

## **GENERAL LICENSING COMMITTEE**

TUESDAY, 20TH NOVEMBER, 2018, 6.00 PM

CROSS ROOM, CIVIC CENTRE, WEST PADDOCK, LEYLAND PR25  
1DH

### **AGENDA**

**1 Apologies for Absence**

**2 Minutes of the General Licensing Committee**

(Pages 3 - 6)

Minutes of the last meeting held on Tuesday, 11 September 2018 attached to be signed as a correct record.

**3 Declarations of Any Interests**

Members are requested to indicate at this stage in the proceedings any items on the agenda in which they intend to declare an interest. Members are reminded that if the interest is a Disclosable Pecuniary Interest (as defined in the Members' Code of Conduct) they must leave the room for the whole of that item. If the interest is not a Disclosable Pecuniary Interest, but is such that a member of the public could reasonably regard it as being so significant that it is likely that it would prejudice their judgment of the public interest (as explained in the Code of Conduct) then they may make representations, but then must leave the meeting for the remainder of the item.

**4 Licensing Service Update Report**

(Pages 7 - 14)

Report of the Head of Licensing attached.

**5 Taxi Qualification Course**

(Pages 15 - 36)

Report of the Head of Licensing attached.

**6 Post-Consultation Gambling Policy**

(Pages 37 - 124)

Report of the Head of Licensing attached.

Heather McManus  
CHIEF EXECUTIVE

Electronic agendas sent to Members of the General Licensing Committee  
Councillors Barbara Nathan (Chair), Jacqui Mort (Vice-Chair), Jane Bell,

Malcolm Donoghue, Mary Green, Harry Hancock, Jon Hesketh, Ken Jones,  
Mike Nathan, David Watts and Paul Wharton

The minutes of this meeting will be available on the internet at  
[www.southribble.gov.uk](http://www.southribble.gov.uk)

#### Forthcoming Meetings

6.00 pm Tuesday, 15 January 2019 - Cross Room, Civic Centre, West Paddock,  
Leyland PR25 1DH

**MINUTES OF GENERAL LICENSING COMMITTEE**

**MEETING DATE** Tuesday, 11 September 2018

**MEMBERS PRESENT:** Councillors David Suthers (Chair), Jacqui Mort (Vice-Chair), Jane Bell, Harry Hancock, Ken Jones, Alan Ogilvie, David Watts and Paul Wharton

**CABINET MEMBER:** Councillor Karen Walton (Cabinet Member (Public Health, Leisure and Wellbeing) Member Champion (Older People))

**OFFICERS:** Mark Marshall (Head of Licensing), Tasneem Safdar (Senior Solicitor), Dianne Scambler (Governance and Member Services Team Leader) and Neil Martin (Environmental Health Officer)

**OTHER MEMBERS AND OFFICERS:** Chris Ward (Licensing Officer) (Licensing Officer), Justin Abbotts (Licensing Officer) (Licensing Officer), Stephanie Fairbrother (Licensing Officer) (Licensing Officer) and Councillor Karen Walton (Cabinet Member (Public Health, Leisure and Wellbeing) Member Champion (Older People))

**PUBLIC:** 3

**13 Apologies for Absence**

Councillors Jon Hesketh and Barbara Nathan submitted apologies.

**14 Councillor David Wooldridge**

Councillor Jane Bell on behalf of the Committee said a few words about their friend and colleague, Councillor David Wooldridge who had sadly passed away. Councillor Wooldridge was a great ambassador for licensing and he would be greatly missed.

**15 Minutes of meeting Tuesday, 24 July 2018 of General Licensing Committee**

The minutes of the General Licensing Committee meeting held on 24 July 2018 were confirmed as a correct record for signing by the Chair.

**16 Declarations of Any Interests**

There were no declarations of any interests.

**17 Proposed changes to vehicle age policy**

The Committee received a report of the Head of Licensing that provided Members with an update on proposed changes to the vehicle age policy relating to hackney carriage and private hire vehicles.

At meetings of the Taxi Trade Forum in 2017, the Borough's licensed trade queried whether the differential approach remained justifiable and as a result the Committee agreed to set up a working group to consider the matter in detail.

The recommendation from the group was to replace the current differential age policy with a standardised one, meaning that if adopted, the proposed age limits for all vehicle (whether saloon or wheelchair accessible) would be six years on first application and up to 12 years on renewal.

The working group produced a detailed report of its findings and recommendations, which was consulted upon throughout the month of May 2018. Out of the nine responses received, only one was against the proposal.

The Council's Environmental Health Department has since raised concerns about the proposed changes, highlighting the Council's commitment to improving Air Quality, currently a key priority within the Corporate Plan. Environmental Health felt that a relaxation of the policy would allow for operators to extend the life of older more polluting and potentially less safe vehicles.

The Committee heard representations from a Council's Environmental Health Officer who attended the meeting along with Councillor Karen Walton, Cabinet Member (Public Health, Leisure and Wellbeing) who asked for a deferment of the decision to allow for the Committee to consider key information in relation to vehicle emissions.

Members were also provided with further information at the meeting from Public Health England, who are looking to commence discussions with local districts in the Lancashire area to develop a consistent approach in respect of age limits on vehicles, bearing in mind the air quality impact.

Members of the Committee were of the view that the air pollution concerns had not been fully investigated and did not come out during the previous consultation. The approach to be taken by Public Health England could provide further information which would assist in a future consultation.

However, although, some concerns were raised in respect of air quality, there was general opinion that the working group had proposed the recommendations to bring parity for all licensed vehicles and would provide fairness to all in the taxi trade.

Members also received representations from members of the taxi trade who were in attendance at the meeting and whom had participated in the working group. They were apprehensive of a further review and circulated information that appeared to show that some, newer vehicles did not necessarily have reduced emissions. There was a real concern amongst the trade that they were being penalised for serving the public when other public serve vehicles had no age restrictions like buses or council vehicles.

The Committee debate was quite heated and there was a clear division amongst the membership.

It was proposed by Councillor Ken Jones, to recommend to Council to accept the recommendation of the working group to standardise the age limits to 6 years and 12 years for all vehicles, but to then undertake a further consultation to take into

consideration the comments of the Council's Environmental Health Department around Air Pollution. This motion was seconded by Councillor Harold Hancock.

An amendment to the proposal was proposed by Councillor Paul Wharton, seconded by Councillor Jacqui Mort, to defer the decision to allow for a further consultation to take place that would allow all relevant information to be considered. This motion was subsequently lost (Yes: 4, No: 5) with the Chair using his casting vote.

The original proposal was then voted upon and was subsequently RESOLVED (Yes: 5, No: 3): to recommend to full Council, to approve the standardising of the age limits of all vehicles (whether saloon or wheelchair accessible) to six years on first application and up to 12 years on renewal and then to instigate a consultation as soon as practicable on an alternative age policy at the lower end of 4 years and 8 years.

## **18 Consultation on Gambling Policy**

The Committee received a report of the Head of Licensing that outlined the proposed revisions and updates on the Council's Gambling Policy and sought approval to undertake a consultation on the draft policy.

The draft Policy was appended to the report along with a list of all bodies that would be consulted upon.

The Committee discussed the various measures that could be put into place to enforce the policy that included the frequency of reviews and the use of a pro-forma to assess risk, to ensure that the policy was sufficiently robust and asked for the policy to be amended to reflect these suggestions.

As the eight week period of consultation needed to commence on 13 September 2018, so that any responses could be brought back before Committee at its meeting in November, it was agreed to grant officer delegation to make the necessary amendments following this meeting. This timeframe would ensure that the new policy would be ready to implement, when the existing Gambling Policy expired at 31 January 2019.

RESOLVED (Unanimously):

That delegated authority be granted to the Head of Licensing to make the suggested amendments to the draft Gambling Policy ahead of the AGREED eight week consultation period to commence from 13 September 2018.

The Chair, Councillor David Suthers left the meeting.

## **19 Consideration for Mandatory CCTV in Taxis and Private Hire Vehicles**

The Vice Chair, Councillor Jacqui Mort, took the Chair for the remainder of the meeting.

The Committee considered a report of the Head of Licensing that advised Members of the process for introducing CCTV in taxis and private hire vehicles as a Mandatory Condition of licence.

The Committee heard from representatives of the Trade who explained that although they thought that the use of CCTV was a good idea and would afford protection for both the driver and members of the public, the cost of its provision, (estimated at £500) if made mandatory, would be an additional one off cost that could not be recovered.

Taking into consideration all the relevant information, the Committee were also of the opinion that it was unfair to impose these costs on to the trade and struggled with the decision to make the installation of CCTV a mandatory condition of their licence.

It was proposed by Councillor Paul Wharton, seconded by Councillor Ken Jones and subsequently RESOLVED (Unanimously): to allow the status quo to remain, which permits CCTV to be installed in a taxi or private hire vehicle at the driver's discretion subject to the system being approved by South Ribble Borough Council.

Councillor David Watts left the meeting.

## **20 Licensing Activity Report for July and August 2018**

The Head of Licensing submitted a report that provided the Committee with information on licensing activity throughout July and August 2018 that included applications received, enforcement checks and referrals to partner agencies.

The Head of Licensing also gave notice of three Licensing Reviews that would be coming before Committee over the next few weeks.

RESOLVED: (Unanimously) – That the report be noted.

Chair

Date

REPORT TO	ON
General Licensing Committee	20 November 2018



TITLE	REPORT OF
Licensing Activity	Head of Licensing

Is this report confidential?	No
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## 1. PURPOSE OF THE REPORT

This report provides information to members on Licensing Activity, including applications received, enforcement checks and referrals to partner agencies

## 2. CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Excellence and Financial Sustainability	x
Health and Wellbeing	
Place	

Projects relating to People in the Corporate Plan:

People	
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## 3. RECOMMENDATIONS

- 3.1 That Members note the progress made by the Licensing Service for the month of September and October 2018

## 4. BACKGROUND TO THE REPORT

- 4.1 Monthly updates on service delivery have been a regular item on the General Licensing Committee Agenda and include in table format the activity carried out by the Licensing Service
- 4.3 Areas of particular note for this period are the submission of 2 Licensing Reviews, to be determined for Moss Lane Convenience and Sangham Balti in the next couple of weeks.

Underage test purchasing relating to Gaming Machines, 7 premises tested, 7 failures, SRBC were the first Authority in Lancashire to conduct this type of testing which has led the Gambling Commission to work with other Lancashire Authorities where similar results have also played out. A full write up of the Commissions work with Local Authorities relating to the recent test purchasing will be in the January bulletin.

Launch of the Award for Personal Licence holder's course, initially uptake is slow but we are now offering the course on a monthly basis. The course is advertised through social media and with partner agencies.

Pubwatch planning meeting was organised with National Pubwatch representatives in attendance to provide guidance and support in setting up a Borough wide Pubwatch. The meeting was well attended and well received, over 30 attendees expressed a commitment to moving the idea forward. A follow up planning meeting is scheduled for the 15<sup>th</sup> November to elect a Chair and vice Chair.

Alcohol test purchasing was conducted with the police on the 25<sup>th</sup> October, the volunteer was on the younger end of the spectrum for the activity (14years old). 111 premises were tested and only 1 failed. Due to the age of the volunteer and the fact that almost every other premises passed this really highlighted bad practice at the relevant premises. An investigation is ongoing, therefore no further details can be provided at this stage.

## 5. CONSULTATION CARRIED OUT AND OUTCOME OF CONSULTATION

N/A

## 6. FINANCIAL IMPLICATIONS

6.1 There are no direct financial implications arising from this report.

## 7. LEGAL IMPLICATIONS

7.1 There are no direct legal implications arising from this report.

## 8. COMMENTS OF THE STATUTORY FINANCE OFFICER

## 9. COMMENTS OF THE MONITORING OFFICER

There are no legal implications identified.

## 10. OTHER IMPLICATIONS:

▶ <b>HR &amp; Organisational Development</b>	None
▶ <b>ICT / Technology</b>	None
▶ <b>Property &amp; Asset Management</b>	None
▶ <b>Risk</b>	We must continue to improve further the quality of the service. We must do everything possible to protect the general public.

<p>► <b>Equality &amp; Diversity</b></p>	<p>A failure to continue to achieve high standards in our Licensing service could result in reputational damage.</p> <p>None</p>
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**11. APPENDICES**

Appendix A - Improvement Plan 2018/19

Report Author:	Telephone:	Date:
Mark Marshall	01772 625401	5 November 2018

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**Licensing Forward Plan 2018/2019 September update**

No	Action	Responsibility	Target Date	Progress	In Progress/ Completed
<b>Decision Making</b>					
D1	Forward Plan to be a standing agenda item for each Licensing Committee, to include: <ul style="list-style-type: none"> <li>• Member training</li> <li>• Taxi Forums</li> <li>• New/Revised/Reviewed Policies</li> <li>• Quarterly performance reports</li> </ul>	Mark Marshall	Monthly	Taxi Forum conducted on the 25 <sup>th</sup> September 2018 Matters arising were the difference in rates displayed on taxi metres , report on the subject to be put before GLC for further consideration, this item was due on the November 2018 agenda but deferred due to the priority of other items. A training course was arranged for the 8 <sup>th</sup> November 2018, members were alerted to the course verbally at the 11th September 2018 meeting. Further invites have been undertaken by Democratic Services. We have had 40 people from other Authorities and Agencies take up the offer. The Gambling Policy is under review and the updated policy is due for implementation on the 31 <sup>st</sup> January 2018.	On Going (Amber )
D2	Implement a policy for the testing of modified vehicles	Mark Marshall		Met with Howard Seed on the 15 <sup>th</sup> August 2018, Licesning have agreed to collate all the vehicles that require this test by February 2019. Information gathering commenced on	In Progress ( Green )

				the 1st August 2018 by modifying the road worthiness certificates to include a box for the garage to tick indicating if the vehicle has been modified since first registration. Lal Pac report has been written which will generate the demand for the additional test to the respective vehicles.	
D3	Annual review of the Hackney Carriage and Private Hire Vehicle Licensing Policy and associated appendices	Mark Marshall	March 2019		Not started ( Red )
D4	To revisit and update the current vehicle testing regime which currently gives operators a choice of 10 commercial garages. The information passed to the Authority from these garages does not reflect an accurate picture of the standard of vehicles with no detail on defects detected the amount of re tests undertaken to achieve a pass and we believes there is a significant difference between garages in consistency.	Mark Marshall Justin Abbotts	February 2019	New certificates now being received which include; Items/defects which may have led to failure of the test. An indication as whether the vehicle has been adapted for wheel chair use since first registration.	On Going ( Amber )
S1	Re-establish a working relationship with ; Police Lancashire Fire and Rescue Home Office Immigration	Mark Marshall	March 2019	Joint working with the Gambling Commission on the 7 <sup>th</sup> September 2018 Joint working with the police on the 25 <sup>th</sup> October 2018 Joint working arranged with Immigration and Fire during the month of November 2018	On Going ( Amber )
S2	Hold Taxi Forums on a quarterly basis with members invited to attend	Mark Marshall	Quarterly	Meeting took place on the 25 <sup>th</sup> September 2018,	On Going ( Amber )
S3	Re engage with the local pub watch scheme and aim to increase membership and attendance	Mark Marshall	March 2019	Pubwatch Planning meeting arranged, 30 representatives from the Industry attended.	Green

				National Pubwatch did a presentation highlighting the advantages of a recognised scheme. Further meeting arranged for the 15 <sup>th</sup> November 2018.	
<b>Building Confidence</b>					
B1	Formally record details of pro-active enforcement action for reporting to the Licensing Committee	Mark Marshall	Monthly	Details recorded on LALPAC database and manual records	Normal Business ( Green )
B2	Develop a Licensing Tracking sheet to be sent to all Responsible Authorities and Elected Members weekly	Chris Ward	August 2018	In place, being circulated weekly to all elected member's	Complete ( Green )
B3	An annual report will be provided to the Licensing Committee detailing the performance and activity of the licensing function over the previous 12 months	Mark Marshall	March 2019		On Going ( Amber )
B4	Council to receive reports from the Chair of the GLC on the Licensing Service and Committee activity (other than quasi-judicial matters)	Licensing Chair	March 2019		On Going( Amber )
B5	Implement an operator accreditation scheme	Justin Abbotts	December 2018	Spoken with Directors of Avacab and Village cars very receptive to the proposals.	Soft Consultation underway and draft scheme being drafted. ( Amber )
B8	Member training plan, including safeguarding training and job shadowing, to be agreed	Licensing Manager	March 2019	Ben Williams (barrister) confirmed to attend on the 8 <sup>th</sup> November 2018.	On Going( Amber)
<b>Service delivery and transformation</b>					
T1	Review Licensing Process Procedures in order to streamline the systems focussing on risk rather than	Chris ward	September 2018	Electronic files for drivers and premises now in place.	Complete ( Green )

	routine the overall aim is to avoid duplication and provide a better use of officer time				
T2	Training and development programme to be created for Licensing Officers	Mark Marshall	March 2019	Ongoing updates for Officers through IOL meetings and on the job training relating to PACE interviews and file preparation	On going ( Amber )
T3	Obtain BII ( British Institute of Innkeepers ) Status and begin to deliver Personal Licence Course with a view to increasing income generation	Mark Marshall	August 2018	Received Accreditation on the 28 <sup>th</sup> June 2018, Course schedule to be drawn up for the next 12 months commencing in September 2018.	Complete (Green )
T4	To implement a taxi driver customer care course in line with paragraph 5.7 of the taxi and private hire policy. This will provide more flexible access to the pre requisite qualification at a reduced cost to the BTEC and again increase revenue for the department.	Mark Marshall	August 2018	Course design complete, awaiting ratification from GLC	Officer work complete, ( Green )
T5	Register to the Dot Gov web site so that electronic applications for LA 2003 matters can be accepted.	Justin Abbotts	January 2019	IT development underway Public Access now available	On going( Amber )
T6	Assessment of fees and charges to be effective from July 2018	Licensing Manager	March 2019	Delayed due to the re-structure and shared services agenda	In Progress( Amber )
T7	Review of the Gambling Policy	Mark Marshall	Jan 2019	Draft Policy and consultation completed	In Progress( Green )

REPORT TO	ON
General Licensing Committee	20 November 2018



TITLE	REPORT OF
Report re. Taxi Qualification Training	Head of Licensing

Is this report confidential?	No
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## 1. PURPOSE OF THE REPORT

To consider the proposal to bring the taxi qualification training in house.

