



Licensing Committee

Mon 5 Nov
2018
7.00 pm

Council Chamber
Town Hall
Redditch

REDDITCH BOROUGH COUNCIL
A graphic element consisting of three parallel diagonal lines pointing to the right, followed by a thicker vertical line and a small triangle at the end.

*making
difference*
www.redditchbc.gov.uk

**If you have any queries on this Agenda please contact
Sarah Sellers**

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Tel: (01527) 64252 ext 2884

e.mail: / sarah.sellers@bromsgroveandredditch.gov.uk

Licensing

COMMITTEE

Monday, 5th November, 2018

7.00 pm

Council Chamber Town Hall

Agenda

Membership:

Cllrs:

Anita Clayton (Chair)
Roger Bennett (Vice-Chair)
Joanne Beecham
Pat Witherspoon
Andrew Fry
Julian Grubb

Pattie Hill
Antonia Pulsford
Yvonne Smith
Jennifer Wheeler
Gareth Prosser

1. Apologies

2. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests and / or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.

3. Minutes (Pages 1 - 6)

To confirm as a correct record the minutes of the Licensing Committee held on 3rd September 2018.

4. Consideration of Objection to proposed Hackney Carriage Table of Fares (Pages 7 - 20)

5. Further consideration of amendments made to Hackney Carriage Hackney and Private Hire Driver Licensing Policy (Pages 21 - 46)

6. Consideration of a Review of Hackney Carriage and Private Hire Vehicle Age Limits (Pages 47 - 52)

7. Gambling Act 2005 - Consideration of responses to consultation on Revised Statement of Principles (Pages 53 - 92)

8. Work Programme (Pages 93 - 94)

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Licensing Committee

Monday, 3 September 2018

MINUTES

Present:

Councillor Anita Clayton (Chair), and Councillors Andrew Fry, Julian Grubb, Pattie Hill, Gareth Prosser, Antonia Pulsford, Yvonne Smith and Joe Baker

Officers:

Sue Garratt, Ann May and Vanessa Brown

Committee Services Officer:

Sarah Sellers

10. APOLOGIES

Apologies for absence were received from Councillors Roger Bennett, Joanne Beecham, Jennifer Wheeler and Pat Witherspoon. Councillor Joe Baker attended as substitute for Councillor Witherspoon.

11. DECLARATIONS OF INTEREST

There were no declarations of interest.

12. MINUTES

RESOLVED that

the minutes of the meeting of the Licensing Committee held on 16th July 2018 be confirmed as a correct record and signed by the Chair.

13. ANIMAL ESTABLISHMENT LICENSING REFORMS

Members received a report seeking approval for changes that would be required in order to implement the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations

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Chair

Licensing Committee

Monday, 3 September 2018

2018. Specifically, Members were asked to consider updating the Worcestershire Shared Services Agreement dated 01 April 2016 to reflect the legislative changes, and to set the fees under the new regime for licensing of animal activities.

The Licensing Support Manager, Worcestershire Regulatory Services (WRS) introduced the report and updated members on the introduction of the new regime for licensing of animal activities which the members had already been briefed on at the meeting of the Licensing Committee on 16 July.

Members were reminded that under the regulations the existing licensing scheme for animal boarding establishments, pet shops, riding establishments and dog breeders would be repealed and replaced by a new single licensing scheme that would regulate all of these activities and would also incorporate the licensing of those who train or exhibit performing animals which is an area of licensing that had previously been the responsibility of Worcestershire County Council carried out by Trading Standard Officers.

It was noted that the new regulations would come into force on 01 October 2018, and the Licensing Support Manager explained that officers had only received the guidance that supports the regulations issued by the Department for Environment, Food and Rural Affairs (DEFRA) in mid-August. Members were advised that the guidance documents were very detailed and officers were working hard to review the guidance and set up a work programme to cover the change over to the new regime. As the new regime would be more rigorous and require a greater number of inspections and more administration work to support it, WRS had decided that an extra officer would need to be employed to cover the additional workload.

