi from outside the station last night. My partner left his phone in it. This morning we tracked the phone and it had been to several places around



Tonbridge then was turned off at around 11.30pm. This morning we drove to where the tracking was turned off and there was a taxi parked there. Later we went to the taxi rank and found the same taxi and it was the driver who dropped us home last night. He has denied all knowledge of having the phone and has been very cagey giving us a number which goes straight to answerphone.

We know he must have the phone as the tracking took us to his car but he clearly would rather sell it than give it back. It is my partners work phone and has everything on it and we need it back urgently. We offered him a reward and he still is saying he doesn't have it.

Any thoughts on what we can do to get it back other than report to the police which we will do tomorrow or contact the council as he is registered with them?

My husband tried to get one around midnight and was refused by 3 drivers as journey was too short!!

Yes!! I live at the top of Deakin Leas and only get a cab when it is late but no try to avoid at all costs due to my past experiences of hostile and rude drivers making me feel so guilty and also I feel I have to pay extra as they are acting so pissed off. Making the whole experience uncomfortable so I now avoid.

I reported a driver 2 years ago. A young girl only had £50 on her and a bank card. Driver wouldn't accept either of them and refused to stop at a cash point. The cash point at station was out of order. My partner and I took her with us in our taxi.

Can I also say not just ladies. When my husband has been out and comes back late on the train. I always ask him to get a taxi home safely. He was driven to a cash point ( to get cash out for the driver but it wasn't working ) the driver begrudgingly took a card payment!

When I was pregnant in 2017 and in 2021 I was on crutches both times and was repeatedly made to feel like I was a huge inconvenience to them as my journey wasn't far (up by Leigh academy) but far enough on crutches and heavily pregnant, it was awful I dreaded every train journey knowing I was going to be met with utter disdain, I was never refused but comments were made eyes were rolled and I was made to feel truly awful

Thank you Anna for raising this I had a really hard time in 2019 when I was pregnant getting a taxi to the drs for my appointments from the station no one wanted to take me because it was a short distance this happened regularly and more recently I was eye rolled because my destination was not far enough to warrant the taxi drivers time but I and my luggage were already in the car so the driver begrudgingly took me it made me feel very awkward

Thanks for looking g at this **Anna**. I have tried 3 times to get a taxi over the years and have now given up. Yes I want a taxi home so the demand is there. But I'm not inclined to face laughter or an angry man. Taking their number and complaining is not an option. I just want to get home. I'm often willing to pay double for the short journey. This shouldn't be the case either. I have been refused, told to go further down the rank and one guy took me moaning the whole time and drove like a maniac in anger

Journey last week. Driver really shirty about taking card payment for "short" £14 journey despite the sign saying could pay via card.

Before we got our car I once called one of the taxis based st the station if they could pick me up from outside icelsnds Iceland's I mentioned I had shopping n a young child in a buggy n take me to paddock wood , wen the taxi come he said to me couldn't I have walked up to the

station to get one !!! No words was said in the whole journey home n he didn't even help to get  
pram or shopping out of car only opened the boot for me x

I was asked to go to the cab behind as I needed a short distance then that cab got out and  
shouted and the cab I originally asked, I just wanted to walk away but the cab that took me  
was rude and said he had been sat there for an hour and these little jobs are pointless because  
now he gotta go and sit bk in the queue, I will never use them again.

think this is a really important issue too, so thank you for raising it. I've not personally had any  
bad experiences using the taxi rank but that's because I never use it. I've heard lots of stories  
about taxis refusing women, so I'd rather not risk it. I'd rather have a sober night out and drive  
myself home.

...the whole journey on the 'one'...  
...the whole journey on the 'one'...

...I needed a short distance...  
...I needed a short distance...  
...I needed a short distance...

...I thank you for making it...  
...I thank you for making it...  
...I thank you for making it...

## VAWG Consultation results

80 responses received.