## 2. RECOMMENDATIONS

- 2.1 Agree the proposal
- 2.2 Confirm the fee to be charged

## 3. CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Excellence and Financial Sustainability	x
Health and Wellbeing	
Place	

## 5. BACKGROUND TO THE REPORT

- 5.1 South Ribble Borough Councils Hackney Carriage and Private Hire Policy requires all applicants to have a BTEC level 2 qualification before consideration will be given to the grant of a licence.
- 5.2 The policy states at paragraph 5.7;

### Qualifications

One of the council's objectives is to have a professional and respected trade. It is important that licensed drivers are not only competent to drive to a high standard, but also that they can deliver customer service and offer appropriate assistance to passengers.

Before a new applicant is granted a Hackney Carriage or a Private Hire driver's licence, they must be able to provide original evidence that they have passed the BTEC Level 2 Certificate in Taxi and Private Hire Driver or an appropriate and equivalent Level 2 qualification. Alternatively, a new applicant must have attended and successfully completed any appropriate in – house course to be devised and presented by officers of South Ribble Borough Council, and paid any fee approved by members for administration of this course. Any driver whose licence with the authority has been granted since July 2016 on the basis

of them having completed the now –discontinued course provided by the Driver Standards Agency will be given a period of 6 months to register for a suitable training course and 12 months to complete the qualification.

- 5.3 The taxi trade have made representations through trade forums and during routine dialogue that this part of the policy is particularly onerous and has created difficulties with recruiting new drivers., a large part of the problem seems to be the lack of availability of training providers., many drivers have reported that they can only book on the course in either Liverpool or Manchester. , in addition to the inconvenience of the locations, issues were regularly reported regarding the cancellation of the courses due to a low number of candidates which rendered the course not financially viable. Such delays had a significant impact as drivers could not proceed in the application process until they had achieved the qualification.

## **6. PROPOSALS (e.g. RATIONALE, DETAIL, FINANCIAL, PROCUREMENT)**

- 6.1 The proposal is to offer a course which seeks to cover as many aspects as possible as the BTEC level 2 qualification however it has been essential that some trimming has been needed as the BTEC is usually done over 4 sessions with a minimum of 20 hours directed learning, the fee per delegate is £235.
- 6.2 The council do not possess the entirety of the competences needed to deliver the course particularly in relation to wheel chair loading and offering appropriate assistance so have secured an informal agreement with a trainer who can support the course by conducting 1 hour classroom based work and a number of hours of practical training and assessment.
- 6.3 The proposal will be for the Council Officer to deliver the mornings content in a class room based setting, then the afternoon will be covered by Mr Chris Hargreaves in both the classroom and then outside using a vehicle to conduct the practical wheel chair loading and securing of passengers input.
- 6.4 Qualified trainers tend to be employed by colleges who themselves offer the course, Mr Hargreaves is exactly that and has agreed to assist with the training for a fee of £50 per delegate.
- 6.5 The proposed fee per delegate is £150, a disbursement of £50 per delegate will be required to cover Mr Hargreaves services and the offer a vehicle has been secured in order to do the practical element of the course, no fee has been requested for the vehicle as the two taxi firms who have offered the vehicle see the course as very progressive and will assist them with the recruitment of drivers.
- 6.6 In order for the course to be financially viable it would need to be run with a minimum of 6 delegates, therefore creating a formal structure of training dates is very difficult and the course would need to be on a demand basis and offered to the suit the availability of the Council Officer and the trainer.

## **7. CONSULTATION CARRIED OUT AND OUTCOME OF CONSULTATION**

7.1 Informal discussion has taken place with Wallbanks, Avacab, Village Cars and South Ribble Taxis. In addition to informal discussion the item was discussed at June's taxi forum meeting. Whilst there are some people who are neutral about the issues the larger firms and one independent airport operator are particularly enthusiastic about the idea as they believe it will assist with more efficient recruitment of drivers.

## **8. FINANCIAL IMPLICATIONS**

8.1 The proposed fee per delegate is £150 and a disbursement of £50 per delegate will be required to cover the services of an external trainer. There may be other associated costs (such as providing refreshments) but these will be minimal and the net income will contribute to the Council's costs.

## 9. LEGAL IMPLICATIONS

9.1 The policy allows for new applicants to choose to either embark on the BTEC course or an alternative in-house course devised and presented by officers. Officers have now devised a course which is similar to the BTEC level 2 qualification. In line with the policy members are requested to confirm the fee, which will then allow officers to provide the course.

## 10. COMMENTS OF THE STATUTORY FINANCE OFFICER

10.1 If the proposal is approved, the implementation of it can be done in principal subject to the appropriate insurance cover being in place.

## 11. COMMENTS OF THE MONITORING OFFICER

Please see comments at 9.1 above.

## 12. OTHER IMPLICATIONS:

<ul style="list-style-type: none"><li>▶ <b>HR &amp; Organisational Development</b></li><li>▶ <b>ICT / Technology</b></li><li>▶ <b>Property &amp; Asset Management</b></li><li>▶ <b>Risk</b></li><li>▶ <b>Equality &amp; Diversity</b></li></ul>	
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## 13. BACKGROUND DOCUMENTS (or There are no background papers to this report)

Copy of the proposed PowerPoint presentation and the BTEC level 2 syllabus

## 14. APPENDICES

Appendix A - Power Point Presentation

Appendix B - BTEC Level 2 syllabus

Report Author:	Telephone:	Date:
Mark Marshall	01772 625401	12 <sup>th</sup> November 2018

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# Appendix A

## Taxi and Private hire

Mark Marshall and Chris Hargreaves

### Topics

- Health and safety of driver and passenger
- Professional standards
- Safe and legal
- Equalities and disabilities
- Children
- Regulatory frame work

### Health and Safety of the Driver and Passenger

- Personal Safety
- Identifying the risks
- Safeguards
- Precautionary measures.

### Personal safety-Identifying the risks

- Verbal and physical abuse
- Theft or damage
- Reputational harm – complaints
- Being left in a position of vulnerability
- Manual handling

# Appendix A

## Triggers

- Drunkenness
- Argumentative conversation
- Disagreements on price
- Vulnerability or loneliness

## Precautionary measures

- Conflict resolution
- Assertive but polite approach
- Seating arrangements
- Communicating concerns
- CCTV
- Dynamic risk assessment ( no baseball ball bats, chair legs, wheel braces or knives )

## Types of theft or damage

- Making off without payment- what is the law
- Robbery by customer
- Robbery by unknown offender
- Wreckless damage
- Unintentional damage-spillages, sickness etc

## What can be done

- Police action for serious crime
- Getting the office or colleagues support
- Take details asap, description, address,
- Follow up in the cold light of day.

## Appendix A

### Passenger Safety

- Identify any vulnerabilities .
- Safe carriage.
- Understanding the route or destination
- Seat belts and seats
- Correctly loaded and strapped including any luggage..

### Lost property

- Private Hires- 72 hours deliver to operator who should retain for 12 weeks.
- Hackney Carriage- 48 hours lodged with the Council and obtain a receipt. Entitled to maximum of £5 for delivery.
- Theft by finding- report to the police station if not claimed can then assume the rights of the owner after 28 days.

### Vulnerabilities

- CSE – What is it and what should you do ?
- Special needs or adjustments ?
- Drunkenness

### Unit outcomes

- Know how to use map reading and navigational tools
- Know rules, safety measures and restrictions related to picking up and setting down passengers
- Know how to accurately charge out a fare for transporting passengers within a hire and reward system

Blackpool & The Fylde College CTE4

# Appendix A

## Maps and route planning 1.2

The types of maps required by drivers will reflect the type of work undertaken; for most drivers it will depend on 'local knowledge' and if need be, resort to using town and city maps, tourist maps, road atlases and satellite navigation.



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## 1.3 Benefits of Advanced Communication Technology 1

- Bluetooth (mobile phone)
- Personal digital assistant (PDA)
- Global positioning satellite (GPS)
- General packet radio service (GPRS)
- Professional mobile radio (PMR)
- Short message service (SMS)



Blackpool & The Fylde College CT234

## Setting down and Picking up Customers 2.1

- Traffic conditions
- Weather conditions
- Parking restrictions
- Assistance required
- Seat belt legislation

Blackpool & The Fylde College CT234

## Picking up and Setting Down 2.1

Usually there is no set time limit for stopping and setting down as it may take a disabled passenger some considerable time to board or alight; if ramps have to be deployed that will increase the waiting period as the priority is passenger safety.



If there are waiting or parking restrictions the taxi cannot stop for longer than is necessary to safely complete the boarding or alighting.

Blackpool & The Fylde College CT234



# Appendix A

Professional manner

- Vehicle cleanliness
- Receipts (if requested)
- Conversation civil polite but not overly personal.

Safe and legal

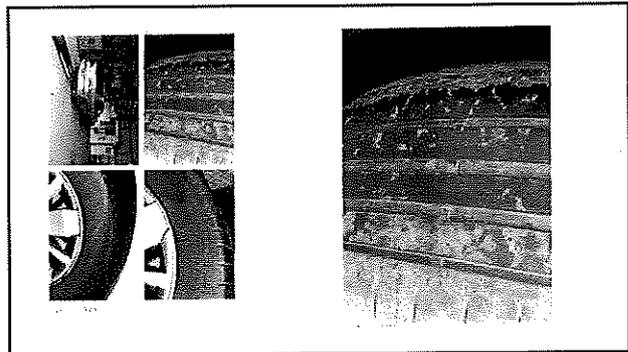
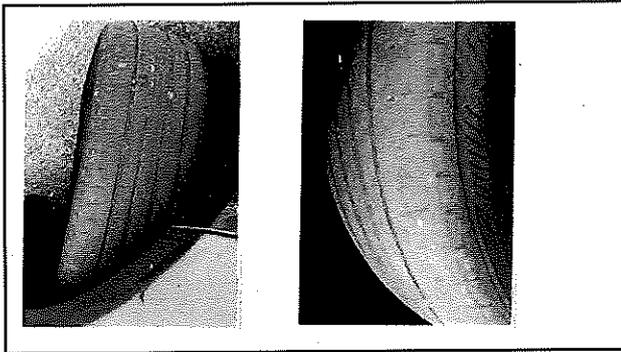
- Driver checks ?
- Tyres
- Lights
- Washers and wipers
- Seat belts
- Door locks
- Hand brake
- Loose panels and sharp edges.

Safe and legal

- Tyres . Legal tread depth 1.6 mil over the central 3/4.
- Exposed cords
- Tyre walls structurally sound and free from excessive splits or cracks.
- Correctly inflated



# Appendix A



## Lights

- Head lights and main beam.
- Tail and brake lights.
- Reverse and fog

Offence committed under the Road Traffic Act if any lighting defects are found

## Driver checks

- MOT failures
- Inoperative handbrake
- Lighting defects
- Washers and wipers not working
- Illegal tires
- Door locks failing
- Corrosion.

# Appendix A

**Outcomes**

- Understand the role of the driver in ensuring that the vehicle and its ancillary components are fit for purpose
- Understand how to safely pick up and transport children and young persons to a destination point where they can be safely handed over to an authorised person

Blackpool & The Fylde College C7234

**Duty of Care/Negligence 1.3**

**Duty of Care:-**

- Especially children
- Loco parentis
- Seat belt regulations- age/height limits

**Negligence:-**

- Civil proceedings
- Fines
- Licence penalties

Blackpool & The Fylde College C7234

**Transporting children and young persons Duty of Care & Negligence 1.3**

**Rules and regulations**

Accepting the terms of a school contract implies that you understand the term 'Duty of Care'.

Negligence is the main reason drivers and operators fall in their duty of care.

You must provide a safe environment for the children and young persons in your care

Blackpool & The Fylde College C7234

**Transporting children and young persons 4.1**

The driver will require

- an enhanced criminal records check to search several databases P.N.C. (Police National Computer Database) for convictions, reprimands and cautions; Sex Offenders List; I.S.A. Children & Vulnerable barred list
- to be registered as a member of the Independent Safeguarding Authority

INDEPENDENT SAFEGUARDING AUTHORITY

Blackpool & The Fylde College C7234

### Transporting children and young persons 2.3/4

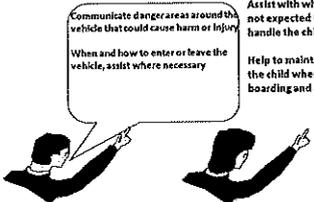
**Driver's Responsibility to ensure safety when entering and leaving the vehicle:- The engine should be turned off and vehicle stationary whilst children entering and child locks activated**

Communicate danger areas around the vehicle that could cause harm or injury

When and how to enter or leave the vehicle, assist where necessary

Assist with wheelchair access but not expected to lift or physically handle the child in anyway

Help to maintain the dignity of the child when assisting with boarding and alighting

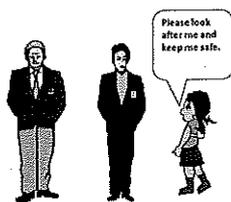


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### Transporting children and young persons 2.6

#### Loco parentis

The driver and escort who are under contract from the local authority to transport children to and from school, have in many cases, the legal status of 'in loco parentis' - that is, 'in place of parent'.



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### Transporting children and young persons 2.7

**Types of incidents you may have to deal with:-**

- ❖ An unwell child
- ❖ Travel sickness
- ❖ Reports of bullying
- ❖ Misbehaviour
- ❖ A distressed child

However, if the child looks unwell:



Carefully question the child to ascertain the seriousness of the problem coupled with how they look; for example, are they

- flushed and lack colour
- sweating
- are they in pain

Many children suffer from travel sickness and the driver should be prepared for this eventuality by carrying vomit bags.

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### Transporting children and young persons 2.7/8

- ❑ **Misbehaviour**-calmly tell the child that you will be making a report to parent/school or authority  
*(Never acceptable to smack, shout or threaten a child)*  
*(Never remove a child/young person from the vehicle)*
- ❑ **Distressed child**-ask simple questions to find the cause but explain you can only help with aspects of the journey, anything else such as **bullying** you must refer matter to parent, guardian because you are not trained to counsel

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## Appendix A

## Regulatory Framework

- Taxis and Private Hires
- Licensing Conditions and Policy
- Committee Framework
- Powers

## Taxi and Private Hires What's the difference

- HC's can stand or Ply for Hire in there district.
- HC's Can pick up any where within there district ( flag down )
- Must have a top sign and metre
- Should have a plate front and rear.
- Compelled to carry unless there is a reasonable excuse.
- No person other than the hirer unless consent .
- Fixed number never to be exceeded.

## Private Hires

- Must be pre booked
- All 3 licences should line up.
- Don't need meters and can set there own rate.
- Driver cannot accept a booking other than through a Licensed Operator. ( Nottingham City Council v Woodings )
- Design and appearance should not lead to confusion that the vehicle is a hackney carriage. Sec 48 LGMP Act

## Drivers- mandatory

- Requirements- Section 51
- Must be fit and proper
- Must have been authorised to drive a motor car for 12 months

# Appendix A

## Drivers- Discretionary Requirement's

- Conditions of Licence ( Private hire )
- Hackney carriage drivers subject only to Byelaw's ( Neath v Porttallbot)
- Policy requirements- CSE Training Knowledge of the Borough, medicals

## Refusing a Licence

- Policy requirements not achieved
- Triggers Conviction Policy
- Medical fitness
- Complaints
- Concerns with historical convictions even though they don't trigger the convictions policy

## Refusing a Licence

- Policy requirements not achieved
- Triggers Conviction Policy
- Medical fitness
- Complaints
- Concerns with historical convictions even though they don't trigger the convictions policy

## Reasonable Cause ?

- Conduct/complaints
- Failed to comply with compulsory requirements
- Repeated attendances before the Committee
- Vehicle maintenance issues

## Appendix A

## Justifying the suspension

- Can be used as a deterrent or punishment ( only in this regime)
- Clear reason linking to the time frame given ie time to retrain/attend a course etc. If setting for punishment why 6 weeks and not 3 weeks ??
- No guidance on the subject other Sect 182, para 11.23 ( different regime )

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

## When does the Suspension take effect.

- 21 days from the date of the decision being communicated. ( notice given)
- Opportunity to appeal to magistrates within those 21 days which stays the suspension until the outcome of the appeal.
- Can take immediate effect but separate reasons for the immediacy ( in the interests of public safety ) must be given.
- Can still appeal an immediate suspension or revocation but they are off the road whilst the appeal process runs.