The Licensing Support Manager explained that individual guidance had been issued for each licensable activity and there would be three levels of conditions for applicants to comply with; standard conditions, higher conditions and extra higher conditions. The level of attainment would be linked to a star rating system and to a risk rating. The level of risk would dictate the number of inspections required each year for any business holding a licence with most businesses receiving at least two inspections a year. Business owners would be required to display their star rating to the public.

The Licensing Support Manager highlighted the following features of the new regime:-

- That a licence would be able to authorise more than one activity, for example kennelling and breeding;

Licensing Committee

Monday, 3 September 2018

- That the new system would introduce star ratings and that the linked risk assessment would inform the frequency of inspections and the length of licence granted.
- That the old terminology of a “pet shop licence” would be replaced with a licence for the “selling of animals” thus incorporating not only traditional shops but also all other forms of selling including internet businesses.
- That dog breeders would now have to obtain a licence for 3 litters and over a year.
- That the new legislation would give local authorities more options when assessing applicants including powers to revoke, refuse or suspend licences with a right of appeal to the First Tier Tribunal.

Members were advised that there would be a lead in period after 01 October with businesses having to move over to the new system as and when their existing licences expired. WRS were planning for this carefully as the majority of licences held locally were due to expire on 31st December 2018.

With regard to the setting of fees, the Licensing Support Manager explained that the proposed fees did represent a significant increase but this was a reflection of the extra work that would have to be undertaken and the cost of engaging an additional officer. The fees had been calculated on a costs recovery basis. For example the inspection fee of £160 was based on the visit, travel and administration work taking 3 hours. As the services would be provided by WRS acting for all the partner authorities at district level in Worcestershire, it was being proposed that the fees would be the same for all districts in Worcestershire.

The Licensing Support Manager explained that recommendations 1 to 3 were required in order for the current partnership agreement for WRS to be updated and for the new powers to be delegated to WRS to be performed on behalf of the Borough Council.

In responding to questions from Members the Licensing Support Manager commented on the following:-

- That each business would be charged a single application fee and then licence fees would be added depending on the activities carried out by the business.
- That compared to the fees under the current system the increase would be in the region of 39%, although as previously mentioned this would be required to cover extra staffing costs.

Licensing Committee

Monday, 3 September 2018

- That for performing animals, there would be a slightly lesser requirement that a licence be re-newed every three years. This was partly a reflection of the previous system for performing animals which had historically been administered by Trading Standards. Officers would still go out to inspect any such establishments if relevant intelligence was received regarding concerns.
- That regarding informing businesses of the changes, all current licence holders had been contacted in writing. Officers were also reviewing what additional activities might now be subject to a licence where one would not have been required previously.
- That the Council website had been updated to include links to the DEFRA guidance on animal licensing.

Overall, members were supportive of the changes and the recognition through the new legislation of the benefits for animal welfare of having a more rigorous licensing and inspection regime.

RECOMMENDED that:

- 1) **Determination of all licensing applications in respect of Animal Welfare Act 2006 is removed from para 3, Schedule 2, Part II (Matters not Delegated) of the Worcestershire Shared Services Agreement dated 1 April 2016**
- 2) **The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 are added to Schedule 1 Appendix, Part II of the Worcestershire Shared Services Agreement dated 1 April 2016.**
- 3) **The following wording is added to Part II “Animal Health and Welfare” section of Appendix 1- Statement of Partner Service Requirements to Worcestershire Shared Services Agreement dated 1 April 2016.**

Licensing

Committee

Monday, 3 September 2018

Activity	Outcomes/ critical success factors	Performance measures/ key performance indicators and targets	Applicable polices, strategies, service standards, statutory codes or guidance
Licensing of Activities Involving Animals	Premises meet Licensing Conditions and License issued on time. Animal welfare issues addressed assured and protected. All appropriate persons and premises licensed.	Compliance with License conditions and standards.	The Animal Welfare Act 2006 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- 4) That the proposed fees and charges as detailed in the report at Appendix 1 are approved.**

14. WORK PROGRAMME

The Committee considered the Licensing Committee Work Programme for the 2018/2019 Municipal Year.