1. I am ...

93% female  
5% male  
1% Prefer not to say

2. What year were you born?

Varies from 1945 to 2007

3. Where are you from?

I live in the borough – 46%  
I work in the borough – 11%  
I socialise in the borough – 32%  
I am a local business owner – 1%  
I represent a community or voluntary group – 5%  
I am a student – 1%  
Other – 1%  
I manage a local business – 0%  
I am a town or parish councillor – 0%  
I am a borough councillor – 0%

4. Do you typically feel safe or unsafe in the following spaces

My local community – Safe, 55%: Unsafe, 42.5%: Does not apply, 2.5%

At home – Safe, 90%: Unsafe, 6.3%: Does not apply, 3.8%

At work – Safe, 50%: Unsafe, 2.5%: Does not apply, 47.5%

When socialising – Safe, 51.3%: Unsafe, 43.8%: Does not apply, 5%

5. Are there any particular spaces where you feel unsafe?

Yes – 83%  
No – 16%

6. Please indicate which spaces make you feel unsafe

My local community – 31%  
My home – 4%  
Where I work – 1%  
Where I socialise – 17%  
My commute/when I'm travelling – 33%

Where I'm educated – 0%  
Other – 10%

7. Answer this question only if you chose 'my local community' for question 6.  
What is it about your local community that makes you feel unsafe.

Key themes:

Lack of lighting  
Lack of police presence/police patrols  
Lack of CCTV  
Groups of people/groups of youths  
Lack of safe spaces/women only spaces

Comments:

*"Lots of recent teenagers coming and causing trouble in the area makes me more anxious to go out for a walk"*

*"Lack of lighting, lack of cameras, lack of community officers, lack of sexual health services that sexual assault victims can get to"*

*"lack of police presence in parks, country lines from london / crowborough esp the ones who organise illegal raves where there is no support if anything happens and so many of the girls are vulnerable and is know for its drugs tuckshop @mashdownforest"*

*"I would never walk around at night alone, even in the roads surrounding my house. Alley ways freak me out even though they are generally well lit but there is not adequate street lights on for me to feel safe alone. I also find getting into taxi's alone very scary."*

*"Mixed sex changing rooms at local leisure centres and swimming pools. Mixed sex toilets at some theatres and restaurants".*

*"Everyday I learn about women/girls that have been assaulted or sadly on occasion murdered by men in Kent. Therefore I feel unsafe in my community because of this."*

*"Unlit alley ways, no CCTV cameras in unlit areas (particularly rural East and West Malling), no community patrol"*

*"Parks big expanses of ground"*

*"There is a local park area which seems to attract large gangs of male and female teenagers who I've seen shouting and yelling abuse at other people"*

*"Street lightning, lack of police control, gangs"*

*"I live in flats and need to take my dog for the toilet late at night on grass areas around the Slade area and Tonbridge Castle. There is very limited lighting around the grass by the slade school, Tonbridge Castle car park, and Tonbridge Castle walkways towards the swimming pool. It is very dark and I have felt very uncomfortable on a number of occasions but don't have a choice but to use these areas as they are the only grassy patches. I carry a rape alarm every evening. The only other grass patch is by St Peter & St Paul's Church but this is even worse, the path towards the churchyard is pitch black and I have felt uncomfortable"*

*"Don't like walking alone at night, feel unsafe".*

*"People using off road motorcycles at night, often near Pilgrims Way. The cyclists race up the road where I live and I can hear them all night riding around the streets and Pilgrims way. I don't feel safe going out, or confronting them".*



*“weird men”*

*“Anti-social behaviour, groups of youths, dark areas, quiet areas, men”*

*“Not enough street lighting on Dry Hill Rd”*

*“No lighting in passageway between Royal Oak Shipbourne Road and Dernier Road”.*

*“It’s hard to put your finger on specifics. The environment doesn’t feel safe when there’s dark areas, boisterous groups, poor lighting etc. It all leads to a sense that an areas not safe”.*

*“The local neighbourhood is very mixed with social and houses that have been bought by the tenants. The alleyways could be dangerous as they are used by e scooters etc. Even the Just Eat delivery chaps on scooters ride them in the middle of the estate that just has footpaths!”*

*“The increased presence of overly aggressive police officers who are regularly seen harassing people of colour without cause. I have personally been sexually assaulted by a police officer in Tunbridge Wells, which I could not report as the police in both Tunbridge Wells and Tonbridge & Malling previously failed to adequately support me or investigate when I was the victim of other violent crimes. They do not keep us safe”.*

*“Too dark, not enough lighting. Never seen police around apart of the high street SOMETIMES”.*

*“Unlit areas on the housing development street between the Waitrose and the Angel centre”*

*“The lack of street lighting and lack of other pedestrians/cars around. At some times in the day the big groups of young adults/children that hand around and yell abuse or follow you”.*