## Revoking the Licence

- Can revoke vehicle or drivers licence
- Same powers as the suspension powers ( Section 61 ) takes effect 21 days after the notice unless separate decision to make it immediate.
- Emergency Powers to revoke or suspend now available. Standing order 35

## Taxi Metres

- Required in all Hackneys but not in Private hire.
- Must not exceed the rate set by the Council
- Must be clearly visible
- Should be engaged at the start of the journey
- Can add extras for luggage and passengers
- Can not add extras for offering assistance to disabled passengers.

# **Pearson Edexcel Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire)**

## **Specification**

NVQ/Competence-based qualification

First registration January 2011

Issue 4

**Edexcel, BTEC and LCCI qualifications**

Edexcel, BTEC and LCCI qualifications are awarded by Pearson, the UK's largest awarding body offering academic and vocational qualifications that are globally recognised and benchmarked. For further information, please visit our qualifications website at [qualifications.pearson.com](http://qualifications.pearson.com). Alternatively, you can get in touch with us using the details on our contact us page at [qualifications.pearson.com/contactus](http://qualifications.pearson.com/contactus)

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This specification is Issue 4. Key changes are listed in the summary table on the next page. We will inform centres of any changes to this issue. The latest issue can be found on the Pearson website: [qualifications.pearson.com](http://qualifications.pearson.com)

This qualification was previously known as:

Pearson Edexcel Level 2 NVQ certificate in road passenger vehicle driving (taxi and private hire) (QCF)

The QN remains the same.

*References to third party material made in this specification are made in good faith. Pearson does not endorse, approve or accept responsibility for the content of materials, which may be subject to change, or any opinions expressed therein. (Material may include textbooks, journals, magazines and other publications and websites.)*

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## Summary of Pearson Edexcel Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) specification issue 4 changes

Summary of changes made between previous issue and this current issue	Page number
All references to QCF have been removed throughout the specification	
Definition of TQT added	3
Definition of sizes of qualifications aligned to TQT	3
Credit value range removed and replaced with lowest credit value for the shortest route through the qualification	4
TQT value added	4
GLH range removed and replaced with lowest GLH value for the shortest route through the qualification	4
QCF references removed from unit titles and unit levels in all units	13-95
Guided learning definition updated	9

Earlier issue(s) show(s) previous changes.

If you need further information on these changes or what they mean, contact us via our website at: [qualifications.pearson.com/en/support/contact-us.html](http://qualifications.pearson.com/en/support/contact-us.html).

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REPORT TO	ON
General Licensing Committee	20 November 2018



TITLE	REPORT OF
Consultation on Gambling Policy	Head of Licensing

Is this report confidential?	No
------------------------------	----

## 1. PURPOSE OF THE REPORT

To review and consider the consultation responses to the Statement of Gambling Policy

## 2. CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Excellence and Financial Sustainability	x
Health and Wellbeing	
Place	

## 3. RECOMMENDATIONS

3.1 To note the responses to the consultation and consider what if any of the measures put forward are necessary to promote the Licensing Objectives under the regime.

3.2 To agree the draft policy and refer to full Council on 5<sup>th</sup> December 2018 for adoption.

## 4. BACKGROUND TO THE REPORT

4.1 A short report came before the Committee in September 2018 setting out the legal requirement to review the Gambling Policy, a draft policy was considered and an agreed period of consultation including a list of consultees was set. The period of consultation was the 13<sup>th</sup> September 2018 till the 8<sup>th</sup> November 2018.

4.2 A formal response was received by Lancashire County Councils Public Health Team who appear to have a pool of conditions or recommendations that are sent to all Local Authorities in the region. These recommendation will be particularly relevant to areas of intense outlet density especially where there is high levels of deprivation. Formal response attached as Appendix 1.

4.3 South Ribble does not fall into either category and is reported as being one of the lower risk areas in Lancashire, with this in mind the some of the recommendations maybe less relevant than others.

## 5. ANALYSIS OF RECOMMENDATIONS

5.1 Defining geographic areas of vulnerability and risk, there are 2 wards in the South Ribble area that stand out in relation to deprivation. They are Broadfield which is ranked as the 188<sup>th</sup> most deprived ward in the county and Seven Stars which is 1469<sup>th</sup>. We also have very affluent wards which are at the other end of the spectrum such as Howick and Priory which is ranked 7503<sup>rd</sup> in the region. The recommendation is to identify areas of vulnerability so a map has been created highlighting these two wards which also pin points the locations of existing Gambling Premises. This map can be incorporated into the policy to assist operators should the Committee think this is a necessary step, attached as Annex 2. The deprivation figures by ward are set out below.

Seven Stars	1469
Broadfield	188
Earnshaw Bridge	2734
Buckshaw & Worden	7445
Leyland Central	4416
Moss Side	4386
Hoole Ward	6576
Longton & Hutton West	7256
New Longton & Hutton East	6494
Middelforth	2923
Broadoak	7364
Howick & Priory	7503
Walton Le Dale West	6447
Walton Le Dale East	6289
Samlesbury & Walton	3959
Coupe Green & Gregson Lane	6516
Bamber Bridge East	2139
Bamber Bridge West	2479
Lostock Hall	4600
Charnock	4734
Moss Side	4386
Farington East	4382
Farington West	6146

### 5.2 Provide guidance on local risk assessments,

This issue was raised by a Committee member in the September 2018 meeting where a request was made to possibly look into providing an example or template risk assessment. Further enquires revealed that not much was available publically but the Gambling Commission did have a guidance document on what to include in a risk assessment. The salient parts of that guidance have been incorporated into the draft policy and can be found at paragraph 3.2. The items included in the policy already largely replicate what Public Health are suggesting. Advice has been sought from the Gambling Commission who have directed us to the January 2018 Bulletin, looking at this document 2 local authorities are highlighted, York and West Dunbartonshire. Both policies do not have an example risk assessment but they do have a list of points they consider necessary when formulating risk assessments. The relevant extracts from those polices are found as Annex 3 and 4.

5.3 The third point Public Health raise is to possibly publicise pathways to treatment. The small number of premises and overall prosperity in the Borough will mean problem gamblers will be modest compared with bigger cities and deprived towns. The beacon trust who are the main service provider for Gamcare have been contacted and provided us with some suggested wording for the policy, which is as follows:-

“Operating staff (particularly those involved with customer interaction and self exclusion) should be aware of National and Local Problematic Gambling support systems available and individuals identified as being in need of support should be made aware of the National Problem Gambling Helpline. All operators should be aware of and publicise the local , confidential FREE and immediate service offered through local treatment provider THE BEACON COUNSELLING TRUST , who deliver services across the North West and whose closet location for service provision is Preston [www.beaconcounsellingtrust.co.uk](http://www.beaconcounsellingtrust.co.uk) telephone 0151 226 0696 who will arrange a local appointment.”

## **6. FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

## **7. LEGAL IMPLICATIONS**

S349(1) of the Gambling Act 2005 requires the Council to prepare and publish a statement of principles every 3 years. The previous policy expires on **31<sup>st</sup> January 2019**. The draft policy once approved by Council will therefore become effective on **31<sup>st</sup> January 2019**.

Before a statement comes into effect, the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 requires licensing authorities to publish a notice of their intention to publish a statement or revision. The notice must comply with the following points:-

- a) Specify the date on which the statement or revision is to be published
- b) Specify the date on which the statement or revision will come into effect
- c) Specify the internet address where the statement or revision will be published and the address of the premises at which it may be inspected (for 4 weeks before it comes into effect )
- d) Publish the statement or revision on the authority’s website (for 4 weeks before it comes into effect ) and
- e) In or more of the following places:-
  - i) In a local newspaper circulating in the area covered by the statement
  - ii) A local newsletter, circular or similar document circulating in the area covered by the statement
  - iii) A public notice board in or near the principal office of the Council
  - iv) A public notice board on the premises of public libraries in the area covered by the statement.

## **8. COMMENTS OF THE STATUTORY FINANCE OFFICER**

## **9. COMMENTS OF THE MONITORING OFFICER**

The Act requires the Council to review its Statement of Gambling Principles every 3 years. As stipulated at Paragraph 7 in the report, the statement or revision will have to be published 4 weeks

before it comes into effect. Failure to comply with the statutory requirements, could lead to possible legal challenges, costs to the Council and adversely affect the reputation of the Council

**11. OTHER IMPLICATIONS:**

▶ <b>HR &amp; Organisational Development</b>	None
▶ <b>ICT / Technology</b>	None
▶ <b>Property &amp; Asset Management</b>	None
▶ <b>Risk</b>	None
▶ <b>Equality &amp; Diversity</b>	An Equalities impact has been considered but no protected characteristics under the Equalities Act 2010 are impacted other than age, and this catered for adequately under the Gambling Objective- Protecting Children and Vulnerable Persons from being Harmed

**12. BACKGROUND DOCUMENTS**

None

**13. APPENDICES**

- Appendix A – Public Health Response
- Appendix B - Map highlighting premises and areas of deprivation.
- Appendix C - Policy wording from York
- Appendix D - Policy wording from Dunbartonshire
- Appendix E - Draft Gambling Policy
- Appendix E 1.0 – Draft Gambling Policy with tracked changes

Report Author:	Telephone:	Date:
Mark Marshall	01772 625401	5 November 2018

Appendix A

For the attention of Mark Marshall  
South Ribble Council

Phone: 01772 539865  
Email: Matthew.Stanton@lancashire.gov.uk

Date: 17 October 2018

Dear Mr Marshall,

**Re: Gambling Licence Policy Review: Statutory Public Health Advice**

I am writing to provide relevant Public Health advice to assist South Ribble Council as a licensing authority in reviewing and consulting on your Gambling Act 2005 'Statement of Principles'.

Problem gambling is undoubtedly a public health issue. Numerous reports from organisations such as the Gambling Commission<sup>1</sup>, Public Health England and the Local Government Association<sup>2</sup> recognise that problem gambling is associated with higher levels of physical and mental illness, debt problems, relationship issues, substance misuse and even criminality. It is also established that certain population groups are more vulnerable to the negative impacts of problem gambling than others.

I recognise that the licencing function of a local authority should not duplicate responsibilities of the planning function, therefore on matters of planning permission and local plan policies we will be advising planning teams separately.

My advice pertains primarily to the Gambling Act 2005's third licencing objective: "protecting children and other vulnerable persons from being harmed or exploited by gambling". Having studied the available evidence and conducted a brief policy review, I would like to make the following recommendations.

**1. Define geographic areas of vulnerability and risk**

Although it is up to the operator to identify risks and suggest control measures, the licencing authority can provide information on what they perceive as being a localised risk. I recommend that licencing authorities utilise the available data to determine which communities within their district have a heightened vulnerability and risk, this information is contained in the appendix.

---

<sup>1</sup> <https://www.gamblingcommission.gov.uk/for-licensing-authorities/Licensing-authority-toolkit/Public-health-and-Safeguarding-toolkit.aspx>

<sup>2</sup> <https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach>

## 2. Provide guidance on local risk assessments

I recommend that the licencing authority sets clear guidelines to operators on categories of risk. Information on the key areas of risk and vulnerability are also covered within the appendix.

The Gambling Commission states that existing risk assessments should be updated following a significant change in local circumstances, however as they do not set out what constitutes a significant change, I would recommend that an updated risk assessment should be triggered if:

- The local area is classified or declassified by the Licensing Authority as being an area of heightened risk within its Statement of Licensing Principles.
- Any new pay day loan or pawn brokers open in the local area
- New educational facilities or other facilities for young people start to operate within in the local area. For example the building of a new school or college.
- The police advice the Licensing Authority that they have identified the area as a crime hot spot.
- New venues relating to vulnerable groups are opened in proximity to gambling premises (e.g. additional homeless hostels or gambling or mental health care/support facilities are opened in the local area).

I would also advise you to direct operators towards the Responsible Gambling Trust's guidance for reducing harm: Operator-Based Approaches to Harm Minimisation in Gambling<sup>3</sup>. The document contains details of appropriate control measures for dealing with a variety of risks.

## 3. Ask operators to publicise pathways to treatment

I also recommend that licencing authorities request operators to clearly publicise their self-exclusion schemes and provide information on national and local services and groups who offer support relating to gambling addiction and debt. A range of support services are available through the Gamcare website: [www.gamcare.org.uk](http://www.gamcare.org.uk) and information on local support groups can be found through the Gamblers Anonymous website: [www.gamblersanonymous.org.uk](http://www.gamblersanonymous.org.uk).

---

<sup>3</sup> <https://about.gambleaware.org/media/1177/obhm-report-final-version.pdf>

## Appendix A

I hope you find this advice useful when reviewing your Statement of Principles, I have include more detail on each of the recommendations within the appendix below. If you require further advice then please contact Matthew Stanton, Public Health Practitioner ([matthew.stanton@lancashire.gov.uk](mailto:matthew.stanton@lancashire.gov.uk)).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sakthi Karunanithi', written in a cursive style.

Dr. Sakthi Karunanithi MBBS MD MPH FFPH  
Director of Public Health, Lancashire County Council  
[Sakthi.Karunanithi@lancashire.gov.uk](mailto:Sakthi.Karunanithi@lancashire.gov.uk)

## Appendix A

**Appendix****1. Define geographic areas of vulnerability and risk**

I recommend that licencing authorities look at the available data to determine which wards within their district have a heightened vulnerability and risk, this determination should be based on the following indicators:

- Deprivation<sup>4</sup> – and the income, employment and crime domains of deprivation
- Proximity to schools and other facilities frequented by children and young people
- Proximity to services treating gambling addiction, substance misuse
- Proximity to homeless hostels
- Proximity to Foodbank locations<sup>5</sup>
- Density of existing gambling outlets, pawnbrokers and pay day loan outlets

**2. Provide guidance on local risk assessments**

Operators should be advised to include the following categories of risk in their risk assessments and be signposted to the available data:

<b>Category</b>	<b>Indicators</b>
Children and young people	Locations of schools, youth clubs and parks Density of population 0-24 ( <a href="http://www.localhealth.org.uk">www.localhealth.org.uk</a> )
Problem gamblers seeking treatment	Location of local support services and groups if any exist
Financial difficulties	<a href="#">Economic deprivation</a> Local payday loan companies Local food banks
Substance abuse/misuse	Local treatment services Alcohol related hospital admissions ( <a href="http://www.localhealth.org.uk">www.localhealth.org.uk</a> )
Unemployment	<a href="https://www.nomisweb.co.uk/">https://www.nomisweb.co.uk/</a>
Homelessness	Locations of homeless shelters
Minority ethnic groups	<a href="http://www.localhealth.org.uk">www.localhealth.org.uk</a>

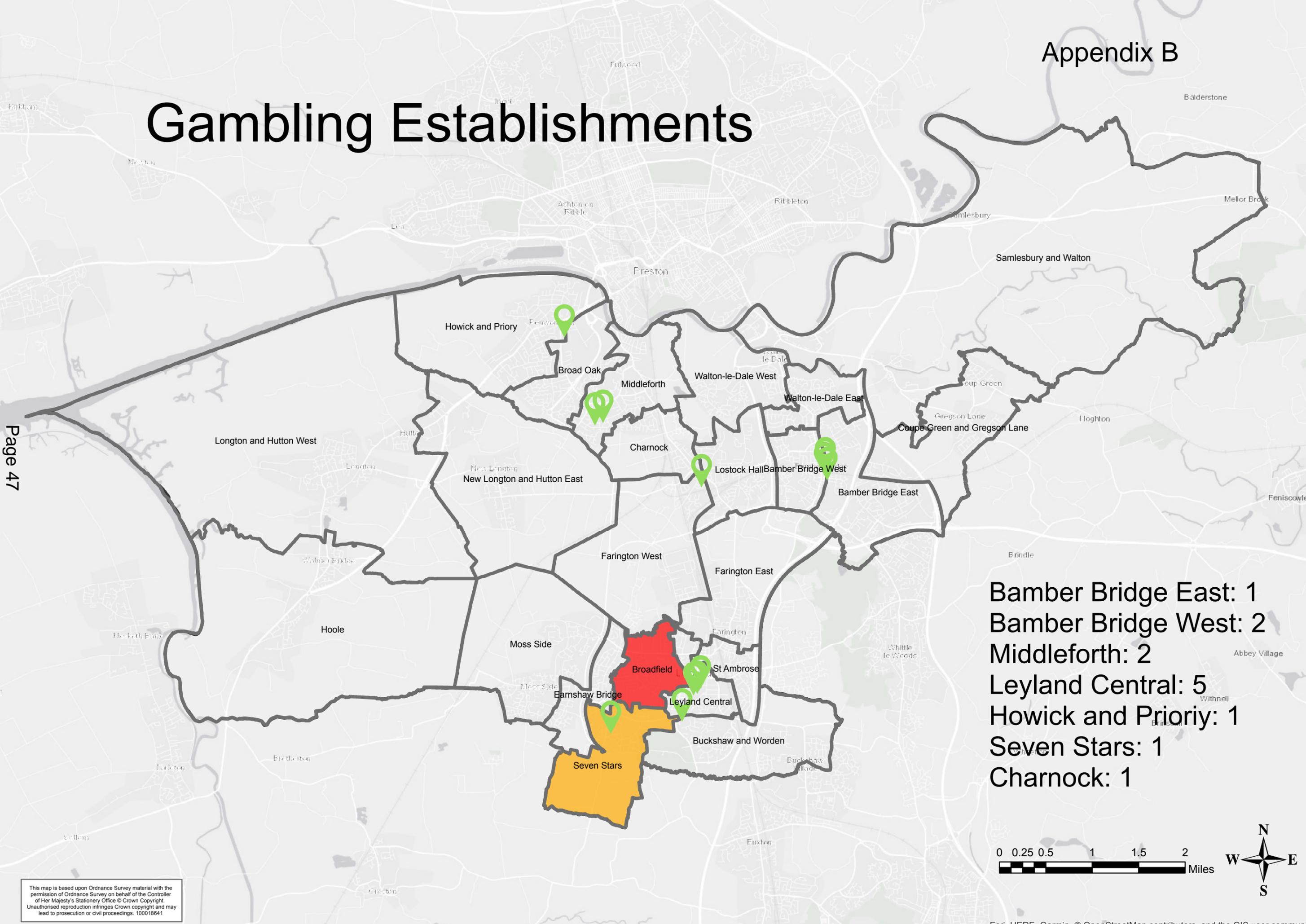
<sup>4</sup> <https://www.lancashire.gov.uk/lancashire-insight/deprivation/indices-of-deprivation-2015/>

<sup>5</sup> <http://feedinglancashiretogether.yolasite.com/food-banks-and-food-projects.php>



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# Gambling Establishments



- Bamber Bridge East: 1
- Bamber Bridge West: 2
- Middleforth: 2
- Leyland Central: 5
- Howick and Priory: 1
- Seven Stars: 1
- Charnock: 1



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12.14 The council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 10, for licensees to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement.