RESOLVED THAT

The Licensing Committee Work Programme 2018/2019 be noted

The Meeting commenced at 7.00 pm
and closed at 7.25 pm

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**LICENSING
COMMITTEE**
5th November 2018

HACKNEY CARRIAGE TABLE OF FARES

Relevant Portfolio Holder	Councillor G Prosser
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

The Council has responsibility under the Local Government (Miscellaneous Provisions) Act 1976, for setting the maximum fares that can be charged by hackney carriage vehicles licensed to operate within the district.

On 16th July 2018 the Licensing Committee approved the advertisement of a proposed table of fares. Members are now asked to consider an objection received to the proposed table of fares.

2. RECOMMENDATIONS

That the Licensing Committee considers the objection received to the proposed table of fares and RESOLVE whether to bring into force the revised table of fares shown at Appendix 3 with effect from 16th November 2018.

3. KEY ISSUES
Financial Implications

- 3.1 The costs of advertising the proposed variations to the table of fares for hackney carriages was met from existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 Section 65 (1) of the Local Government (Miscellaneous Provisions) Act 1976 states that a district council may fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table (hereafter in this section referred to as a "table of fares") made or varied in accordance with the provisions of this section.

**LICENSING
COMMITTEE****5th November 2018**

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- 3.3 Section 65(2) of the Local Government (Miscellaneous Provisions) Act 1976 goes on to state:
- a) When a district council make or vary a table of fares they shall publish in at least one local newspaper circulating in the district a notice setting out the table of fares or the variation thereof and specifying the period, which shall not be less than fourteen days from the date of the first publication of the notice, within which and the manner in which objections to the table of fares or variation can be made.
 - b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of fourteen days from the date of the first publication thereof be deposited at the offices of the council which published the notice, and shall at all reasonable hours be open to public inspection without payment.
- 3.4 If no objection to a table of fares or variation is duly made within the period specified in the notice referred to in section 65 (2), or if all objections so made are withdrawn, the table of fares or variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.
- 3.5 If objections are made and are not withdrawn, the district council must set a further date, not later than two months after the first specified date, on which the table of fares shall come into force with or without modifications as decided by them after consideration of the objections.

Service / Operational Implications

- 3.7 The Council has responsibility under the Local Government (Miscellaneous Provisions) Act 1976, for setting the maximum fares that can be charged by hackney carriage vehicles licensed to operate within the district.
- 3.8 Hackney Carriage ("Taxi") fares are made up of an initial hiring charge and a "mileage" rate, both of which are expressed in terms of distance and / or time per unit cost. This is because when a hired taxi is stationary or moving slowly in traffic the meter continues charging, but by time, instead of distance.
- 3.9 The table of fares applies only to hackney carriage vehicles. Private hire operators are free to agree their hiring charges in advance with their customers, normally at the time of booking the journey.