*“Lack of women only spaces and events (I mean anyone who identifies as a women, including trans women, we need to be inclusive)”*

*“Woodland walk. Footpath between Streamside and Darwin drive. Footpath between Denbeigh drive and white cottage road. Poor lighting”.*

*“Local community: being Tonbridge (or Sevenoaks) town centres. Tonbridge suburbs; larger villages. Poor/unrepaired lighting, particularly on routes to and from public transport (stations), car parks, or on-street car parking.*

*Poorly lit /maintained alley-ways/short cuts*

*Toilets that are not single-sex (even if they are working, & well-lit, with lockable doors). There is always only one entrance/exit.*

*Groups of youths/men hanging outside restaurants, pubs etc - often blocking pavements. Absolutely no visibility of police or PCSOs. I visited Saffron Walden Oct 2022 and was simply astonished to see a policeman walking the beat during the evening. I don’t think I have seen that in West kent in many years”.*

*“Not enough police presence”*

*“Extremely dark streets and alleyways. Large groups of young people”.*

*“Lack of street lighting on public footpaths”*

*“Specific areas and pathways are poorly lit. Many youths on high street outside bars etc being abusive”*

*“i dont feel safe walking to hildenborough train station mill lane and watts cross and noble tree road. lone middle aged men in cars and vans have been trying to 'offer me lifts' there is no lighting on much of watts cross road and all of mill lane, no cameras, i have had men throwing wine bottles at me while i am walking at night from the train station cars have been driving very close to to kerb in mill lane hildenborough no room for pedestrains and motorists have*

*been doing road rage. also the zebra crossing i have had a number of road rage situations as motorists don't want to stop for pedestrians. i dont find graveyards safe, it encourages predators, graveyards need cctv, all of kent's footpaths, i never go alone on Kent's footpaths, I feel unsafe in parks in tonbridge and Hildenborough"*

*"Clear anti social behaviour, criminal activity and drug taking in plain sight"*

*"The recent reports of crime and stabbing incidents".*

*"Everywhere is crowded"*

*"Walking down the high street from the station in the evenings and when its dark outside".*

*"Walking on street to get home where street lighting has been turned off; no other way home. It's uphill so can't run (I have MS). very dark, sometimes cannot even see pavement. Too many dark and places for "others" to lurk unnoticed; street trees/bushes not maintained meaning having to walk very close to unknown parked cars or in the road to get passed".*

*"THERE ARE ALWAYS THE SAME GROUPS OF PEOPLE IN THE PARK WHO MAKE ME FEEL UNSAFE WHEN I'M WALKING MY DOG. THEY ARE GROUPS OF ADULTS WHO ARE DRINKING/DRUNK USUALLY ON THE BENCHES AT RIVER LAWN & GROUPS OF YOUNG PEOPLE WHO HANG AROUND NEAR THE SKATEBOARD AREA WHO SHOUT AT ME"*

*"Dark footpaths which provide a shortcut in North Tonbridge, side streets off the Racecourse Park, where young people gather in small groups"*

8. Answer this question only if you chose 'your home' for question 6. What is it about your home that makes you feel unsafe?

All Comments:

*"lots of burglaries in the papers, cold callers and threatening aggressive bully of a neighbour who i feel targets me when they know my husband is out. one of my children is an active addict so never feel save as worry our home will be targeted. have to say police have been amazing when they have had to attend any MH crisis"*

*"People using off road motorcycles at night, often near Pilgrims Way. The cyclists race up the road where I live and I can hear them all night riding around the streets and Pilgrims way. I don't feel safe going out, or confronting them".*

*"There has been a man hanging around the houses in the street looking suspicious. It has been reported to police".*

*"harassment from neighbours and their friends"*

*"Possible damage to property. We have installed cameras and a ring door bell to help".*

*"controlling and financial abuse , toxic neighbours"*

9. Answer this question only if you chose 'where I work' for question 6. What is it about your place of work that makes you feel unsafe?

All comments:

*"As mentioned above, I work for a KCC school which is primarily a female majority of staff but I would love for a sexual harassment policy to be introduced"*



*which covers things like "male banter" because that definitely goes on in the staffroom at my work and I am not comfortable with it but don't feel I can speak up about it at the moment".*

*"Side street with not enough lighting, especially at back where there is open access to a car park".*

*"in the past i have had abusive managers and men trying to harrass me for fun as older woman"*

*"Move away from single-sex toilets"*

10. Answer this question only if you chose 'where I socialise' for question 6. What is it about where you socialise that makes you feel unsafe?