12.15 The LCCP say that licensees must review (and update as necessary) their local risk assessments:

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

12.16 The council will expect the local risk assessment to consider as a minimum:

- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;
- the demographics of the area in relation to vulnerable groups;
- whether the premises is in an area subject to high levels of crime and/or disorder.

12.17 Local risk assessments should show how vulnerable people, including people with gambling dependencies are protected.

12.15 It should be noted that this policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

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## 11. Local Risk Assessments

**11.1** The Gambling Commission Licence Conditions and Codes of Practice (as updated in April 2015) formalise the need for operators to consider local risks. Local risk assessments apply to all non-remote casino, adult gaming centres, bingo, family entertainment centre, betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences. The provision comes into force on 6 April 2016. The 5<sup>th</sup> edition of the Guidance at parts 6.41 to 6.46 further details the requirements.

**11.2** Licensees are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies and procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this statement of principles. West Dunbartonshire Officers may request a copy of this at any time. It is expected that Premises Managers will be conversant in their individual risk assessment. The effectiveness of the policy should also be reviewed and monitored.

**11.3** Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their local risk assessment must also be updated and reviewed:

- When applying for a variation of a premises licence;
- To take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
- When there are significant changes at a licensee's premises that may affect their mitigation of local risks.

**11.4** The new Social Responsibility Provision is supplemented by an Ordinary Code provision that requires licensees to share their risk assessment with licensing authorities. Ordinary Codes are not a mandatory requirement but are expected to be followed unless alternative arrangements that can be put in place that are equally effective.

**11.5** West Dunbartonshire Licensing authority expect that all local risk assessments will take into account the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. Where appropriate the Board would expect that local risk assessments take into account the vicinity of licensed premises to schools, gambling or addiction support or treatment centres where children or vulnerable groups may be present. Links listed at appendix 2 are provided to assist licence holders and applicants and those seeking to make representations to the Licensing Board. These assist in giving the location of such places. It is expected that operators take close cognisance of where prospective premises may be situated in the vicinity and at times where such persons may be there and take appropriate steps to mitigate risks in such areas in terms of the licensing objectives. This would in particular but not exhaustively, include steps such as ensuring that advertising is appropriately monitored.

It is the case however, that the Board will consider all representations to it in terms of the Guidance and whether the locations of such premises are higher risk and whether additional controls are required. Applicants should be prepared to demonstrate to the Board how they will address any properly identified concerns or mitigate the risks.

**11.6** The Board would also welcome any proposals between operators in town centre areas where there are a concentration of Gambling Premises areas such as Clydebank

Town Centre, Dumbarton town centre and Alexandria Town Centre for a self-exclusion network for declared 'problem gamblers' to be set up in these areas between operators. The Board notes the Medway Responsible Gambling Partnership scheme (the first of its kind voluntary agreement scheme for self-exclusion set up by Medway Council and the Association of British Bookmakers) that has been piloted in Glasgow and would welcome this being extended to other Local Authority areas. 15

It is estimated that in 2014 the Scottish Health Survey 2014 (as calculated by the Scottish Public Health Observatory in 2015: <http://www.scotpho.org.uk/behaviour/gambling/key-points> ) that almost one in 100 Scottish Adults were problem gamblers. A further 1.5 % were likely to be at risk of gambling problems, based on a standard risk questionnaire. In West Dunbartonshire using a base population of over 18's of 70,000 people this would equate to 560 people being problem gamblers and a further 1,050 would potentially be at risk of gambling problems taking into account the standard risk questionnaire. In 2014 an association between gambling and socio deprivation and gambling and poor mental health was identified: ([http://www.scotphn.scot.nhs.uk/wpcontent/uploads/2015/09/2014\\_06\\_30\\_Scot\\_PHN\\_GamblingRelated\\_Harm\\_Final1.pdf](http://www.scotphn.scot.nhs.uk/wpcontent/uploads/2015/09/2014_06_30_Scot_PHN_GamblingRelated_Harm_Final1.pdf)).

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# South Ribble Borough Council

## Draft Gambling Policy

Proposed Commencement 31st  
January 2019



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## 1.1 Introduction

This Statement of Gambling Policy covers the administrative area of South Ribble and sets out how South Ribble Council intends to exercise its functions under the Gambling Act 2005 and the principles that it intends to apply. This policy takes effect on 31 January 2019 and will remain in force until 31 January 2021. During this period the policy will be subject to periodic review and any proposed changes will be consulted upon.

In preparing this policy, the licensing authority has consulted with the following:

- The Chief Officer of Police for the licensing authority's area;
- One or more persons who appear to the authority to represent the interest of persons carrying on gambling businesses in the authority's area; and
- One or more persons who appear to the licensing authority to represent the interest of persons who are likely to be affected by the exercise of the Licensing Authority's functions under the Gambling Act 2005.

The full list of consultees is attached at Appendix 1.

A full list of the responses received during the consultation period is available from:

The Licensing Unit  
 South Ribble Borough Council  
 Civic Centre  
 West Paddock  
 Leyland  
 PR25 1DH  
[licensing@southribble.gov.uk](mailto:licensing@southribble.gov.uk)

Nothing in this policy statement will override the right of any person to make an application, make representations about an application or apply for a review of a licence as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

### Local Area Profile

South Ribble is situated in the heart of Central Lancashire covering 44 square miles immediately to the south of the River Ribble.

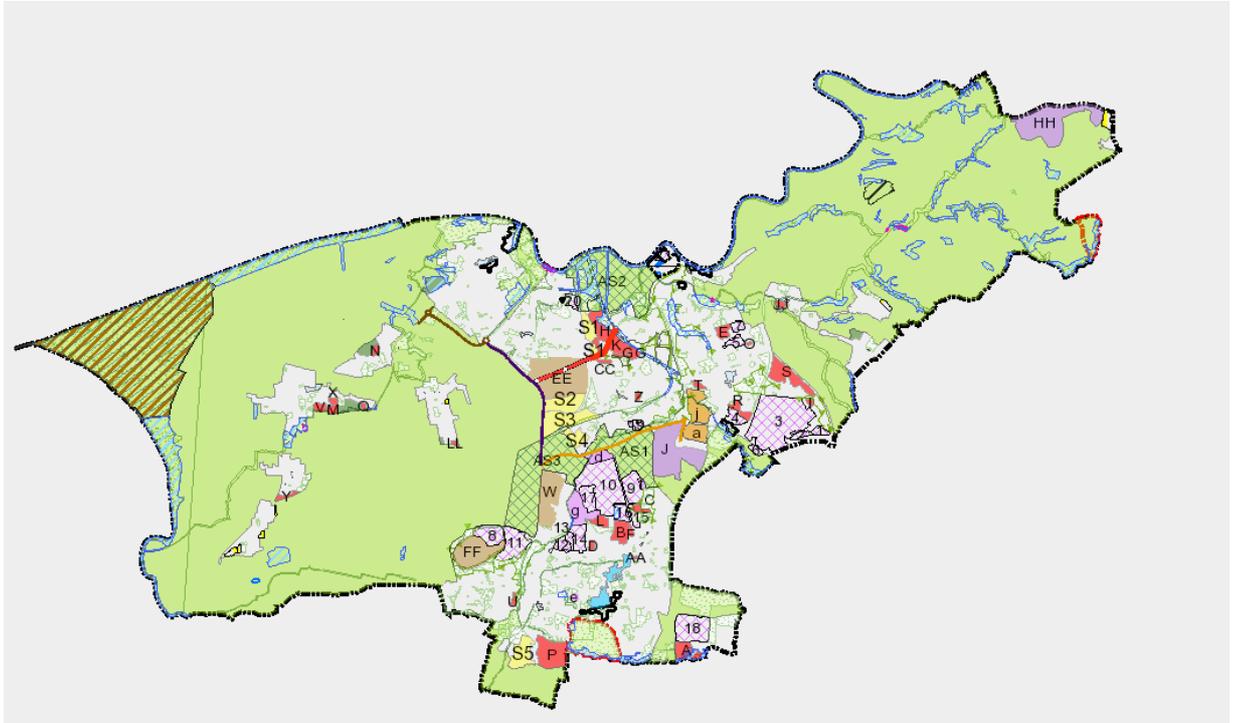
South Ribble's location and the excellent transport links to regional and national road and rail networks, together with the proximity of major airports has made it an attractive location in the region for new housing and commercial development. It has recently been successful along with partner local authorities in Central Lancashire to secure City Deal funding which is being used to improve the transport network and economic investment in the Borough.

The population in South Ribble is 103,900 which has remained relatively stable over the last decade following a period of rapid growth in the 1970s and 1980s.

The main townships in the Borough are Leyland, Penwortham, Walton-Le-Dale, Bamber Bridge and Lostock Hall, which also form the main employment and shopping areas. However,

there is a mix of urban and rural landscapes and more than 80% of the Borough is designated as greenbelt. The western parishes and the eastern areas of the Borough are largely rural.

There are a number of wards within the Borough which fall within the statistics for deprivation. Applications for premises licences falling within these wards will have to satisfy the Licensing Authority that the granting of a licence would not further contribute to existing deprivation levels or otherwise undermine the protection of children and other vulnerable persons from being harmed or exploited by gambling.



## 1.2 Licensing Authority Functions

Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are taking place by issuing premises licences;
- Issue provisional statements;
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing club gaming permits and club machine permits;
- Issue club machine permits to commercial clubs;
- Grant permits for the use of certain lower stakes gaming machines at unlicensed family entertainment centres;
- Receive notifications from alcohol licensed premises for the use of up to two gaming machines;
- Issue licensed premises gaming machine permits to premises licensed to supply alcohol for consumption on the premises where more than two machines are required;
- Register small society lotteries below the prescribed threshold;
- Issue permits for prize gaming;
- Receive temporary use notices;
- and Receive occasional use notices
- Provide information to the Gambling Commission regarding details of licences issued
- Maintain registers of the licences and permits issued under these functions

It should be noted that the licensing authority is not involved in licensing of remote gambling or the national lottery.

### **1.3 Responsible Authorities**

Responsible authorities use their particular area of expertise to help promote the licensing objectives. They are able to make representations about applications and apply for the review of a licence. Responsible authorities will also offer advice and guidance to applicants.

A full list of the responsible authorities and contact details are found in **Appendix 3**.

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

The need for the body to be responsible for an area covering the whole of the licensing authority's area; and

The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group In accordance with the regulations, the Council designates the Local Safeguarding Children Board for this purpose.

## 1.4 Interested Parties

The Gambling Act defines an interested party as a person who:

- Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- Has business interests that might be affected by the authorised activities; or
- Represents persons who satisfies the bullet points above.

In determining whether someone lives sufficiently close to particular premises so as to be affected, the Licensing Authority will take into account factors including, but not limited to:

- The size of the premises
- The nature of the premises
- The proposed activities at the premises
  - The distance from the premises of the person making the representations
  - The nature of the complaint

In determining whether a person has a business interest which would qualify them as an interested party, the Licensing Authority will consider factors including, but not limited to:

- The size of the premises;
- The catchment area of the premises; and
  - Whether the person making the representation has a business interest in the catchment area that would potentially be affected by the gambling activities under consideration.

The Licensing Authority will not apply a rigid rule to its decision making and every representation will be considered on its own merits. The Licensing Authority will always have regard to the Gambling Commission Guidance to Local Authorities and this policy when determining whether a person is an interested party.

The authority would

“Business interests” will be given its widest possible meaning and may include partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested party will be required as long as the Councillor/MP represents a ward likely to be affected. Likewise Parish Councils likely to be affected will be considered to be interested parties.

Other than these persons, this authority will require written evidence that a person “represents” someone who either lives sufficiently close to the premises to be likely to be affected by the proposed activities and/or has business interests that might be affected by the proposed activities. A letter from one of these persons requesting the representation is sufficient.

If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not a member of the Licensing Committee dealing with the application. If there are any doubts then please contact South Ribble’s Licensing Unit.

## 1.5 Exchange of Information

The Licensing Authority will, in accordance with Sections 29 and 30 of the Act exchange information with the Gambling Commission where the request does not conflict with the Authority's duties under the Data Protection Act 1988.

The Licensing Authority will, in accordance with Section 350 of the Act exchange information with other persons or bodies identified in Schedule 6 of the Act where the request does not conflict with the Authority's duties under the Data Protection Act 1988.

The Authority does not currently have any specific protocols with Schedule 6 bodies; however it will keep this position under review and establish suitable protocols where it is deemed necessary or advantageous to do so.

## 1.6

In this regard, the Authority will act in accordance with the provisions of the Act in its exchange of information, which includes the provision that the Data Protection Act 1998 General Data Protection Regulation will not be contravened and that the requirements of the Freedom of Information Act 2000 will be adhered to. Privacy Notices relating to any information provided to the Authority in the exercise of its duties under the Act are available at [www.westlancs.gov.uk/licensing](http://www.westlancs.gov.uk/licensing). However, it should be noted that details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a Hearing being required, will form part of a public document. Any person making a representation, or applying for review of a Premises Licence, will be informed that their details will be disclosed.

In the context of the Gambling Act, this means that South Ribble Borough Council will only retain information that relates to the processing of applications for licences, permits, permissions and representations. This information will only be retained for the period of time it is needed for processing. Thereafter in line with the relevant retention schedule's

Applications and representations are documents which are in the public domain and are therefore available on request and may be published on the website as part of the information supplied if a hearing is arranged, or on the public register.

Information will also be shared with other regulators or persons if this is prescribed by the Secretary of State.

### **Freedom of Information Act**

The Freedom of Information Act allows anyone to request access to information. These requests are normally made in writing either by email or letter. In certain circumstances a fee may be required or we may ask for more specific information. Requests will be dealt with within 20 working days and the information will be released if possible. If it is not possible to release the information an explanation will be provided together with details of how a complaint can be made to the Information Commissioner. The information will be released in the format requested unless it is in the public interest not to do so.

## 1.7 Human Rights

Section 6 of the Human Rights Act 1998 makes it unlawful for a local authority to act in a way which is incompatible with the European Convention on Human Rights (the Convention)

The Licensing Authority will ensure that it will act in accordance with the Convention when determining any application under the Gambling Act 2005. In particular the Licensing Authority will have regard to the following:

- Article 1 – every person is entitled to the peaceful enjoyment of his or her possessions. A licence is considered a possession in law and people should not be deprived of their possessions unless it is in the public interest;
- Article 6 – the right to a fair hearing
- Article 8 – the right to respect for home and family life
- Article 10 – the right to freedom of expression.

## 1.8 Race Equality

The Licensing Authority shall act in accordance with its duties under the Race Relations Act 1976 as amended. In particular the legal obligation placed on it to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups.

## 1.9 Disability Discrimination Act 1995

The Licensing Authority expects all applicants and licence holders to be clear of their own responsibilities under the Disability Discrimination Act 1995.

## 1.10 Delegation of functions

The Licensing Committee established by the Licensing Authority to deal with matters arising under the Licensing Act 2003 shall also deal with matters under the Gambling Act 2005.

To facilitate an efficient and cost effective service for all parties involved in the licensing process, it is normal practice in routine, uncontested decisions for the Licensing Authority to authorise a senior officer to deal with the matter on their behalf. Appendix 1 sets out the scheme of delegations under the Gambling Act 2005.

Decisions in respect of contested applications or licence reviews will be made by a Licensing Sub-Committee.

## 2 The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005 (the Act), licensing authorities must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:

***Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime***

The Gambling Commission takes a lead role in preventing gambling from being a source of crime by vetting applicants for personal and operator licences. The Licensing Authority will however look at the location of the proposed premises in terms of this licensing objective.

Where an area is known for having high levels of crime or disorder the Licensing Authority will consider whether the premises are suitable to be located there and whether conditions such as the provision of door supervisors may be required.

There is a distinction between disorder and nuisance. Complaints about nuisance cannot be resolved through the Gambling Act 2005 however it may be possible to address problems of this nature through other types of legislation.

Factors such as whether police assistance was required and how threatening the behaviour was will be considered in determining whether the incident was disorder or nuisance.