**LICENSING
COMMITTEE****5th November 2018**

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- 3.10 On 16th July 2018, the Licensing Committee approved the advertisement of a proposed table of fares for hackney carriages. The proposed table of fares approved for advertisement is shown at **Appendix 1**. The advertisement was placed in a local newspaper on 22nd August 2018 and gave until 19th September 2018 for objections to the proposed tariff to be made.
 - 3.11 An objection to the proposed table of fares has been received from a member of the public. The individual concerned has objected on the basis that they believe the table of fares should show only metric units. A copy of the objection received can be seen at **Appendix 2**.
 - 3.12 Whilst there are a very small number of local authorities that do display their table of fares only in metric units, the vast majority use yards and miles as these imperial units are common place on road signs, speedometers and odometers in vehicles used on UK roads.
 - 3.13 The member of the public makes reference to their interpretation of regulations that dictate the units of measurement to be used in the UK for various purposes, which they believe prohibits the use of anything but metric units on a table of fares.
 - 3.14 Officers believe their interpretation of the regulations is incorrect and that the regulations concerned allow any measurement of distance to be shown in miles, yards, feet or inches. Otherwise use of miles as a unit of measurement on vehicle odometers, speedometers and in road maps produced and sold in the UK would be unlawful.
 - 3.15 Officers do however feel there is no reason why the metric equivalent of the distances shown on the table of fares could not be shown alongside the imperial units. Therefore these have been included on the table of fares shown at **Appendix 3**.
 - 3.16 Members are now asked to consider the objection received to the proposed table of fares and resolve whether to bring the revised table of fares at **Appendix 3** into force on 16th November 2018.

4. RISK MANAGEMENT

- 4.1 None

LICENSING COMMITTEE

5th November 2018

5. APPENDICES

Appendix 1 – Proposed Table of Fares Advertised

Appendix 2 – Objection Received

Appendix 3 – Revised Table of Fares (including metric units)

AUTHOR OF REPORT

Name: Dave Etheridge – Senior Licensing Practitioner
Worcestershire Regulatory Services

E Mail: dave.etheridge@worcsregservices.gov.uk

Tel: (01905) 822799

REDDITCH BOROUGH COUNCIL**PROPOSED TABLE OF FARES FOR HACKNEY CARRIAGES**

	Tariff One	Tariff Two	Tariff Three
For the first 880 yards or part thereof	£3.20	£4.45	£6.40
For each subsequent 176 yards	£0.14	£0.14	£0.28
Equivalent to:	£1.40 per mile	£1.40 per mile	£2.80 per mile
Waiting time – for each 30 seconds	£0.10	£0.10	£0.20
Extra Charges			
For each dog (except guide dogs)		£1.50	
For each passenger in excess of 6		£0.50	
Explanation of Tariffs Applicable			
Tariff One	6am – Midnight		
Tariff Two	Midnight – 6am and Bank Holidays		
Tariff Three	Christmas Day, Boxing Day and New Years Day		
<p>Note if the vehicle or seating is so soiled by any passenger or animal as to require cleaning, the proprietor may make a charge. This must be made clear to the passenger at the end of the journey there will be a maximum charge of £75.00.</p>			

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24 August 2018



Licensing and Support Services Manager
Redditch Borough Council
C/o Worcestershire Regulatory Services
Wyre Forest House
Finepoint Way,
Kidderminster,
Worcestershire
DY11 7WF

Dear Sir,

Re: Variation of the table of fares for Hackney Carriages
– Public Notice in the Redditch Advertiser 22 August 2018.

I lodge an objection, and urge the Council to use metric units.
Replace the yards with metres, and re-calculate the 'per mile' to the equivalent
'per kilometre'.

I know the tariffs for Oxford City and Worcester City are in metric.
The table for Oxford is much clearer to understand than Worcester's.
Here are the links:

https://www.oxford.gov.uk/info/20087/taxi_licensing/77/hackney_carriage_fare_chart
and
<https://www.worcester.gov.uk/vehicle-licensing>

[A print out of these is enclosed]

I raised this matter in 2011 and received correspondence from Mrs Garratt.
I pointed out her error in my letter dated 18 March 2011. This is also enclosed.

Finally, metrcation has nothing to do with Brexit, and the EU, it is the International System of Measurement.

I sincerely hope Redditch Borough Council will adopt a taxi fare table that shows only metric units, like for example, Oxford or Broxbourne.

Yours faithfully,



Copy: Councillor Gareth Prosser (Portfolio holder which includes WRS)

Oxford City much clearer than Worcester

https://www.oxford.gov.uk/info/20087/taxi_licensing/77/hackney_carriage_fare_chart

We set fares for Hackney Carriages within Oxford. Fares are charged by meter. Outside Oxford you should negotiate a fare or agree a tariff for the meter.