Key themes:

Lack of lighting

Lack of CCTV

Lack of public transport

Drunk men/groups of men/men's behaviour

Comments:

*"Lack of lighting, lack of cameras, lack of community officers, lack of sexual health services that sexual assault victims can get to"*

*"Tonbridge High Street can be unsafe as the evenings are darker earlier. This applies to the area around and in Taco Bell. The river can also be unsafe after dark".*

*"don't go out as the town but it's safe enough if you don't go to parks or walks on your own".*

*"There's often men in pubs who follow me and my friends, make us uncomfortable, touch us inappropriately etc and get angry when we challenge their behaviour"*

*"The town Late at night and local area late at night"*

*"Pickpockets, taxi drivers, walking home at night"*

*"Low lighting, drunk males. Lack of women only transport".*

*"People/ crowds"*

*"men trying to talk to you and following you around"*

*"As a women being out after dark always keeps you on edge"*

*"a group of women led by a manipulative women that I believe is racist and insecure and has used these women to discriminate and isolate me from groups and I have been subjected to aggressive and abusive behaviours, which have lead me to suffer mentally"*

*"Walking to and from the local community centre if I am on my own. They hold lots of events down there and it is always nice to meet up with friendly faces and have a chat".*

*"Big groups of people behaving badly and being intimidating towards others"*

*"Real lack of public transport, very few buses and trains and getting to and from the station involves walking about a mile. There's no bike racks at East Malling station and the ones at West Malling repeatedly have bikes stolen. If I could cycle to and from the station, I'd feel much safer. Also a lack of cycle paths along commuting areas. If I am out socialising, I have to leave earlier than I want to guarantee public transport."*

*"No safe spaces available"*

*"i don't go to pubs as i feel unsafe with lots of drunk men around me"*  
*"Clear anti social behaviour, criminal activity and drug taking in plain sight"*  
*"Move away from single-sex toilets"*  
*"Large groups of people, no quiet places"*  
*"It is generally unsafe for women and girls when out at night and drinking. It is never a safe option for women to be out alone during the night"*  
*"The walk to/from down streets where lights have been deactivated/turned off. All other comment as above previously answered".*  
***"THE DRINKING ADULTS IN THE PARK AT RIVER LAWN HAVE TAKEN MY DOG FROM ME & FORCED ME TO HAVE MY PHOTO TAKEN WITH THEM TO GET MY DOG BACK. THAY HAVE ALSO SHOUTED AT ME BECAUSE MY DOG ALWAYS WANTS TO PLAY WITH PEOPLE ON SCOOTERS & BARKS AT THEM. THEY VERBALLY ABUSE ME BECAUSE THEY SAY THAT THE PEOPLE ON THE SCOOTERS DONT KNOW THAT MY DOG WANTS TO PLAY & THEY THINK THAT HE'S BARKING BECAUSE HE'S AGGRESSIVE. I'VE EXPLAINED THAT I KNOW MY DOG & HE JUST WANTS TO PLAY BUT BECAUSE I CONFRONTED THEM, THEY DON'T LIKE ME. THE KIDS HANGING AROUND THE SKATE PARK ARE INTIMIDATING. THERE IS A PARTICULAR GROUP WHO HANG AROUND SMOKING DOPE & HARRASING PEOPLE. I NOTICED THAT THE STRUCTURE BY THE SKATE PARK HAD BEEN RE-PAINTED BUT THE KIDS WERE SPRAYING GRAFFITI ALL OVER IT, THEY SAW ME LOOKING AT THEM & THREATENED ME. THEY SAID THAT IF I TOLD ANYONE, THEY WOULD STAB ME. I AM 53 YEARS OLD & WAS SHOCKED THAT YOUTHS WOULD THREATEN ME LIKE THIS. I TOLD MY FRIENDS & THEY SAID THAT I SHOULD REPORT THE ADULTS & YOUTHS BECAUSE WHAT THEY ARE DOING/SAYING IS A HATE CRIME. I SAID THERE'S NO POINT BECAUSE THEY'VE BEEN THERE FOR YEARS & BECAUSE I CAN'T BE THE FIRST PERSON THAT'S EXPERIENCED THIS, THE COUNCIL/POLICE OBVIOUSLY AREN'T INTERESTED IN DOING ANYTHING ABOUT IT"***

11. Answer this question only if you chose 'my commute/when I am travelling' for question 6. What is it about your commute/when you are traveling that makes you feel unsafe?