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

The Licensing Authority will not normally be concerned with ensuring that gambling is conducted in a fair and open way as this will ordinarily be addressed by the Gambling Commission through the granting of personal and operating licences.

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

This can mean preventing children from taking part in or being in close proximity to gambling.

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

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

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

### **3 Premises Licences**

#### **3.1 Introduction**

A premises licence is required from the licensing authority where an individual or company with a valid operator's licence, issued by the Gambling Commission, wishes to offer gambling at premises located within the local authority's area.

A premises licence may only authorise one primary gambling activity. The types of gambling premises licences which will be considered by the licensing authority are:

- a. Casino
- b. Bingo
- c. Betting
- d. Adult Gaming Centre
- e. Family Entertainment Centre

The Licensing Authority's primary obligation is to permit the use of premises in so far it thinks that is

In accordance with the relevant codes of practice issued by the Gambling Commission;

In accordance with the guidance issued by the Gambling Commission;  
Reasonably consistent with the licensing objectives; and

In accordance with this Statement of Licensing Policy

Premises licences are subject to the permissions/restrictions set out in the Gambling Act 2005, associated regulations and mandatory and default conditions. Licensing authorities are able to exclude default conditions and attach other conditions if it is believed that they are necessary and proportionate.

Each application will be considered on its own merits. Demand or need for premises of a particular type is not something which the licensing authority can take into account. Other factors that cannot be taken into account are moral/ethical objections, a general dislike of gambling, nuisance issues or the likelihood of planning/building regulation approval.

#### **3.2 Local Risk Assessments**

From 6<sup>th</sup> April 2016 it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) that all premises licence holders assess local risks to the licensing objectives posed by the provision of gambling facilities at their premises. Premises licence holders must also have procedures and control measures in place to mitigate these risks. When undertaking a risk assessment the operator must take into account relevant matters identified in this licensing policy.

A risk assessment must be completed when applying for a new premises licence and should be reviewed and updated:

As a minimum, all LRAs must consider:

The location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;

The demographics of the area in relation to vulnerable groups - for example hospitals, residential care homes, Council housing offices, drug and/or alcohol dependency services, other gambling premises;

How vulnerable people, including people with gambling dependencies are protected;

Whether the premises is in an area subject to high levels of crime and/or disorder;

Age verification policies;

The proximity of machines to the entrance door;

Consideration of line of sight from any staff counter to gambling machines;

Details of exclusions, self-exclusions and incidences of underage gambling.

In considering the above matters, the following are examples of operational controls that LRAs may need to consider:

CCTV;

Door supervisors;

Supervision of entrances / machine areas; Physical

separation of areas;

Location of entry;

Notices / signage;

Specific opening hours; Self-

barring schemes;

Provision of information leaflets / helpline numbers for organisations such as GamCare.

Please note that this list is not mandatory, nor exhaustive.

It is important that if children are allowed to enter licensed premises that they do not participate in gambling - other than category D machines. Where other machines are available in the premises to which children are not permitted to use, LRAs are expected to ensure that:

The suitability and layout of the premises promotes restricted access to relevant areas;

All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;

Only adults are admitted to this area where the machines are located; Access to the area where the machines are located is supervised;

The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder, and

At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

**3.2.1** LRAS must be kept at the individual premises to which they relate and must be available for inspection by the authority

### **3.3 Multiple licences**

“Premises” is defined in the Act as “any place” and whilst section 152 of the Act prevents more than one premises licence being in force for any place, it does not prohibit a single building being subject to more than one premises licence.

Before the licensing authority will grant multiple licences for a single building it must be satisfied that the places subject to the applications can reasonably be regarded as separate premises. In determining this the licensing authority will consider all information which is relevant which will include but is not limited to:

The postal address of the premises;

The means of access to the premises i.e. directly from the street; The occupancy and ownership rights of the applicants;

The means of assessment for business rates payable for each “premises” and who is liable for such payments;

The permanency of any structures used or proposed to be used to separate the premises;

Whether other areas within the building are being used for non-gambling activities and their proximity to the proposed premises. This is particularly persuasive when the non-licensed areas might reasonably be frequented by children or vulnerable people;

Whether access to one licensed premises may be gained directly from another licensed premises.

### **3.4 Specific Types of Licence**

The licensing authority will consider access provisions for individual types of licensed premises in line with the latest guidance from the Gambling Commission:

#### **Casinos**

The principal access to the premises must be from the street

No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons

No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

**Adult Gaming Centre**

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

**Betting Shops**

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

No direct access from betting shop to another premises used for the retail sale of merchandise or services.

**Tracks**

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

- A casino
- An adult gaming centre

**Bingo Premises**

No customer must be able to access the premises directly from:

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

**Family Entertainment Centre**

No customer must be able to access the premises directly from:

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

The licensing authority will consider applications for a premises licence in respect of premises if it is satisfied that that it is going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before they can be brought into use.

Where the construction of a premises is not yet complete, they need alteration, or the applicant does not yet have the right to occupy them, an application for a provisional statement should be made instead.

When deciding if a premises licence can be granted in respect of premises that require construction or alteration the licensing authority will apply a two stage consideration process:

- Whether the premises ought to be permitted to be used for gambling; and
  - Whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place

**3.5 Location**

The licensing authority will not consider demand issues when determining an application however it will pay particular attention to the need to protect children and vulnerable persons from being harmed or exploited by gambling when considering the location of the proposed premises.

It will also consider whether there is evidence that the locality suffers from incidents of crime and disorder and in these circumstances the licensing authority may consider it appropriate to grant a licence subject to conditions in accordance with Section 169 of the Act.

### **3.6 Planning**

The licensing authority will not consider whether the applicant has or is likely to obtain planning permission or building regulations approval for their proposal.

Applicants are advised that when the Council, as the local Planning Authority, considers its position under planning or building legislation it will not be prejudiced by any decision of the licensing authority to grant a premises licence, or otherwise be prevented from taking appropriate action under those areas of legislation.

### **3.7 Duplication with other regulatory regimes**

The licensing authority will not concern itself with matters already provided for in other statutory or regulatory regimes. It will however consider any concerns that gambling conditions are not able to be met by licence holders due to planning restrictions should the situation arise.

Applicants are expected to comply with their duties under the Fire Safety Regulatory Reform Order, which requires that any premises that is subject of a licence must have a documented fire risk assessment.

### 3.8 The Licensing Objectives

When considering applications the licensing authority must aim to permit the use of premises for gambling in so far as it is, amongst other things, reasonably consistent with 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***

If there is evidence that the premises is in a locality which suffers from problems with organized crime or general crime and disorder, the licensing authority will consider firstly whether it is appropriate to grant a licence in that location. If it is satisfied that it is, it will then consider whether in the circumstances it should attach conditions to the licence in accordance with Section 169 of the Act.

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

The licensing authority expects that premises licence holders will ensure that all gambling is conducted in a fair and open way. Concerns or complaints that arise under this objective will be referred to the Gambling Commission in their role as the regulators of both operator and personal licences.

In the case of tracks, where a premises licence holder is not required to have an operator licence, the licensing authority will consider whether conditions are required on the premises licence to ensure that the environment in which betting takes place is suitable.

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

In relation to children this requirement is explicitly to protect them from being harmed or exploited by gambling. In practice that means not just preventing them from taking part in gambling, but restricting advertising so that gambling products are not aimed at children, or advertised in such a way that makes them particularly attractive to children. The licensing authority will consider whether specific measures are required with regard to this objective. Appropriate measures may include supervision of entrances or gaming machines and the segregation of areas.

Accordingly, the Authority expects operators to address safeguarding risks directly in Relevant applications, through their Local Risk Assessments. See Section 13.0.

In order that the Authority can be best placed to address local safeguarding issues, Operators will Provide to the Authority with details (where available) of:  
Results of any underage testing carried at licensed premises within the Borough;

Details of where a child or young person repeatedly attempts to gamble at licensed premises within the Borough.

Operators are also encouraged to engage with Lancashire County Council Social Services Safeguarding Children's and Adult's Boards as a means to obtain guidance on identifying vulnerable groups and what can be done to reduce the risks to these groups.

### 3.8.1 Inspection and criminal proceedings

The Authority is required by regulation to state the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises and its powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.

In this regard, the Authority will undertake its inspection and enforcement functions in accordance with the relevant legislation, the Guidance and the principles of better regulation in the Regulator's Code. The Authority's principles for enforcement are:

**Proportionate:** The Authority will only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;

**Accountable:** The Authority will justify its decisions, and be subject to public scrutiny;

**Consistent:** The Authority's rules and standards will be joined up and implemented fairly;

**Transparent:** The Authority should be open, and keep regulations simple and user friendly; and

**Targeted:** The Authority's regulation should be focused on the problem, and minimise side effects.

The main enforcement and compliance role for the Authority will be to ensure compliance with the Premises Licences and other permissions that it authorises. The Commission will be the enforcement body for Operator and Personal Licences. Any concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Authority, but will be notified to the Commission. The Commission will also be responsible for compliance as regards unlicensed premises.

Test purchasing to ensure the protection of children and vulnerable person objective is being properly promoted, visits could include all types of premises which have either gambling notifications, permits, or licences for example AGC's FEC'S and betting shops. Before carrying out any activity, due consideration will be given to information submitted by licence holders who conduct their own test purchasing and these premises will be considered low risk.

### 3.9 Conditions

Any conditions attached to licences will be proportionate and will be:

Relevant to the need to make the proposed building suitable as a gambling facility;  
Directly related to the premises and the type of licence applied for;

Fair and reasonable in relation to the scale and type of premises;  
and Reasonable in all other respects.

Decisions on individual conditions will be made on a case by case basis. Although there are a number of measures that the licensing authority will consider imposing in appropriate cases, for example the use of supervisors and signage, the authority does expect that the applicant will offer their own suggestions as to the way in which the licensing objectives can be met effectively.

The licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of gaming machines in non-adult specific premises, the supervision of entrances, and segregation of gambling from non-gambling areas in order to pursue the licensing objectives.

Where Category C machines are on offer in premises to which children are admitted, the licensing authority will ensure:

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

The following conditions may not be attached to premises licences:

- Any condition which would make it impossible to comply with an operating licence condition;
- Any condition relating to gaming machine categories, numbers or method of operation;
- Any condition which provides that membership of a club or body be required;
- and
- Any condition in relation to stakes, fees, winnings or prizes

### Door Supervisors

In some cases there may be a need for door supervisors in terms of the protection of children or preventing a premises becoming a source of crime. The licensing authority however cannot impose a condition requiring door supervisors at casino or bingo premises to be licensed by the Security Industry Authority (SIA). For premises other than casinos or bingo premises, door supervisors may be required to be registered with the SIA however it will not automatically be assumed that they need to be.

Whilst there is no evidence to demonstrate that the operation of betting offices ordinarily requires the use of door supervisors to protect the public a condition requiring such supervision may be imposed where there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

### 3.9.1 Adult Gaming Centres

The licensing authority will specifically have regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling. The applicant will be expected to satisfy the authority that there will be sufficient measures in place to ensure that those under the age of 18 years do not have access to the premises. Appropriate measures/licence conditions may include:

- Proof of age schemes
- CCTV
- Door supervisors
  - Supervision of entrances/machine areas
  - Location of entry
- Notices/signage
  - Staff training on how to deal with suspected truants
  - Self-exclusion schemes
- Provision of information leaflets/numbers for organisations such as Gam Care

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

### 3.9.2 Licensed Family Entertainment Centres

The licensing authority will specifically have regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling. The applicant will be expected to satisfy the authority that there will be sufficient measures in place to ensure that those under the age of 18 years do not have access to adult only gaming machine areas. Appropriate measures/licence conditions may include:

- Proof of age schemes
- CCTV
- Door supervisors
  - Supervision of entrances/machine areas
  - Location of entry
- Notices/signage
  - Staff training on how to deal with suspected truants***
  - Self-exclusion schemes***
- Provision of information leaflets/numbers for organisations such as Gam Care

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

The licensing authority will refer to the Gambling Commission's website to see any conditions that apply to operator licences covering the way in which the area containing the Category C machines should be delineated and will also make itself aware of any mandatory or default conditions on these premises licences where they have been published.

### 3.9.3 Casinos

The licensing authority has not passed a “no casino” resolution under Section 166 of the Act. Should the licensing authority decide in the future to pass such a resolution this policy will be updated.

Conditions will be attached according to the principles set out in the Gambling Commission’s guidance.

*Betting machines* – the authority 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 machines by children and young persons, or by vulnerable people when considering the number, nature and circumstances of betting machines that an operator may wish to offer.

### 3.9.4 Bingo Premises

The licensing authority must be satisfied that bingo will be played in any bingo premises before they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies for a new premises licence.

Where a pre-existing premises is split into two or more adjacent premises, Gambling Commission guidance is that the gaming machines must remain within the licensed area covered by the premises licence.

It is important that if children are allowed into premises licensed for bingo that they do not participate in gambling, other than on Category D machines. Where Category c or above machines are available on premises to which children are admitted the licensing authority will ensure that:

- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults are admitted to the area where the machines are located;
- Access to the area where the machines are located is supervised;

- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and

- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under the age of 18.

### 3.9.5 Betting Premises

*Betting machines* - the authority 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 machines by children and young persons, or by vulnerable people when considering the number, nature and circumstances of betting machines that an operator may wish to offer.

### 3.9.6 Tracks

Tracks are sites where races or other sporting events take place.

All tracks will require a primary “general betting” premises licence that the track operator will hold. Track operators do not require an operating licence from the Gambling Commission although they may apply for one. This is because the various gambling operators offering betting at the track will each hold an operating licence.

Tracks may be subject to one or more premises licences, provided each licence relates to a specific area of the track. This may be preferable for self-contained premises providing off-course betting facilities. The licensing authority will assess each individual case on its merits before deciding if this is necessary.

Children and young persons will be permitted to enter track areas where facilities for betting are provided although they are still prohibited from entering areas where gaming and betting machines (other than Category D machines) are provided.

Appropriate measures/licence conditions may include:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances/machine areas
- Location of entry
- Notices/signage
- Staff training on how to deal with suspected truants
- Self-exclusion schemes
- Provision of information leaflets/numbers for organisations such as Gam Care

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

### 3.10 Travelling Fairs

Where Category D machines and/or equal chance prize gaming without a permit are to be made available for use at a travelling fair, it will be for the licensing authority to decide whether 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.

It is noted that the 27 day statutory maximum for land being used as a fair is per calendar year, and that it applies to the piece of land on which the fairs are held regardless of whether it is the same or different travelling fair occupying the land. The licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

### 3.11 Provisional Statements

A provisional statement application is a process which allows a developer to discover whether a building which he expects to be constructed, altered, to acquire a right to occupy would be granted a premises licence. A provisional statement is not a licence but it does give some form of guarantee that a licence would be granted.

The process for considering an application for a provisional statement is the same as that for a premises licence and the applicant is obliged to give notice of the application in the same way. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to a premises licence application the applicant does not have to hold (or have applied for) an operating licence and they do not have to have a right to occupy the premises in respect of which the provisional statement application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. At this stage no representations can be taken into account from responsible authorities or interested parties 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.

The authority may refuse a premises licence (or grant it on terms different to those attached to the provisional statement) only be reference to matters:

- Which could not have been raised by objectors at the provisional licence stage;
- or
- Which in the authority's opinion, reflect a change in the operator's circumstances; or
- Where the premises has not been constructed in accordance with the plan submitted with the application

When determining an application for a provisional statement the licensing authority will not have regard to issues relating to planning consent or building regulations, for example the likelihood that planning consent will be granted.

### 3.12 Enforcement and compliance

When exercising its functions under Part 15 of the Act in respect of the inspection of premises and its powers under section 346 of the Act to institute criminal proceedings in respect of offences, the Licensing Authority will act in accordance with the following principles:

Consistency - to ensure that similar issues are dealt with in the same way whilst taking into account:

- The attitude and actions of management;
- The history of previous incidents or breaches;
- The likely effectiveness of the action taken.

Fairness – to ensure a fair and even handed approach that promotes decisions which are not influenced by gender, ethnic origin, religious or political beliefs or sexual preferences or by contractual or other relationships to the Licensing Authority, its Members, or Officers.

Transparency – to ensure that any enforcement action taken by the Licensing Authority is easily understood by individuals and that clear distinctions are made between legal requirements and that which is desirable.

Targeted – to ensure that any enforcement action taken is focused primarily on those activities which give rise to the most serious risk or where the risks are considered to be inadequately controlled.

Proportionality – any actions taken will reflect that seen as necessary to achieve compliance with legislation and relate directly to the actual or potential risk to the consumer or business. Enforcement activities will be focused on those businesses or activities where:

- Intelligence indicate concerns, and/or
- Evidence is found indicating deliberate breaches of the law and/or attempts to mislead officers.

Helpfulness – enforcement officers will be courteous and identify themselves by name and if requested will provide a contact telephone number. In most circumstances officers will seek to help businesses and those adversely affected by licensable activities through education in terms of regulatory requirements and procedures.

Accountable – the Licensing Authority has responsibility to the public for its actions and will provide clear, accessible policies and fair and efficient complaints procedure.

The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible, however, it will work in partnership with other regulators when issues with licensed premises are identified, to deliver a multi-agency approach to audit and compliance.

The Licensing Authority will adopt a risk-based inspection programme based on:

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

Test purchasing will be carried out from time to time to ensure the protection of children and vulnerable person objective is being properly promoted, visits could include all types of premises which have either gambling notifications, permits, or licences for example AGC's FEC'S and betting shops. Before carrying out any activity, due consideration will be given to information submitted by licence holders who conduct their own test purchasing and these premises will be considered low risk.