The driver must, unless he has reasonable excuse, accept any hiring within the City of Oxford boundary if the destination is also within the City of Oxford boundary. The fare for such a journey, shown below, will be calculated by the taxi meter.

The driver does not have to accept journeys that end outside the City of Oxford boundary; the fare or rate of hire must be by agreement between the hirer and driver before the journey commences. The fare is likely to be higher than within the City as drivers cannot accept a return hiring. Where no such agreement exists then the scale of charges applicable to journeys within the City shown below will apply.
Maximum fares set by us for licensed Hackney Carriage Vehicles operative from 25th March 2014 can be found below:

General tariffs

- £0.20 for each passenger above one
- £0.10 for each item of baggage carried outside the passenger compartment
- £1.00 for each adult bicycle
- £30.00 charge for cleaning the inside of a vehicle when soiled

Monday to Saturday (06:00 to 22:00)

- £2.50 for the first 67 metres (or part)
- £0.10 for each subsequent 67 metres, up to 1608 metres
- £0.10 for each subsequent 107 metres (or part) after that
- £0.10 for every 20 seconds of waiting time
- £1.00 for each trunk carried

Monday to Saturday (22:00 to 06:00), Sundays and bank holidays

- £2.50 for the first 46 metres (or part)
- £0.10 for each subsequent 46 metres, up to 2208 metres
- £0.10 for each subsequent 107 metres (or part) after that
- £0.10 for every 20 seconds of waiting time
- £1.00 for each trunk carried

Christmas

4 December 20:00 until 27 December 06:00, and 31 December 20:00 until 2 January 06:00)

- £2.80 for the first 67 metres (or part)
- £0.15 for each subsequent 67 metres, up to 1608 metres
- £0.15 for each subsequent 107 metres (or part) after that
- £0.15 for every 20 seconds of waiting time
- £1.50 for each trunk carried

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Broxbourne

<https://www.broxbourne.gov.uk/business-licensing-and-legislation/taxis-and-private-hire-vehicles>

Taxis

These vehicles can be booked in advance, hailed from the street when the 'For Hire' light is on, or hired from a taxi rank within the Borough. They are also known as hackney carriages.

When the hire light is on drivers cannot refuse a hiring without a reasonable excuse. They can be recognised by a white plate on the rear of the vehicle with the Council's logo and a three-figure number with an 'H' prefix. Taxis must use the meter on journeys entirely within the Borough.

Passengers should not be charged more than is displayed on the meter for the journey and any waiting time. For journeys that terminate outside the Borough taxi drivers may use the meter or agree a fare with the passenger before the journey commences. A tariff card displaying the meter charges must be displayed in the vehicle.

Table of fares for hackney carriages from 1 November 2014

Rate	Hiring time	Fare up to 1100 metres	Each additional unit of 166 metres or part thereof or every 38 seconds waiting time
1	6am to 10pm Monday to Saturday inclusive	£3.00	20p
2	10pm to 6am Monday to Friday inclusive. 10pm Saturday to 6am Monday. All day Bank Holidays	£4.00	30p
3	Christmas Day, Boxing Day, New Year's Day and after 6pm Christmas Eve and New Year's Eve.	£5.00	40p
4	For vehicles licensed to carry up to 8 passengers and carrying 5 or more passengers substitute Rates, 2, 3 and 4 for Rates 1, 2 and 3.	£6.80	60p

There is no charge for assistance dogs. There is no charge for all other dogs, although they are carried at the driver's discretion.

A charge of up to £75 can be made to passengers who cause soiling to the driver's vehicle.

Complaints

If you have a complaint about a company, vehicle or driver, licensed by Broxbourne Council, please contact the Licensing Officer using the contact details to the right of the page. Complainants should quote the vehicle registration number, licence number or the driver's badge number.