Key themes:

Lack of lighting/too dark

Lack of CCTV

Other people around/groups of people

Comments:

*"The walk to snodland train station can be very daunting, the lighting is particularly bad and lots of trouble goes on with teenagers"*

*"I do not feel safe when arriving alone at New Hythe station in the dark. Have previously been followed. Limited lightening, frequently smashed glass everywhere"*,

*"Walk down long, unlit road from Hildenborough train station, with few other pedestrians around at 7pm"*

*"Lack of cameras lack of security"*

*“if traveling alone or with my children, and there is a group acting antisocially or are just loud and I am unsure of what their behaviour may escalate too. Or men that approach us for no apparent reason. More about my perception of what if etc”*

*“travelling back from london no matter what time there is usually drunks shouting and swearing. road rage is another huge problem in the town threatening behaviour from other drivers and their passengers. security great in Tonbridge”*

*“Mobility issues”*

*“Walking at night feels unsafe”*

*“I feel unsafe walking from Hildenborough village to Hildenborough train station before sunrise and after sunset”.*

*“The pavements are poorly lit particularly on Noble tree Road and Ringshill which are also flanked by woods/bushes”.*

*“Ringshill also has narrow pavements or in some areas no pavement, this, plus a 60mph speed limit makes walking on Ringshill feel very unsafe”.*

*“Unlit alley ways, no CCTV cameras in unlit areas (particularly rural East and West Malling), no community patrol”*

*“Commuting to/from Aylesford train station can feel unsafe in the winter months. There is no parking at the station and walking to and from Bailey Bridge car park can feel really unsafe, particularly when there are very few other people using this route. There is no bus route available from Aylesford either to Aylesford train station, or indeed to any other station (eg Maidstone West or East) as the bus services have been stopped”.*

*“on the train there’s loads of wierd people or rude people”*

*“The canal path from cannon Bridge to the town lock is not lit after dark for a large part. Also the path is slippery with wet leaves and close to the river which often is running high and fast”.*

*“I have to use my torch on my phone to walk home along this stretch from work. Others I notice choose to walk in the pitch black and I don’t see them coming towards me”.*

*“It can take me by surprise and I feel unsafe as a result”.*

12. Answer this question only if you chose ‘where I am educated’ for question 6. What is it about your place of education that makes you feel unsafe?

One Comment received:

*“all the girls schools bullying is off the scale, it’s not classed as gangs but it happens in the grammars everyday - video and shame other students, reverse racism, spread untrue rumours, post videos without permission. also children forced to have radical therapy if they are gay. arranged marriages - even now. police involvement in online bullying right away would reduce it. lack of funding or lack of comms to address the overwhelming issues and teach”.*

13. Answer this question only if you chose ‘other’ for question 6. What is it about the other place that makes you feel unsafe?

*“Dimly lit area with men passing through with hoods up, littering and drinking taking place by the lake”.*

*"Lack of lighting, lack of cameras, lack of community officers, lack of sexual health services that sexual assault victims can get to"*

*"Groups of teenagers, sometimes antisocial mums, who think it's acceptable to shout and swear at their very young children".*

*"underage house parties, so many issues with girls being sexually assaulted as they are drunk or have taken drugs. maybe parents could register a party not so they have police presence but as a deterrent for this kind of behaviour open spaces"*

*"There are too many hiding places along the river. For example, I don't use the pathway next to the little bridge which leads from the High Street to Sainsbury's car park"*

*"If I walk in the park after sunset or before sunrise, there is very little light".*

*"Just don't know who could be following me whilst walking".*

*"I walk early and late sometimes with my dog and there are a few odd people around"*

*"The fact that there is graffiti on fences down dark paths makes me believe there are groups lurking in the areas down for example the footpath which runs from The Ridgeway to Dernier Road".*

14. What do you think the Council, Police and Partners could do to address Violence Against Women and Girls and feelings of safety in public places?