### 3.13 Reviews

Requests for the review of a premises licence can be made by responsible authorities or interested parties; however it is for the licensing authority to decide whether the review should be carried out. This will be on the basis of whether the request for the review is relevant to those matters listed below:

- In accordance with any relevant Code of Practice issued by the Gambling Commission
- In accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives, and
- In accordance with the authority's statement of principles

The licensing authority will also consider whether such a request for a review is frivolous, vexatious, or whether it is substantially the same as previous representation or requests for a review or where it will certainly not cause the authority to wish to alter, revoke or suspend the licence.

The licensing authority may initiate a review of a particular premises, or a particular class of premises on the basis of any reason which it thinks appropriate.

Once a valid application for a review has been received by the licensing authority, representations may be made by responsible authorities and interested parties during a 28 day consultation period. The licensing authority will carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review is to determine whether the licensing authority should take any action in relation to the licence. If action is deemed necessary, the options available to the licensing authority are:

- Add, remove or amend a licence condition imposed by the licensing authority;
- Exclude a default condition imposed by the Secretary of State, or
- remove/amend such an exclusion;
- Suspend the premises licence for a period not exceeding three months;
- Revoke the premises licence

In determining what action, if any, should be taken following a review, the licensing authority will have regard to the principles set out in Section 153 Gambling Act 2005 as well as any relevant representations.

The licensing authority may initiate a review of a premises licence on the grounds that the premises licence holder has not provided facilities for gambling at the premises. This is intended to prevent people from applying for licences in a speculative manner without intending to use them.

## 4 Statement of Principles on Permits

The Gambling Act 2005 states that a licensing authority “*may prepare a statement of principles that they propose to apply in exercising their functions under this Schedule*” which “*may, in particular, specify matters that the licensing authority proposes to consider the suitability of an applicant for a permit*”

The sections below detail the matters that the licensing authority will have regard to when considering applications for permits.

### 4.1 Unlicensed Family Entertainment Centre Gaming Machine Permit

The licensing authority will consider applications for an unlicensed family entertainment centre gaming machine permit where the applicant does not hold a premises licence but wishes to provide gaming machines. The applicant must be able to show that the premises will wholly or mainly be used for making gaming machines available for use.

When determining the suitability of an applicant for a permit the licensing authority will have regard to the licensing objectives, any relevant guidance issued by the Gambling Commission and any comments made by Lancashire Constabulary.

The licensing authority expects that an applicant will be able to demonstrate:

- That they have suitable and sufficient policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will be considered on their merits;
- That there are appropriate measures and staff training in place to deal with suspected truanting school children on the premises;
- That there are suitable measures and staff training in place on how to deal with children causing perceived problems on/around premises;
- That the applicant and all staff have an understanding of the maximum stakes and prizes that may be offered at the premises
- That the applicant has no relevant convictions.

As part of the application process, the applicant will be required to submit a scale plan of the premises.

The licensing authority may refuse to renew a permit if an authorised local authority officer has been refused access to the premises without reasonable excuse or where renewal would not be reasonably consistent with the licensing objectives.

### 4.2 Licensed Premises Gaming Machine Permits

#### 4.2.1 Automatic Entitlement

There is provision in the Act for the holder of a premises licence authorizing the sale of alcohol for consumption on the premises to be entitled, on giving notification and paying the relevant fee, to provide 2 gaming machines of Categories C or D. This automatic entitlement ceases when the holder of the premises licence gives up their interest in the licence. Subsequent holders of the premises licence are required to notify the licensing authority of their intention to make gaming machines available for use and pay the prescribed fee.

The licensing authority may remove the automatic entitlement in respect of a premises where:

- The provision of such machines is not reasonably consistent with the licence objectives;
- Gaming has taken place on the premises that breaches a condition of Section 282 of the Act;
- The premises are mainly used for gaming; or
- An offence under the Act has been committed on the premises

#### 4.2.2 Three or more machines

Where a premises wishes to have more than 2 machines an application for a licensed premises gaming machine permit is required. The licensing authority must consider such an application based on the licensing objectives, any relevant guidance issued by the Gambling Commission and “such other matters as it thinks relevant”

“Such matters” will be considered on a case by case basis but there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and the applicant will be expected to satisfy the licensing authority that there will be sufficient measure in place to ensure that under 18s year olds do not have access to the adult only gaming machines. Measures may include the Category C machines being placed in sight of the bar or in the sight of staff that will monitor the use of the machines. The applicant may also wish to consider the provision of information leaflets/helpline numbers for organisations such as Gamcare.

Where an applicant can demonstrate compliance with the Gambling Commission Code of Practice on Gaming Machines, granting of the application will be the normal course as long as the number of machines requested can be shown to be reasonable in relation to the size of the premises.

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

#### 4.3 Prize Gaming Permit

The licensing authority is concerned that premises with the benefit of a prize gaming permit will particularly appeal to children and young persons. When considering an application the licensing authority will give significant weight to child protection issues and will need to be satisfied that the granting of a permit will not place children and young persons at risk as a consequence.

The applicant should set out the types of gaming that they intend to offer and they should also be able to demonstrate:

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

In determining an application for a Prize Gaming Permit the licensing authority will have regard to any relevant Gambling Commission guidance and may have regard to the licensing objectives.

#### 4.4 Club Gaming and Club Machine Permit

Members Clubs and Miner's Welfare Institutes (but not Commercial Clubs) may apply for a club gaming permit or a club gaming machine permit.

A club gaming permit enables the premises to provide no more than 3 gaming machines from Category B3A (only one machine may be of this category), B4, C or D, equal chance gaming and games of chance as set out in the Regulations.

A Club machine permit will enable the premise to provide up to 3 gaming machines from Categories B3A, B4, C or D.

Before granting either a club gaming or club gaming machine permit, the licensing authority must be satisfied that the club meets the requirements of the Act. A members club must have at least 25 members and must be established and conducted wholly or mainly for purposes other than gaming, unless the gaming is permitted by separate regulations (this is the case for bridge and whist clubs)

The licensing authority will only refuse an application where:

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

A "fast-track" procedure is available for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under this procedure there is no opportunity for the Gambling Commission or the Police to object to the application and the only grounds on which an application may be refused are:

- That the club is established primarily for gaming, other than gaming prescribed by regulation under section 266 of the Act;
- That in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

#### 4.5 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.

The licensing authority will only grant a temporary use notice to a person or company holding a relevant operating licence.

The Gambling Act 2005 (Temporary Use Notices) Regulations 2007 set out what form of gambling can be authorised by a temporary use notice. In summary they may only be used to authorise:

- Gambling that is authorised by the applicant's operating licence

- Gambling for a maximum of 21 days in any 12 month period for any/all of the named set of premises

- Facilities for equal chance gaming where the gaming in each tournament is intended to produce a single overall winner.

A temporary use notice may not be used to authorise the provision of gaming machines.

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

The licensing authority may object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

#### **4.6 Occasional Use Notices**

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The licensing authority will however consider the definition of a "track" and whether the applicant is permitted to avail themselves of this notice.

## APPENDIX 1

### List of Consultees

- Lancashire Constabulary –
- Lancashire Fire and Rescue Services –
- Community Safety Partnership –
- South Ribble Borough Council Public Health and Housing –
- South Ribble Borough Council Highways –
- South Ribble Borough Council Planning –
- All South Ribble Area Committees-
- All Town Councils/Parish Councils in the South Ribble area –
- Citizen’s Panel Focus Group –
- Local Safeguarding Children Board –
- HM Customs and Excise-
- Chorley and South Ribble Business Club –
- Federation of Licensed Victuallers Associations –
- North and West Lancashire Chamber of Commerce –
- All betting shops and amusement centres in the borough –
- Gambling Commission –
- Other bodies requesting consultation –

In addition:

This policy can be found on the website at [www.southribble.gov.uk/licensing](http://www.southribble.gov.uk/licensing) . In addition the policy will also be placed on deposit in the Civic Centre, Leyland and at public libraries throughout the borough.

## APPENDIX 2 – Scheme of Delegations

Application	Full Council	Licensing Panel	Officer
Three year licensing policy	X		
No casino resolution	X		
Application for a premises licence		Where representations have been received and not withdrawn	Where no representations have been received/representations withdrawn
Application for variation of licence		Where representations have been received and not withdrawn	Where no representations have been received/representations withdrawn
Application for transfer of licence		Where representations have been received from the Commission	Where no representations have been received from the Commission
Application for provisional statement		Where representations have been received and not withdrawn	Where no representations have been received/representations withdrawn
Review of premises licence		X	
Application for club gaming/club machine permit		Where objections have been received and not withdrawn	Where no objections have been received/objections withdrawn
Cancellation of club gaming/club machine permit		X	
Application for other permits			X
Cancellation of licensed premises gaming machine permit			X
Consideration of a temporary use notice (TUN)			X
Decision to give a counter notice to a TUN		X	

**APPENDIX 3 – List of Responsible Authorities**

For the purposes of this Act, the following are Responsible Authorities in relation to premises:

Lancashire Constabulary  
Licensing Unit: C Division  
County Police Office, St Thomas's Road  
Chorley Lancashire PR7 1DR  
Telephone: 01257 246215

Fax: 01257 246217  
Email: [centrallicensing@lancashire.pnn.police.uk](mailto:centrallicensing@lancashire.pnn.police.uk)

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

Telephone: 0121 230 6666  
Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

Lancashire County Council  
Lancashire Safeguarding Children's Board  
County Hall  
Preston  
Lancashire  
PR1 8RJ

Telephone: 01772 536954  
Email: [children.cypsafeguarding@lancashire.gov.uk](mailto:children.cypsafeguarding@lancashire.gov.uk)

Licensing  
Civic Centre  
West Paddock  
Leyland  
PR25 1DH

Telephone: 01772 421491  
Email: [licensing@southribble.gov.uk](mailto:licensing@southribble.gov.uk)

Environmental Protection & Community Safety  
Civic Centre  
West Paddock  
Leyland  
PR25 1DH

Telephone: 01772 421491  
Email: [envhealth@southribble.gov.uk](mailto:envhealth@southribble.gov.uk)

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# South Ribble Borough Council

## Draft Gambling Policy

Proposed Commencement 31st  
January 2019



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## 1 Purpose and Scope of the LicensingGambling Policy

### 1.1 Introduction

This Statement of LicensingGambling Policy covers the administrative area of South Ribble and sets out how South Ribble Council intends to exercise its functions under the Gambling Act 2005 and the principles that it intends to apply. This policy takes effect on ~~XXXX~~31 January 2019 and will remain in force until ~~31 January 2019~~31 January 2021. During this period the policy will be subject to periodic review and any proposed changes will be consulted upon.

In preparing this policy, the licensing authority has consulted with the following:

- The Chief Officer of Police for the licensing authority's area;
- One or more persons who appear to the authority to represent the interest of persons carrying on gambling businesses in the authority's area; and
- One or more persons who appear to the licensing authority to represent the interest of persons who are likely to be affected by the exercise of the Licensing Authority's functions under the Gambling Act 2005.

The full list of consultees is attached at Appendix 1.

A full list of the responses received during the consultation period is available from:

The Licensing Unit  
South Ribble Borough Council  
Civic Centre  
West Paddock  
Leyland  
PR25 1DH  
[licensing@southribble.gov.uk](mailto:licensing@southribble.gov.uk)

Nothing in this policy statement will override the right of any person to make an application, make representations about an application or apply for a review of a licence as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

#### Local Area Profile

South Ribble is situated in the heart of Central Lancashire covering 44 square miles immediately to the south of the River Ribble.

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South Ribble's location and the excellent transport links to regional and national road and rail networks, together with the proximity of major airports has made it an attractive location in the region for new housing and commercial development. It has recently been successful along with partner local authorities in Central Lancashire to secure City Deal funding which is being used to improve the transport network and economic investment in the Borough.

The population in South Ribble is 103,900 which has remained relatively stable over the last decade following a period of rapid growth in the 1970s and 1980s.

The main townships in the Borough are Leyland, Penwortham, Walton-Le-Dale, Bamber Bridge and Lostock Hall, which also form the main employment and shopping areas. However,

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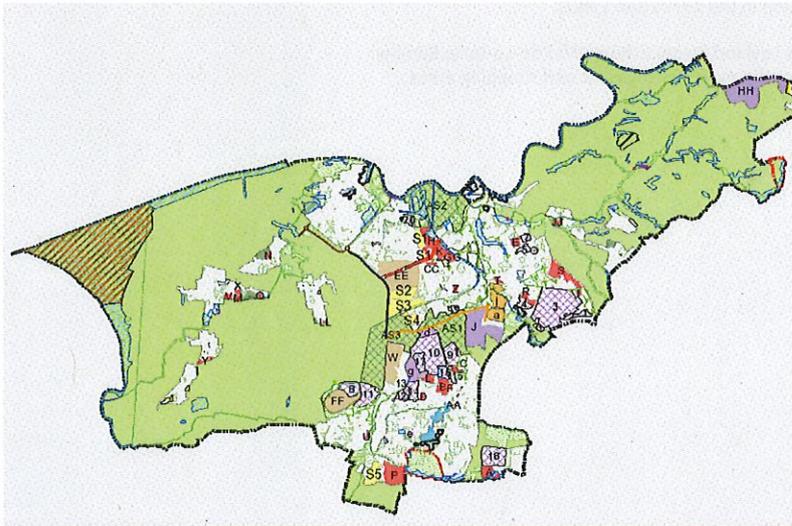
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there is a mix of urban and rural landscapes and more than 80% of the Borough is designated as greenbelt. The western parishes and the eastern areas of the Borough are largely rural.

There are a number of wards within the Borough which fall within the statistics for deprivation. Applications for premises licences falling within these wards will have to satisfy the Licensing Authority that the granting of a licence would not further contribute to existing deprivation levels or otherwise undermine the protection of children and other vulnerable persons from being harmed or exploited by gambling.



## 1.2 Licensing Authority Functions

Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are taking place by issuing premises licences;
- Issue provisional statements;
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing club gaming permits and club machine permits;
- Issue club machine permits to commercial clubs;
- Grant permits for the use of certain lower stakes gaming machines at unlicensed family entertainment centres;
- Receive notifications from alcohol licensed premises for the use of up to two gaming machines;
- Issue licensed premises gaming machine permits to premises licensed to supply alcohol for consumption on the premises where more than two machines are required;
- Register small society lotteries below the prescribed threshold;
- Issue permits for prize gaming;
- Receive temporary use notices;
- and Receive occasional use notices
- Provide information to the Gambling Commission regarding details of licences issued
- Maintain registers of the licences and permits issued under these functions

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It should be noted that the licensing authority is not involved in licensing of remote gambling or the national lottery.

### 1.3 Responsible Authorities

Responsible authorities use their particular area of expertise to help promote the licensing objectives. They are able to make representations about applications and apply for the review of a licence. Responsible authorities will also offer advice and guidance to applicants.

A full list of the responsible authorities and ~~their~~ contact details **are found in Appendix 3.is available on the Council's website at [www.southribble.gov.uk](http://www.southribble.gov.uk)**

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

The need for the body to be responsible for an area covering the whole of the licensing authority's area; and

The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group In accordance with the regulations, the Council designates the Local Safeguarding Children Board for this purpose.

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In accordance with the regulations, the Council designates the Local Safeguarding Children Board for this purpose.

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## 1.4 Interested Parties

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The Gambling Act defines an interested party as a person who:

- Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- Has business interests that might be affected by the authorised activities; or
- Represents persons who satisfies the bullet points above.

In determining whether someone lives sufficiently close to particular premises so as to be affected, the Licensing Authority will take into account factors including, but not limited to:

- The size of the premises
- The nature of the premises
- The proposed activities at the premises
  - The distance from the premises of the person making the representations
  - The nature of the complaint

In determining whether a person has a business interest which would qualify them as an interested party, the Licensing Authority will consider factors including, but not limited to:

- The size of the premises;
- The catchment area of the premises; and
  - Whether the person making the representation has a business interest in the catchment area that would potentially be affected by the gambling activities under consideration.

The Licensing Authority will not apply a rigid rule to its decision making and every representation will be considered on its own merits. The Licensing Authority will always have regard to the Gambling Commission Guidance to Local Authorities and this policy when determining whether a person is an interested party.

The authority would

“Business interests” will be given its widest possible meaning and may include partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested party will be required as long as the Councillor/MP represents a ward likely to be affected. Likewise Parish Councils likely to be affected will be considered to be interested parties.

Other than these persons, this authority will require written evidence that a person “represents” someone who either lives sufficiently close to the premises to be likely to be affected by the proposed activities and/or has business interests that might be affected by the proposed activities. A letter from one of these persons requesting the representation is sufficient.

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If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not a member of the Licensing Committee dealing

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with the application. If there are any doubts then please contact South Ribble's Licensing Unit.

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~~If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not a member of the Licensing Committee dealing with the application. If there are any doubts then please contact South Ribble's Licensing Unit.~~

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## 1.5 Exchange of Information

The Licensing Authority will, in accordance with Sections 29 and 30 of the Act exchange information with the Gambling Commission where the request does not conflict with the Authority's duties under the Data Protection Act 1988.

The Licensing Authority will, in accordance with Section 350 of the Act exchange information with other persons or bodies identified in Schedule 6 of the Act where the request does not conflict with the Authority's duties under the Data Protection Act 1988.