Worcester City

<https://www.worcester.gov.uk/vehicle-licensing>
Hackney Carriage Fare Tariff Jan 2017

TARIFF ONE

7am to midnight, Monday – Saturday

£3.60 for the first 1208m or uncompleted part thereof 10p for each subsequent 100.5m or uncompleted part thereof after 1208m up to 1610m (1 mile) Then 10p for each subsequent 94.7m or part thereof, equal to £1.70 per mile. 10p for each period of 30 seconds or uncompleted part thereof ("Waiting Time")

TARIFF TWO

Midnight to 7am, Monday – Saturday All day Sunday & Bank Holidays 6pm – Midnight Christmas Eve & New Years Eve All day Christmas Day, Boxing Day & New Years Day

£4.60 for the first 1208m or uncompleted part thereof 10p for each subsequent 71.5 metres or uncompleted part thereof after 1208m up to 1610m (1Mile) Then 10p for each subsequent 70m or part thereof, equal to £2.30 per mile. 10p for each period of 20 seconds or uncompleted part thereof ("Waiting Time")

EXTRA CHARGES

For each passenger in excess of three - 50p each

Note: If this vehicle or seating is so soiled by any passenger or animal as to require cleaning, the proprietor may make a charge. This must be clear to the passenger at the end of the journey there will be a charge of - £75.00.

FOR ALL JOURNEYS ENTIRELY WITHIN THE CITY OF WORCESTER, THE METER MUST BE USED AND NO MORE THAN THE AMOUNT DISPLAYED ON THE METER AT THE END OF THE JOURNEY MAY BE CHARGED BY THE DRIVER OF THIS VEHICLE.

In case of complaint please contact: wrsenquiries@worcsregservices.gov.uk Telephone: 01905 822799

Attention: Mrs S Garratt
Licensing Section
(Worcestershire Regulatory Services)
Redditch Borough Council
Town Hall
Walter Stranz Square
Redditch B98 8AH

Dear Mrs Garratt,

Proposed Fare Tariffs - Your letter dated 11 March 2011

With reference to your last sentence it fails to answer my concerns.

In your letter you say 'all local authorities advertise and display their current tariff in miles and yards', this is wrong. I provide you with the following examples to illustrate local authorities where correct units are published:

- Broxbourne Council
[http://www.broxbourne.gov.uk/transport and streets/taxis and private hire/taxi hire.aspx](http://www.broxbourne.gov.uk/transport_and_streets/taxis_and_private_hire/taxi_hire.aspx)
- Oxford City Council
<http://www.oxford.gov.uk/PageRender/decB/TaxiFares.htm>

Your reference to the 'new EU Directive' (March 2009) is not relevant. The relevant law is the UK's Units of Measurement Regulations 1986 as amended. These Regulations repeat the wording of the Directive - that is, "road traffic signs, distance and speed measurement." The exemption clearly only applies to distances and speed measurements on road traffic signs (otherwise the regulations would have just said "distances and speed measurements" without qualification). Since taxi meters are not "road traffic signs", they are not covered by the exemption, and the law therefore requires that distances should be expressed in metres and kilometres.

By looking at the information provided by Broxbourne Council and Oxford City Council you will see the fares are charged using metric units.

I look forward to hearing from you.

Yours sincerely,

Philip Bladon

Document

REPLY dated 11 March

Proposed Fare Tariffs Notice published in the Redditch Advertiser 23 February 2011

Thank you for your letter dated 3 March 2011.

Units of measurement, as you have pointed out, are subject to European law in order to ensure consistency of measurement across member states and to ensure that the use of different units does not create a barrier to trade or restrict the free movement of goods and services across the European Community.

Originally, it was intended that the use of all imperial measures would be phased out but the United Kingdom negotiated exemptions for certain measures; these included the mile, yard, foot and inch for road traffic signs, distance and speed measurement.

In March 2009 a new EU Directive came into force to reflect the intention and to allow exemptions and supplementary indications to continue indefinitely.