#### Key themes

Have more Safe spaces/safe routes or women only spaces

More Police patrols/police presence and/or trusted staff

More lighting – along footpaths, at railway stations, in car parks

Run self-defence classes/provide personal safety items

More education for boys/men

Promote Ask for Angela and similar schemes

Increased CCTV

#### Comments:

*"Introduce a walking map of classed safe routes of getting around with lighting and cctv"*

*"Have some police patrolling the area during the darker months of the year in the evening".*

*"More lights, increased security measures/cctv at new hythe station. It's isolated and unsavoury area at nighttime. Advertise the British transport police railway guardian app and number on the platforms".*

*"Consider rail pastors in the area as a safe presence".*

*"Better street lighting during commuting hours and encourage walking so that there are more people about, or provide a bus service for commuters"*

*"Adress lighting issues, address security concerns and use of cameras, address lack of community officers, address lack of sexual health services that sexual assault victims can get to"*

*"More community policing".*

*"Harsher sentencing for carrying knives, Dropping litter, harassment. More cctv and more visible police presence. Youth clubs, options for older teens to do."*

*"a lot of the violence and threats come from other girls too which might be surprising, lots of girls have been attacked and don't speak out as the problem"*

escalates. as a parent if you call to say you know your vulnerable child is meeting a dealer that they help. free alarms campaign - 'we want you to be heard' incentives to complete this questionnaire so you gather accurate data. send out to schools colleges"

"Some of the car parks have not got adequate lighting - the one on Priory Road for example. I don't think there is enough street lighting in general and I think the council could offer self-defence classes for women/girls. I would also like to see mandatory sexual harassment policies introduced in every work place, even those run by small businesses/not council run. I used to work in the motor trade (a very male dominated industry) and sensuality harassment was rife!"

"Spaces feel safe generally around TMBC, I moved to this area because I would feel safer than my previous town. However, the plans to introduce parking fees will make town centres quieter and will impact on these feelings of safety, affecting women and other vulnerable groups adversely as they did in my previous area. Desolate town centres are appealing to predators".

"Promoting things regular people can do to help if they witness any sort of violence, misogyny or - more likely - discrete unpleasant behaviours they feel uneasy about would be beneficial".

"In terms of travelling safely, I prefer cycling to getting a bus or taxi, so safer cycle routes to Hadlow would help, but this is probably too indirectly linked to VAWG, but like the parking aspect above, recognises the wider policy & decision making across TMBC/KCC that needs to consider how women will be impacted".

"Highlighting safe stop offs for anyone who feels like they are being followed could be good, like Ask for Angela type arrangements in businesses open after 5pm".

"Pub staff should be aware of men who approach women they didn't arrive with, keep an eye on repeat offenders, share information with other pubs and be more supportive when women loudly ask the man next to them to stop touching them"

"More local cctv, more officer presence"

"Be seen more."

"Wardens"

"More reliable lighting and officers patrolling the streets"

"Require singles sex toilets and changing rooms to be provided at all sports facilities, theatres and restaurants".

"Improve lighting and CCTV as well as number of patrols (foot and car) when it is dark".

"More police on the streets"

"Ensure same sex spaces are provided and strictly enforced. More cameras and lights in car parks"

"More physical presence of police officers or an equivalent authority"

"Publicise safe spaces for women in public, shops, venues, targeted open spaces"

"Teach boys/men not to assault, rape and murder women".

"Cameras in taxis, CCTV in public places, table bag hooks in restaurants and bars"

"Additional street lighting, CCTV in rural areas (will also aid in catching fly tipping), increase police or community warden presence. Create safe hubs/locations in rural areas where people can run to if being followed that

*provides a phone or access to an emergency line. Regular community safety events for young people especially those who walk to and from school/work or use train or bus stations, provide security advice, free self-defense classes (short and quick i.e. how to defend from being grabbed), panic alarms, torches, any other safety equipment. Stalking advice. Re-ignite community safety groups such as neighborhood watch but with more emphasis”.*

*“If there are reports of this, attendance by the police to catch them and give a warning about unsuitable behaviour”*

*“Better street lighting”.*

*“Woman only train carriages and mini bus services. Raise awareness and encourage use of women only taxis. Visible police patrolling at late/last train times with male and female officers. Free or low cost self defence training local locations”. Ebikes at the station so women don’t have to walk home”*

*“More police patrol”*

*“Be visible around the station and on platforms where you have drunk and loud men late in the evening”.*

*“More lighting is needed on pathways across the area. Women have no choice but to use these unlit paths at night especially during winter and why shouldn’t we”.*