The Authority does not currently have any specific protocols with Schedule 6 bodies; however it will keep this position under review and establish suitable protocols where it is deemed necessary or advantageous to do so.

## 1.6 Data Protection and Freedom of Information

~~South Ribble Borough Council will abide by the Data Protection Act and Freedom of Information Act in respect of safeguarding and releasing information or data.~~

### Data Protection Act

~~This Act requires that data must be:~~

~~Processed fairly and lawfully~~

~~Obtained and used for lawful and specified purposes Adequate and relevant for those purposes~~

~~Accurate and where necessary kept up to date Kept only for as long as necessary~~

~~Accessible to the data subject Kept securely~~

~~In this regard, the Authority will act in accordance with the provisions of the Act in its exchange of information, which includes the provision that the Data Protection Act 1998 General Data Protection Regulation will not be contravened and that the requirements of the Freedom of Information Act 2000 will be adhered to. Privacy Notices relating to any information provided to the Authority in the exercise of its duties under the Act are available at [www.westlancs.gov.uk/licensing](http://www.westlancs.gov.uk/licensing). However, it should be noted that details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a Hearing being required, will form part of a public document. Any person making a representation, or applying for review of a Premises Licence, will be informed that their details will be disclosed.~~

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In the context of the Gambling Act, this means that South Ribble Borough Council will only retain information that relates to the processing of applications for licences, permits, permissions and representations. This information will only be retained for the period of time it is needed for processing. Thereafter in line with the relevant retention schedule's

Applications and representations are documents which are in the public domain and are therefore available on request and may be published on the website as part of the information supplied if a hearing is arranged, or on the public register.

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Information will also be shared with other regulators or persons if this is prescribed by the Secretary of State.

## **Freedom of Information Act**

The Freedom of Information Act allows anyone to request access to information. These requests are normally made in writing either by email or letter. In certain circumstances a fee may be required or we may ask for more specific information. Requests will be dealt with within 20 working days and the information will be released if possible. If it is not possible to release the information an explanation will be provided together with details of how a complaint can be made to the Information Commissioner. The information will be released in the format requested unless it is in the public interest not to do so.

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## 1.7 Human Rights

Section 6 of the Human Rights Act 1998 makes it unlawful for a local authority to act in a way which is incompatible with the European Convention on Human Rights (the Convention)

The Licensing Authority will ensure that it will act in accordance with the Convention when determining any application under the Gambling Act 2005. In particular the Licensing Authority will have regard to the following:

- Article 1 – every person is entitled to the peaceful enjoyment of his or her possessions. A licence is considered a possession in law and people should not be deprived of their possessions unless it is in the public interest;
- Article 6 – the right to a fair hearing
- Article 8 – the right to respect for home and family life
- Article 10 – the right to freedom of expression.

## 1.8 Race Equality

The Licensing Authority shall act in accordance with its duties under the Race Relations Act 1976 as amended. In particular the legal obligation placed on it to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups.

## 1.9 Disability Discrimination Act 1995

The Licensing Authority expects all applicants and licence holders to be clear of their own responsibilities under the Disability Discrimination Act 1995.

## 1.10 Delegation of functions

The Licensing Committee established by the Licensing Authority to deal with matters arising under the Licensing Act 2003 shall also deal with matters under the Gambling Act 2005.

To facilitate an efficient and cost effective service for all parties involved in the licensing process, it is normal practice in routine, uncontested decisions for the Licensing Authority to authorise a senior officer to deal with the matter on their behalf. Appendix 1 sets out the scheme of delegations under the Gambling Act 2005.

Decisions in respect of contested applications or licence reviews will be made by a Licensing Sub-Committee.

## 2 The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005 (the Act), licensing authorities must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:

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***Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime***

The Gambling Commission takes a lead role in preventing gambling from being a source of crime by vetting applicants for personal and operator licences. The Licensing Authority will however look at the location of the proposed premises in terms of this licensing objective.

Where an area is known for having high levels of crime or disorder the Licensing Authority will consider whether the premises are suitable to be located there and whether conditions such as the provision of door supervisors may be required.

There is a distinction between disorder and nuisance. Complaints about nuisance cannot be resolved through the Gambling Act 2005 however it may be possible to address problems of this nature through other types of legislation.

Factors such as whether police assistance was required and how threatening the behaviour was will be considered in determining whether the incident was disorder or nuisance.

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

The Licensing Authority will not normally be concerned with ensuring that gambling is conducted in a fair and open way as this will ordinarily be addressed by the Gambling Commission through the granting of personal and operating licences.

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

This can mean preventing children from taking part in or being in close proximity to gambling.

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

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

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

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### 3 Premises Licences

#### 3.1 Introduction

A premises licence is required from the licensing authority where an individual or company with a valid operator's licence, issued by the Gambling Commission, wishes to offer gambling at premises located within the local authority's area.

A premises licence may only authorise one primary gambling activity. The types of gambling premises licences which will be considered by the licensing authority are:

- a. Casino
- Bingo
- b.
- c. Betting
- d. Adult Gaming Centre
- e. Family Entertainment Centre

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The Licensing Authority's primary obligation is to permit the use of premises in so far it thinks that is

In accordance with the relevant codes of practice issued by the Gambling Commission;

In accordance with the guidance issued by the Gambling Commission; Reasonably consistent with the licensing objectives; and

In accordance with this Statement of Licensing Policy

Premises licences are subject to the permissions/restrictions set out in the Gambling Act 2005, associated regulations and mandatory and default conditions. Licensing authorities are able to exclude default conditions and attach other conditions if it is believed that they are necessary and proportionate.

Each application will be considered on its own merits. Demand or need for premises of a particular type is not something which the licensing authority can take into account. Other factors that cannot be taken into account are moral/ethical objections, a general dislike of gambling, nuisance issues or the likelihood of planning/building regulation approval.

#### 3.2 Local Risk Assessments

From 6<sup>th</sup> April 2016 it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) that all premises licence holders assess local risks to the licensing objectives posed by the provision of gambling facilities at their premises. Premises licence holders must also have procedures and control measures in place to mitigate these risks. When undertaking a risk assessment the operator must take into account relevant matters identified in this licensing policy.

A risk assessment must be completed when applying for a new premises licence and should be reviewed and updated:

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- e. Betting
- d. Adult Gaming Centre
- e. Family Entertainment Centre

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In accordance with the relevant codes of practice issued by the Gambling Commission;

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In accordance with this Statement of Licensing Policy

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A risk assessment must be completed when applying for a new premises licence and should be reviewed and updated:

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To take account of significant changes in local circumstances, including those identified in this policy;

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When there are significant changes at the premises that may affect the mitigation of local risks;

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When applying for a variation of the premises licence.

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As a minimum the risk assessment should include:

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Whether the premises is in an area of deprivation;

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Whether the premises is in an area subject to high levels of crime and/or disorder;

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The ethnic profile of the area;

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The demographics of the area with reference to vulnerable groups;

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The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather.

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As a minimum, all LRAs must consider:

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The location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;

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The demographics of the area in relation to vulnerable groups - for example hospitals, residential care homes, Council housing offices, drug and/or alcohol dependency services, other gambling premises;

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How vulnerable people, including people with gambling dependencies are protected;

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Whether the premises is in an area subject to high levels of crime and/or disorder;

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Age verification policies;

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The proximity of machines to the entrance door;

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Consideration of line of sight from any staff counter to gambling machines;

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Details of exclusions, self-exclusions and incidences of underage gambling.

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In considering the above matters, the following are examples of operational controls that LRAs may need to consider:

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CCTV;

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Door supervisors;

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Supervision of entrances / machine areas; Physical

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separation of areas;

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Location of entry;

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Notices / signage;

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Specific opening hours;

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Self-barring schemes;

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Provision of information leaflets / helpline numbers for organisations such as GamCare.

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Please note that this list is not mandatory, nor exhaustive.

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It is important that if children are allowed to enter licensed premises that they do not participate in gambling - other than category D machines. Where other machines are available in the premises to which children are not permitted to use, LRAs are expected to ensure that:

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The suitability and layout of the premises promotes restricted access to relevant areas;

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All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;

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Only adults are admitted to this area where the machines are located; Access to

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the area where the machines are located is supervised;

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The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder, and

At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

3.2.1 LRAS must be kept at the individual premises to which they relate and must be available for inspection by the authority

### 3.3 Multiple licences

“Premises” is defined in the Act as “any place” and whilst section 152 of the Act prevents more than one premises licence being in force for any place, it does not prohibit a single building being subject to more than one premises licence.

Before the licensing authority will grant multiple licences for a single building it must be satisfied that the places subject to the applications can reasonably be regarded as separate premises. In determining this the licensing authority will consider all information which is relevant which will include but is not limited to:

The postal address of the premises;

The means of access to the premises i.e. directly from the street; The occupancy and ownership rights of the applicants;

The means of assessment for business rates payable for each “premises” and who is liable for such payments;

The permanency of any structures used or proposed to be used to separate the premises;

Whether other areas within the building are being used for non-gambling activities and their proximity to the proposed premises. This is particularly persuasive when the non-licensed areas might reasonably be frequented by

children or vulnerable people;

Whether access to one licensed premises may be gained directly from another licensed premises.

### 3.3 Multiple licences

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The postal address of the premises;

The means of access to the premises i.e. directly from the street; The occupancy and ownership rights of the applicants;

The means of assessment for business rates payable for each “premises” and who is liable for such payments;

The permanency of any structures used or proposed to be used to separate the premises;

Whether other areas within the building are being used for non-gambling activities and their proximity to the proposed premises. This is particularly persuasive when the non-licensed areas might reasonably be frequented by children or vulnerable people;

Whether access to one licensed premises may be gained directly from another licensed premises

### 3.4 Specific Types of Licence

The licensing authority will consider access provisions for individual types of licensed premises in line with the latest guidance from the Gambling Commission:

#### Casinos

The principal access to the premises must be from the street

No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons

No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

#### Adult Gaming Centre

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

#### Betting Shops

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

No direct access from betting shop to another premises used for the retail sale of merchandise or services.

#### Tracks

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

- A casino
- An adult gaming centre

#### Bingo Premises

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## **Bingo Premises**

No customer must be able to access the premises directly from:

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

## **Family Entertainment Centre**

No customer must be able to access the premises directly from:

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

The licensing authority will consider applications for a premises licence in respect of premises if it is satisfied that that it is going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before they can be brought into use.

Where the construction of a premises is not yet complete, they need alteration, or the applicant does not yet have the right to occupy them, an application for a provisional statement should be made instead.

When deciding if a premises licence can be granted in respect of premises that require construction or alteration the licensing authority will apply a two stage consideration process:

- Whether the premises ought to be permitted to be used for gambling; and
- Whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place

### **3.5 Location**

The licensing authority will not consider demand issues when determining an application however it will pay particular attention to the need to protect children and vulnerable persons from being harmed or exploited by gambling when considering the location of the proposed premises.

It will also consider whether there is evidence that the locality suffers from incidents of crime and disorder and in these circumstances the licensing authority may consider it appropriate to grant a licence subject to conditions in accordance with Section 169 of the Act.

### **3.6 Planning**

The licensing authority will not consider whether the applicant has or is likely to obtain planning permission or building regulations approval for their proposal.

Applicants are advised that when the Council, as the local Planning Authority, considers its position under planning or building legislation it will not be prejudiced by any decision of the licensing authority to grant a premises licence, or otherwise be prevented from taking appropriate action under those areas of legislation.

### **3.7 Duplication with other regulatory regimes**

The licensing authority will not concern itself with matters already provided for in other statutory or regulatory regimes. It will however consider any concerns that gambling

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conditions are not able to be met by licence holders due to planning restrictions should the situation arise.

Applicants are expected to comply with their duties under the Fire Safety Regulatory Reform Order, which requires that any premises that is subject of a licence must have a documented fire risk assessment.

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~~conditions are not able to be met by licence holders due to planning restrictions should the situation arise.~~

~~Applicants are expected to comply with their duties under the Fire Safety Regulatory Reform Order, which requires that any premises that is subject of a licence must have a documented fire risk assessment.~~

### 3.8 The Licensing Objectives

When considering applications the licensing authority must aim to permit the use of premises for gambling in so far as it is, amongst other things, reasonably consistent with 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*

If there is evidence that the premises is in a locality which suffers from problems with organized crime or general crime and disorder, the licensing authority will consider firstly whether it is appropriate to grant a licence in that location. If it is satisfied that it is, it will then consider whether in the circumstances it should attach conditions to the licence in accordance with Section 169 of the Act.

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

The licensing authority expects that premises licence holders will ensure that all gambling is conducted in a fair and open way. Concerns or complaints that arise under this objective will be referred to the Gambling Commission in their role as the regulators of both operator and personal licences.

In the case of tracks, where a premises licence holder is not required to have an operator licence, the licensing authority will consider whether conditions are required on the premises licence to ensure that the environment in which betting takes place is suitable.

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

In relation to children this requirement is explicitly to protect them from being harmed or exploited by gambling. In practice that means not just preventing them from taking part in gambling, but restricting advertising so that gambling products are not aimed at children, or advertised in such a way that makes them particularly attractive to children. The licensing authority will consider whether specific measures are required with regard to this objective. Appropriate measures may include supervision of entrances or gaming machines and the segregation of areas.

Accordingly, the Authority expects operators to address safeguarding risks directly in Relevant applications, through their Local Risk Assessments. See Section 13.0.

In order that the Authority can be best placed to address local safeguarding issues,

Operators will Provide to the Authority with details (where available) of:

Results of any underage testing carried at licensed premises within the Borough;

Details of where a child or young person repeatedly attempts to gamble at licensed premises within the Borough.

Operators are also encouraged to engage with Lancashire County Council Social Services Safeguarding Children's and Adult's Boards as a means to obtain guidance on identifying vulnerable groups and what can be done to reduce the risks to these groups,

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**3.8.1 Inspection and criminal proceedings**

The Authority is required by regulation to state the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises and its powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.

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In this regard, the Authority will undertake its inspection and enforcement functions in accordance with the relevant legislation, the Guidance and the principles of better regulation in the Regulator's Code. The Authority's principles for enforcement are:

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Proportionate: The Authority will only intervene when necessary; remedies should be appropriate to the risk posed, and costs identified and minimised;

Accountable: The Authority will justify its decisions, and be subject to public scrutiny;

Consistent: The Authority's rules and standards will be joined up and implemented fairly;

Transparent: The Authority should be open, and keep regulations simple and user friendly; and

Targeted: The Authority's regulation should be focused on the problem, and minimise side effects.

The main enforcement and compliance role for the Authority will be to ensure compliance with the Premises Licences and other permissions that it authorises. The Commission will be the enforcement body for Operator and Personal Licences. Any concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Authority, but will be notified to the Commission. The Commission will also be responsible for compliance as regards unlicensed premises.

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Test purchasing to ensure the protection of children and vulnerable person objective is being properly promoted, visits could include all types of premises which have either gambling notifications, permits, or licences for example AGC's FEC'S and betting shops. Before carrying out any activity, due consideration will be given to information submitted by licence holders who conduct their own test purchasing and these premises will be considered low risk.

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**3.9 Conditions**

Any conditions attached to licences will be proportionate and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises and the type of licence applied for;
- Fair and reasonable in relation to the scale and type of premises; and
- Reasonable in all other respects.

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Decisions on individual conditions will be made on a case by case basis. Although there are a number of measures that the licensing authority will consider imposing in appropriate cases, for example the use of supervisors and signage, the authority does expect that the applicant will offer their own suggestions as to the way in which the licensing objectives can be met effectively.

The licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of gaming machines in non-adult specific premises, the supervision of entrances, and segregation of gambling from non-gambling areas in order to pursue the licensing objectives.

Where Category C machines are on offer in premises to which children are admitted, the licensing authority will ensure:

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

The following conditions may not be attached to premises licences:

- Any condition which would make it impossible to comply with an operating licence condition;
- Any condition relating to gaming machine categories, numbers or method of operation;
- Any condition which provides that membership of a club or body be required;
- and
- Any condition in relation to stakes, fees, winnings or prizes

#### Door Supervisors

In some cases there may be a need for door supervisors in terms of the protection of children or preventing a premises becoming a source of crime. The licensing authority however cannot impose a condition requiring door supervisors at casino or bingo premises to be licensed by the Security Industry Authority (SIA). For premises other than casinos or bingo premises, door supervisors may be required to be registered with the SIA however it will not automatically be assumed that they need to be.

Whilst there is no evidence to demonstrate that the operation of betting offices ordinarily requires the use of door supervisors to protect the public a condition requiring such supervision may be imposed where there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

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### 3.9.1 Adult Gaming Centres

The licensing authority will specifically have regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling. The applicant will be expected to satisfy the authority that there will be sufficient measures in place to ensure that those under the age of 18 years do not have access to the premises. Appropriate measures/licence conditions may include:

- Proof of age schemes
- CCTV
- Door supervisors
  - Supervision of entrances/machine areas
  - Location of entry
- Notices/signage
  - Staff training on how to deal with suspected truants
  - Self-exclusion schemes
- Provision of information leaflets/numbers for organisations such as Gam Care

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

### 3.9.2 Licensed Family Entertainment Centres

The licensing authority will specifically have regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling. The applicant will be expected to satisfy the authority that there will be sufficient measures in place to ensure that those under the age of 18 years do not have access to adult only gaming machine areas. Appropriate measures/licence conditions may include:

- Proof of age schemes
- CCTV
- Door supervisors
  - Supervision of entrances/machine areas
  - Location of entry
- Notices/signage
  - Staff training on how to deal with suspected truants***
  - Self-exclusion schemes***
- Provision of information leaflets/numbers for organisations such as Gam Care

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

The licensing authority will refer to the Gambling Commission's website to see any conditions that apply to operator licences covering the way in which the area containing the Category C machines should be delineated and will also make itself aware of any mandatory or default conditions on these premises licences where they have been published.