I can confirm that nationally all local authorities advertise and display their current tariff in miles and yards - simply because the taxi tariff on the meter held within a Hackney Carriage displays the same. It would also be confusing to the passenger for the driver to display the price he has to pay in metric style, when road signage is in miles and yards.

I trust this letter answers your queries.

Yours sincerely

Mrs S Garratt
Senior Practitioner (Licensing)
Worcestershire Regulatory Services

On behalf of Redditch Borough Council

REDDITCH BOROUGH COUNCIL**PROPOSED TABLE OF FARES FOR HACKNEY CARRIAGES**

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For the first 880 yards (804.7 metres approx.) or part thereof	£3.20	£4.45	£6.40			
For each subsequent 176 yards (160.9 metres approx.)	£0.14	£0.14	£0.28			
Equivalent to: £1.40 per mile (1609.3 metres approx.)	£1.40 per mile (1609.3 metres approx.)	£1.40 per mile (1609.3 metres approx.)	£2.80 per mile (1609.3 metres approx.)			
Waiting time – for each 30 seconds	£0.10	£0.10	£0.20			
<hr/>						
Extra Charges						
For each dog (except guide dogs)	£1.50					
For each passenger in excess of 6	£0.50					
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Explanation of Tariffs Applicable						
Tariff One	6am – Midnight					
Tariff Two	Midnight – 6am and Bank Holidays					
Tariff Three	Christmas Day, Boxing Day and New Years Day					
<hr/>						
<u>Note</u> if the vehicle or seating is so soiled by any passenger or animal as to require cleaning, the proprietor may make a charge. This must be made clear to the passenger at the end of the journey there will be a maximum charge of £75.00.						

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LICENSING COMMITTEE

5th November 2018

FURTHER CONSIDERATION OF AMENDMENTS MADE TO HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENSING POLICY

Relevant Portfolio Holder	Councillor G Prosser
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

On 5th March 2018 the Licensing Committee gave further consideration to the additional requirements introduced in the Council's Hackney Carriage and Private Hire Driver Licensing Policy in November 2017. Following this consideration Members agreed that further information was needed to enable them to discuss alternative options at a future meeting.

Officers were therefore tasked to investigate alternative ways of funding the disability awareness training and driving assessments (as opposed to drivers having to pay the fees) and all options for targeting of disability awareness training / driver assessments

The outcomes of these investigations are now being reported back to the Licensing Committee.

2. RECOMMENDATIONS

1. That Members note outcome of the officer investigations set out in the report;
2. That Members note the requirements introduced in the Council's Hackney Carriage and Private Hire Driver Licensing Policy in November 2017;
3. That Members determine whether or not they wish to make any further amendments to this Policy.

**LICENSING
COMMITTEE**5th November 2018**3. KEY ISSUES****Financial Implications**

- 3.1 Any costs incurred in making further amendments to the Policy would need to be met from existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 The Council has an adopted Hackney Carriage and Private Hire Driver Licensing Policy that can be amended following consultation and proper consideration. The Policy has been amended to reflect the new requirements for driver testing and training. Any further amendment will require a period of consultation and consideration prior to the amendment being implemented.
- 3.3 Members are reminded that the primary consideration in Licensing Hackney Carriage and Private Hire drivers is the safety of the travelling public and that the Policy that governs this should reflect that. However, the Policy should have regard to those who are to be licensed and be implemented in a fair and reasonable way.

Service / Operational Implications

- 3.4 On the 6th November 2017, the Licensing Committee resolved to approve a revised policy for the licensing of Hackney Carriage and Private Hire drivers with effect on 1st December 2017. This revised Policy can be seen at **Appendix 1**.
- 3.5 The revised Policy introduced a new requirement that licensed drivers undertake disability awareness training and driving standards assessments every three years. Prior to the revised Policy taking effect, drivers only needed to undertake such training on one occasion – when they first became licensed.
- 3.6 These new requirements were originally recommended to be introduced into Policy by the Overview and Scrutiny Board, Improving Disabled People's Access to Redditch Taxi Fleet Task Group.
- 3.7 This Task Group prepared a report that was presented to the Licensing Committee in July 2016 and contained a number of recommendations aimed at improving access for disabled people in Redditch to licensed Hackney Carriage and Private Hire vehicles.