*“Educate men”,*

*“More street patrols”.*

*“The Police could make online reporting much easier. At the moment the online reporting tries to categorise the issue right from the start and then asks far too detailed questions. For example when trying to report nuisance motorcyclists the online systems demands to know where they are - and although I can hear them I am not going to put myself at risk by going out to look for them. Also, the system asks me who I am and where I live, which makes me feel like the culprit rather than the victim”.*

*“i don’t think they can do much about it whatever’s put in place it will still happen”*

*“Install good lighting and clean the path of leaves each year”.*

*“Making women feel safe is the job of the community, we too often put the responsibility onto women themselves. The police hasn’t at the moment got the best reputation, and such little funding is available to make stations, streets and towns safe (good lighting, police presence etc.) that I am quite at a loss. Be present. Be visible. Be caring. Educate.”*

*“More police presence. Better lighting. More CCTV.”*

*“Improve street lighting”.*

*“Better lighting. Looking at landscaping to avoid trees and bushes too close to the walking route”.*

*“More street patrols in Tonbridge town centre. More street lighting Dry Hill Rd, Tonbridge”*

*“More education to men/boys of how their actions may appear threatening”*

*“Have police officers on the street like they used to be.”*

*“More Police presence and no unlit passageways”.*

*“Better street lighting. Better education in schools. Ensure bus shelters, stations etc are well lit and aren’t isolated. Consult more broadly. Do the research”*

*“Engage with local women and gather information in confidence. Women also need to feel safe when approaching council employees. There is nothing worse than meeting judgemental, patronizing people, lacking in empathy”*

*"Provide safer and secure lighting. Also to have the local presence of a police offer or similar to make us feel safer - as I do not drive any more, I will not leave my home when it gets dark unless I am with my husband."*

*"Police funds redirected to groups that support mental health support for both victims and perpetrators, more education about violence against women - especially in boys schools but also at community centres and pensioners groups, so they know the impact of their behaviour at all ages"*

*"Issue panic alarms with flashing lights, self-defence workshops that provide advice on how to keep yourself safe or classes."*

*"Increase their presence on the streets. Improve lighting especially in alleys".*

*"Police could give talks in schools to teenage boys about what they can do to make girls and women feel safer. Don't blame the girls and women for being independent."*

*"More lamp posts and cctv in more areas than just high streets and shops mainly".*

*"Improve education. Improve lighting and services for women ie taxis"*

*"Improve lighting near the small bridge between Angel centre and waitrose and other dark spots in the town"*

*"Better street lighting (especially in remote places/villages), more police presence"*

*"Aside from making cycling easier for us, the issue isn't how to make things safer for women, it's how to stop (some) men being dangerous. Educating men - what is and isn't acceptable, how to call out all forms of abusive behaviours including emotional and verbal domestic abuse. Education in schools. It's not just about making things safer for women, it's about stopping the danger in the first place".*

*"More police presence. Cut down on all the drug dealing going on using scooters and bicycles and people dealing from their houses."*

*"Improve lighting this will create less opportunities for attacks"*

*"A greater active physical presence outside of cars. A better maintenance and repair record of lighting. Provision of single sex facilities clearly marked as such. With appropriate facilities and cleaning. Mixed gender facilities can be very intimidating and often not clean".*

*"Have you engaged the local secondary schools - please note the school catchment areas do not reflect the borough boundary. So worth asking schools further afield eg Maidstone, Tun Wells and Sevenoaks as all will have students from TMBC borough who perhaps have to travel"*

*"More safe space"*

*"Better street lighting. More police presence".*

*"Improved street lighting, better youth facilities to prevent young boys loitering around with nothing to do"*

*"Endure all pathways are well lit. More police presence late at night in Tonbridge"*

*"more lighting, less hidden areas at train station, more visibility, pavements on both side not one side, cameras, educate males, encourage women to get bodycams or free bodycams for women and girls. police patrolling by train stations, educate boys in all schools including public, education and notices in men's toilets to educate men to stop attacking women. situation awareness workshops for women, more free personal alarms, bystander information,*

women safety advice in parish magazines, women only train carriages, women only buses, women personal safety groups in towns and villages”

“More visibility of police and action over minor offences to show that action will be taken. More council patrol officers or PCSOs or some sort of presence. More cameras as well.”

“single sex spaces, CCTV, more patrolling and staff, clear messaging, prosecuting”

“Be more visible”

“More security measures and safe spaces for women”

“Engage with men to foster caring masculinities”

“Better lighting, more police presence, more support for women on their own in venues”

“Make men accountable for their actions and the way we feel. Especially when alone”

“Improved surface, similar to the footpath this becomes to the west of some concrete post. Improve lighting”.