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### 3.9.3 Casinos

The licensing authority has not passed a “no casino” resolution under Section 166 of the Act. Should the licensing authority decide in the future to pass such a resolution this policy will be updated.

Conditions will be attached according to the principles set out in the Gambling Commission’s guidance.

*Betting machines* – the authority 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 machines by children and young persons, or by vulnerable people when considering the number, nature and circumstances of betting machines that an operator may wish to offer.

### 3.9.4 Bingo Premises

The licensing authority must be satisfied that bingo will be played in any bingo premises before they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies for a new premises licence.

Where a pre-existing premises is split into two or more adjacent premises, Gambling Commission guidance is that the gaming machines must remain within the licensed area covered by the premises licence.

It is important that if children are allowed into premises licensed for bingo that they do not participate in gambling, other than on Category D machines. Where Category c or above machines are available on premises to which children are admitted the licensing authority will ensure that:

- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults are admitted to the area where the machines are located;
- Access to the area where the machines are located is supervised;

- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under the age of 18.

### 3.9.5 Betting Premises

*Betting machines* - the authority 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 machines by children and young persons, or by vulnerable people when considering the number, nature and circumstances of betting machines that an operator may wish to offer.

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### 3.9.6 Tracks

Tracks are sites where races or other sporting events take place.

All tracks will require a primary "general betting" premises licence that the track operator will hold. Track operators do not require an operating licence from the Gambling Commission although they may apply for one. This is because the various gambling operators offering betting at the track will each hold an operating licence.

Tracks may be subject to one or more premises licences, provided each licence relates to a specific area of the track. This may be preferable for self-contained premises providing off-course betting facilities. The licensing authority will assess each individual case on its merits before deciding if this is necessary.

Children and young persons will be permitted to enter track areas where facilities for betting are provided although they are still prohibited from entering areas where gaming and betting machines (other than Category D machines) are provided.

Appropriate measures/licence conditions may include:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances/machine areas
- Location of entry
- Notices/signage
- Staff training on how to deal with suspected truants
- Self-exclusion schemes
- Provision of information leaflets/numbers for organisations such as Gam Care

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

### 3.10 Travelling Fairs

Where Category D machines and/or equal chance prize gaming without a permit are to be made available for use at a travelling fair, it will be for the licensing authority to decide whether 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.

It is noted that the 27 day statutory maximum for land being used as a fair is per calendar year, and that it applies to the piece of land on which the fairs are held regardless of whether it is the same or different travelling fair occupying the land. The licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

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### 3.11 Provisional Statements

A provisional statement application is a process which allows a developer to discover whether a building which he expects to be constructed, altered, to acquire a right to occupy would be granted a premises licence. A provisional statement is not a licence but it does give some form of guarantee that a licence would be granted.

The process for considering an application for a provisional statement is the same as that for a premises licence and the applicant is obliged to give notice of the application in the same way. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to a premises licence application the applicant does not have to hold (or have applied for) an operating licence and they do not have to have a right to occupy the premises in respect of which the provisional statement application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. At this stage no representations can be taken into account from responsible authorities or interested parties 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.

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

- Which could not have been raised by objectors at the provisional licence stage;
- or
- Which in the authority's opinion, reflect a change in the operator's circumstances; or
- Where the premises has not been constructed in accordance with the plan submitted with the application

When determining an application for a provisional statement the licensing authority will not have regard to issues relating to planning consent or building regulations, for example the likelihood that planning consent will be granted.

### 3.12 Enforcement and compliance

When exercising its functions under Part 15 of the Act in respect of the inspection of premises and its powers under section 346 of the Act to institute criminal proceedings in respect of offences, the Licensing Authority will act in accordance with the following principles:

Consistency - to ensure that similar issues are dealt with in the same way whilst taking into account:

- The attitude and actions of management;
- The history of previous incidents or breaches;
- The likely effectiveness of the action taken.

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Fairness – to ensure a fair and even handed approach that promotes decisions which are not influenced by gender, ethnic origin, religious or political beliefs or sexual preferences or by contractual or other relationships to the Licensing Authority, its Members, or Officers.

Transparency – to ensure that any enforcement action taken by the Licensing Authority is easily understood by individuals and that clear distinctions are made between legal requirements and that which is desirable.

Targeted – to ensure that any enforcement action taken is focused primarily on those activities which give rise to the most serious risk or where the risks are considered to be inadequately controlled.

Proportionality – any actions taken will reflect that seen as necessary to achieve compliance with legislation and relate directly to the actual or potential risk to the consumer or business. Enforcement activities will be focused on those businesses or activities where:

Intelligence indicate concerns, and/or

Evidence is found indicating deliberate breaches of the law and/or attempts to mislead officers.

Helpfulness – enforcement officers will be courteous and identify themselves by name and if requested will provide a contact telephone number. In most circumstances officers will seek to help businesses and those adversely affected by licensable activities through education in terms of regulatory requirements and procedures.

Accountable – the Licensing Authority has responsibility to the public for its actions and will provide clear, accessible policies and fair and efficient complaints procedure.

The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible, however, it will work in partnership with other regulators when issues with licensed premises are identified, to deliver a multi-agency approach to audit and compliance.

The Licensing Authority will adopt a risk-based inspection programme based on:

The licensing objectives

Relevant codes of practice

Guidance issued by the Gambling Commission

The principles set out in this statement of licensing policy

Any identified local risks.

Test purchasing will be carried out from time to time to ensure the protection of children and vulnerable person objective is being properly promoted, visits could include all types of premises which have either gambling notifications, permits, or licences for example AGC's FEC'S and betting shops. Before carrying out any activity, due consideration will be given to information submitted by licence holders who conduct their own test purchasing and these premises will be considered low risk.

## 3.13 — Reviews

~~Requests for the review of a premises licence can be made by responsible authorities or interested parties; however it is for the licensing authority to decide whether the review should be carried out. This will be on the basis of whether the request for the review is relevant to those matters listed below:~~

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### 3.13 Reviews

Requests for the review of a premises licence can be made by responsible authorities or interested parties; however it is for the licensing authority to decide whether the review should be carried out. This will be on the basis of whether the request for the review is relevant to those matters listed below:

In accordance with any relevant Code of Practice issued by the Gambling Commission

In accordance with any relevant guidance issued by the Gambling Commission

Reasonably consistent with the licensing objectives, and

In accordance with the authority's statement of principles

The licensing authority will also consider whether such a request for a review is frivolous, vexatious, or whether it is substantially the same as previous representation or requests for a review or where it will certainly not cause the authority to wish to alter, revoke or suspend the licence.

The licensing authority may initiate a review of a particular premises, or a particular class of premises on the basis of any reason which it thinks appropriate.

Once a valid application for a review has been received by the licensing authority, representations may be made by responsible authorities and interested parties during a 28 day consultation period. The licensing authority will carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review is to determine whether the licensing authority should take any action in relation to the licence. If action is deemed necessary, the options available to the licensing authority are:

Add, remove or amend a licence condition imposed by the licensing authority;

Exclude a default condition imposed by the Secretary of State, or

remove/amend such an exclusion;

Suspend the premises licence for a period not exceeding three

months; Revoke the premises licence

In determining what action, if any, should be taken following a review, the licensing authority will have regard to the principles set out in Section 153 Gambling Act 2005 as well as any relevant representations.

The licensing authority may initiate a review of a premises licence on the grounds that the premises licence holder has not provided facilities for gambling at the premises. This is intended to prevent people from applying for licences in a speculative manner without intending to use them.

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Reasonably consistent with the licensing objectives, and  
in accordance with the authority's statement of principles

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The licensing authority may initiate a review of a particular premises, or a particular class of premises on the basis of any reason which it thinks appropriate.

Once a valid application for a review has been received by the licensing authority, representations may be made by responsible authorities and interested parties during a 28 day consultation period. The licensing authority will carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review is to determine whether the licensing authority should take any action in relation to the licence. If action is deemed necessary, the options available to the licensing authority are:

- Add, remove or amend a licence condition imposed by the licensing authority;
- Exclude a default condition imposed by the Secretary of State, or remove/amend such an exclusion;
- Suspend the premises licence for a period not exceeding three months;
- Revoke the premises licence

In determining what action, if any, should be taken following a review, the licensing authority will have regard to the principles set out in Section 153 Gambling Act 2005 as well as any relevant representations.

The licensing authority may initiate a review of a premises licence on the grounds that the premises licence holder has not provided facilities for gambling at the premises. This is intended to prevent people from applying for licences in a speculative manner without intending to use them.

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#### 4 Statement of Principles on Permits

The Gambling Act 2005 states that a licensing authority "may prepare a statement of principles that they propose to apply in exercising their functions under this Schedule" which "may, in particular, specify matters that the licensing authority proposes to consider the suitability of an applicant for a permit"

The sections below detail the matters that the licensing authority will have regard to when considering applications for permits.

##### 4.1 Unlicensed Family Entertainment Centre Gaming Machine Permit

The licensing authority will consider applications for an unlicensed family entertainment centre gaming machine permit where the applicant does not hold a premises licence but wishes to provide gaming machines. The applicant must be able to show that the premises will wholly or mainly be used for making gaming machines available for use.

When determining the suitability of an applicant for a permit the licensing authority will have regard to the licensing objectives, any relevant guidance issued by the Gambling Commission and any comments made by Lancashire Constabulary.

The licensing authority expects that an applicant will be able to demonstrate:

- That they have suitable and sufficient policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will be considered on their merits;
- That there are appropriate measures and staff training in place to deal with suspected truanting school children on the premises;
- That there are suitable measures and staff training in place on how to deal with children causing perceived problems on/around premises;
- That the applicant and all staff have an understanding of the maximum stakes and prizes that may be offered at the premises
- That the applicant has no relevant convictions.

As part of the application process, the applicant will be required to submit a scale plan of the premises.

The licensing authority may refuse to renew a permit if an authorised local authority officer has been refused access to the premises without reasonable excuse or where renewal would not be reasonably consistent with the licensing objectives.

##### 4.2 Licensed Premises Gaming Machine Permits

###### 4.2.1 Automatic Entitlement

There is provision in the Act for the holder of a premises licence authorizing the sale of alcohol for consumption on the premises to be entitled, on giving notification and paying the relevant fee, to provide 2 gaming machines of Categories C or D. This automatic entitlement ceases when the holder of the premises licence gives up their interest in the licence. Subsequent holders of the premises licence are required to notify the licensing authority of their intention to make gaming machines available for use and pay the prescribed fee.

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The licensing authority may remove the automatic entitlement in respect of a premises where:

- The provision of such machines is not reasonably consistent with the licence objectives;
- Gaming has taken place on the premises that breaches a condition of Section 282 of the Act;
- The premises are mainly used for gaming; or
- An offence under the Act has been committed on the premises

#### 4.2.2 Three or more machines

Where a premises wishes to have more than 2 machines an application for a licensed premises gaming machine permit is required. The licensing authority must consider such an application based on the licensing objectives, any relevant guidance issued by the Gambling Commission and "such other matters as it thinks relevant"

"Such matters" will be considered on a case by case basis but there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and the applicant will be expected to satisfy the licensing authority that there will be sufficient measure in place to ensure that under 18s year olds do not have access to the adult only gaming machines. Measures may include the Category C machines being placed in sight of the bar or in the sight of staff that will monitor the use of the machines. The applicant may also wish to consider the provision of information leaflets/helpline numbers for organisations such as Gamcare.

Where an applicant can demonstrate compliance with the Gambling Commission Code of Practice on Gaming Machines, granting of the application will be the normal course as long as the number of machines requested can be shown to be reasonable in relation to the size of the premises.

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

#### 4.3 Prize Gaming Permit

The licensing authority is concerned that premises with the benefit of a prize gaming permit will particularly appeal to children and young persons. When considering an application the licensing authority will give significant weight to child protection issues and will need to be satisfied that the granting of a permit will not place children and young persons at risk as a consequence.

The applicant should set out the types of gaming that they intend to offer and they should also be able to demonstrate:

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

In determining an application for a Prize Gaming Permit the licensing authority will have regard to any relevant Gambling Commission guidance and may have regard to the licensing objectives.

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### 4.4 Club Gaming and Club Machine Permit

Members Clubs and Miner's Welfare Institutes (but not Commercial Clubs) may apply for a club gaming permit or a club gaming machine permit.

A club gaming permit enables the premises to provide no more than 3 gaming machines from Category B3A (only one machine may be of this category), B4, C or D, equal chance gaming and games of chance as set out in the Regulations.

A Club machine permit will enable the premise to provide up to 3 gaming machines from Categories B3A, B4, C or D.

Before granting either a club gaming or club gaming machine permit, the licensing authority must be satisfied that the club meets the requirements of the Act. A members club must have at least 25 members and must be established and conducted wholly or mainly for purposes other than gaming, unless the gaming is permitted by separate regulations (this is the case for bridge and whist clubs)

The licensing authority will only refuse an application where:

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

A "fast-track" procedure is available for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under this procedure there is no opportunity for the Gambling Commission or the Police to object to the application and the only grounds on which an application may be refused are:

- That the club is established primarily for gaming, other than gaming prescribed by regulation under section 266 of the Act;
- That in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

### 4.5 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.

The licensing authority will only grant a temporary use notice to a person or company holding a relevant operating licence.

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## holding a relevant operating licence.

The Gambling Act 2005 (Temporary Use Notices) Regulations 2007 set out what form of gambling can be authorised by a temporary use notice. In summary they may only be used to authorise:

- Gambling that is authorised by the applicant's operating licence
- Gambling for a maximum of 21 days in any 12 month period for any/all of the named set of premises
- Facilities for equal chance gaming where the gaming in each tournament is intended to produce a single overall winner.

A temporary use notice may not be used to authorise the provision of gaming machines.

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

The licensing authority may object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

### 4.6 Occasional Use Notices

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The licensing authority will however consider the definition of a "track" and whether the applicant is permitted to avail themselves of this notice.

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## APPENDIX 1

### List of Consultees

- Lancashire Constabulary –
  
- Lancashire Fire and Rescue Services –
  
- Community Safety Partnership –
  
- South Ribble Borough Council Public Health and Housing –
  
- South Ribble Borough Council Highways –
  
- South Ribble Borough Council Planning –
  
- All South Ribble Area Committees-
  
- All Town Councils/Parish Councils in the South Ribble area –
  
- Citizen’s Panel Focus Group –
  
- Local Safeguarding Children Board –
  
- HM Customs and Excise-
  
- Chorley and South Ribble Business Club –
  
- Federation of Licensed Victuallers Associations –
  
- North and West Lancashire Chamber of Commerce –
  
- All betting shops and amusement centres in the borough –
  
- Gambling Commission –
  
- Other bodies requesting consultation –

### In addition:

This policy can be found on the website at [www.southribble.gov.uk/licensing](http://www.southribble.gov.uk/licensing) . In addition the policy will also be placed on deposit in the Civic Centre, Leyland and at public libraries throughout the borough.

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# Appendix E1



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## Appendix-APPENDIX 2 – Scheme of Delegations

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Application	Full Council	Licensing Panel	Officer
Three year licensing policy	X		
No casino resolution	X		
Application for a premises licence		Where representations have been received and not withdrawn	Where no representations have been received/representations withdrawn
Application for variation of licence		Where representations have been received and not withdrawn	Where no representations have been received/representations withdrawn
Application for transfer of licence		Where representations have been received from the Commission	Where no representations have been received from the Commission
Application for provisional statement		Where representations have been received and not withdrawn	Where no representations have been received/representations withdrawn
Review of premises licence		X	
Application for club gaming/club machine permit		Where objections have been received and not withdrawn	Where no objections have been received/objections withdrawn
Cancellation of club gaming/club machine permit		X	
Application for other permits			X
Cancellation of licensed premises gaming machine permit			X
Consideration of a temporary use notice (TUN)			X
Decision to give a counter notice to a TUN		X	

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# Appendix E1



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## APPENDIX 3 – List of Responsible Authorities

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For the purposes of this Act, the following are Responsible Authorities in relation to premises:

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### Lancashire Constabulary

Licensing Unit: C Division

County Police Office, St Thomas's Road

Chorley Lancashire PR7 1DR

Telephone: 01257 246215

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Fax: 01257 246217

Email: centrallicensing@lancashire.pnn.police.uk

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### Gambling Commission

Victoria Square House

Victoria Square

Birmingham

B2 4BP

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Telephone: 0121 230 6666

Email: info@gamblingcommission.gov.uk

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### Lancashire County Council

Lancashire Safeguarding Children's Board

County Hall

Preston

Lancashire

PR1 8RJ

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Telephone: 01772 536954

Email: children.cypsafeguarding@lancashire.gov.uk

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### Licensing

Civic Centre

West Paddock

Leyland

PR25 1DH

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Telephone: 01772 421491

Email: licensing@southribble.gov.uk

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### Environmental Protection & Community Safety

Civic Centre

West Paddock

Leyland

PR25 1DH

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Telephone: 01772 421491

Email: envhealth@southribble.gov.uk

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