“Teach men and boys to leave girls and women alone, that they don’t need to approach them. Bring in tougher sentences to hopefully stop men committing crimes against women, make it easier for women to speak out and be heard when they do bring this to the police.”

“Ensure there are trusted staff at travel hubs (bus/train stations, car parks). I never see police patrolling my area around West Malling and my nearest police station is Tonbridge”

“Council-well maintained facilities irrespective of town or country space VAWG-more advertising of help available. Could be “more known”

“Police- committed officers or specials patrolling in evening shifts to highlight presence”

“More organisations encouraged by council/police to adopt “ask Angela” and other initiatives”

“A couple of things come to my mind: 1) I think it's the low literacy in general with new generations of boys and young men are picking up the same old-fashioned habits from their parents (mainly men role-models). 2) This also means to teach people in general to recognise signs of abuse (all sorts). 3) To have more police officers walking the at least the High Streets later in the night would help “

“More police visible in the evening in the High Street and the station”

“Speak to men about their treatment / views on women and how it could impact them. Too often the onus is placed on women to deal with the problem - e.g. don't walk alone / late at night / don't dress provocatively. These are not solutions to the problem as they impinge on a female's autonomy and freedom and do not address the status quo.”

“IT IS ALREADY ILLEGAL TO BE DRINKING ALCOHOL IN A PUBLIC SPACE & TAKING DRUGS BUT I ASSUME THAT BECAUSE IT'S BEEN GOING ON FOR YEARS, the Council, Police and Partners OBVIOUSLY TURN A BLIND EYE & DON'T ENFORCE THE LAW. AT LEAST THERE COULD BE CCTV AROUND THE PARK & SIGNAGE SO THAT DRUNKS/KIDS ARE DETERRED FROM HARRASING PEOPLE”

“Patrols down the darker areas such as the side streets between the park and the High Street, security lights activated by motion”.

“Additional lightning and community police wardens”



15. Would you be interested in helping us address the concerns you have raised?

Yes – 53%

No – 46%

16. Answer this question only if you answered yes to question 15. How would you like to help? For example, in person focus groups or other engagement events etc.

Comments

*“Any”*

*“In any way possible I am a victim of SA and would like to help anyway”*

*“Focus group”*

*“free alarms campaign - ‘we want you to be heard’ incentives to complete this questionnaire so you gather accurate data. send out to schools colleges. look at verbal abuse in the home from teens, my child doesn’t target his siblings but many do and threaten them so they are too scared to tell their parents. maybe need to look at this in a different way - if you educate and stop those who are doing it then the victims would not need support. anonymous forms direct to local police like crimestoppers to complete online might help. more counsellors in schools - they are amazing as know from experience that young women open up to them more than teachers.”*

*“This depends on the engagement plan, focus groups would be fine.”*

*“I dont know as I dont drive it is difficult to get to places but near home yes.”*

*“Happy to engage with any groups in person or otherwise”*

*“Focus groups, engagement events etc. I am a Commissioner for KCC however i am filling out this form as a resident of Tonbridge and Malling.”*

*“Community focus groups would be useful, as well as engagement with Police/PCSOs.”*

*“Events, member of local WI do we would be happy to engage”*

*“I'm not sure. Speaking or writing about my own experiences of violence and the impact it has had on my life, how even 'minor' harassment is intimidating”*

*“Am a researcher in VAWG and keen to support”*

*“Educational events teach girls they can speak up and they shouldn’t feel ashamed or guilty when they do. Support groups etc.”*

*“in person focus groups, anything with events regarding educating younger men on the this topic. I also am from Eastern Europe and speak or understand Slovak, Czech, Hungarian and some Polish, plus I have a certificate from Child Protection Company: "Safeguarding Children and Vulnerable Adults" so perhaps I could help out with attending some events with people from EE if there is a need for such support.”*

*“I WOULD LIKE MY VOICE TO BE HEARD BUT I WANT TO REMAIN ANONYMOUS BECAUSE I AM AFRAID OF SPEAKING OUT.”*

17. Please provide your email address if you would be happy for us to contact you

44 people provided their email addresses.

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# Agenda Item 8

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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# Agenda Item 9

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT  
INFORMATION**

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# Agenda Item 10

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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