**LICENSING
COMMITTEE****5th November 2018**

- 3.8 The Licensing Committee resolved to approve the recommendations of the Task Group, subject to the carrying out of suitable consultation on those recommendations that required the Council to amend its Hackney Carriage and Private Hire licensing policies in order to implement.
- 3.9 Consultation on those recommendations, including the recommendation to require licensed drivers to undertake refresher training in disability awareness and driving standards every three years, took place between early October 2016 and the end of December 2016.
- 3.10 During the consultation exercise, twenty two consultation surveys were returned and a submission was also received from the Redditch Taxi Association (RTA). A table setting out a summary of the survey responses received during the consultation exercise is attached at **Appendix 2**. The submission received from the RTA can be seen at **Appendix 3**. The response was prepared by RTA and signed by 130 members of the association.
- 3.11 The Licensing Committee gave consideration to all of the consultation responses received in March 2017 and again in July 2017 before finally resolving to approve a revised policy on 6th November 2017.
- 3.12 Since the decision taken on 6th November 2017, some Members have been contacted by licensed drivers concerned by the new requirements in relation to driver training. Furthermore, at a Taxi and Private Hire Liaison Forum held on 31st January 2018, over 100 licensed drivers attended and strongly expressed similar concerns.
- 3.13 The concerns that continue to be raised are that the new requirements introduce a disproportionate and unjustified burden on licensed drivers. The licensed drivers appeared to express the view that additional training and tests should only be required of drivers that have been the subject of a relevant complaint against them that has been upheld.
- 3.14 Representatives of the Redditch Taxi Association (RTA) expressed the view that they felt insufficient regard had been had to the response that they submitted to the consultation on behalf of their membership (**Appendix 3**).
- 3.15 In light of the strength of feeling that was clear to those elected Members present at the Taxi and Private Hire Liaison Forum, the Chairman of the Licensing Committee agreed that Members would give the matter further consideration at the next Licensing Committee.

**LICENSING
COMMITTEE****5th November 2018**

- 3.16 Therefore on the 5th March 2018, the Licensing Committee gave further consideration to the matter and following a lengthy discussion, Members agreed that further information was needed to enable them to discuss alternative options at a future meeting.
- 3.17 Officers were therefore tasked to investigate alternative ways of funding the disability awareness training and driving assessments (as opposed to drivers having to pay the fees) and all options for targeting of disability awareness training / driver assessments.
- 3.18 Officers have not been able to find any alternative source of funding for the disability awareness training or driving assessments. The cost to Redditch Borough Council of providing the funding to pay for the current number of licensed drivers (approximately 555) to undertake disability awareness training and driving assessments would be in the region of £30,500 every three years.
- 3.19 The disability awareness training and driving assessments undertaken by drivers licensed by Redditch Borough Council are both currently delivered externally by the Driver Training Team at Worcestershire County Council and fees are charged by the County Council to recover the costs involved in providing these services. These fees are paid directly to the County Council by the driver undertaking the relevant training or assessment.
- 3.20 The County Council currently charges £15 for a place on a disability awareness training session. These training sessions are currently only provided at a location in Worcester. There is therefore an additional cost to the driver in terms of potential earnings lost attending and travelling to and from the training.
- 3.21 The County Council charges drivers £40 to undertake a driving assessment. Driving assessments start in Redditch and are undertaken in a vehicle provided by the applicant / licence holder.
- 3.22 Officers have investigated the costs of having equivalent training and assessments carried out by other providers and believe that the County Council Driver Training Team offers the lowest prices available in the market.

**LICENSING
COMMITTEE****5th November 2018**

- 3.23 In terms of options for targeting the additional training and assessments, officers believe that if serious or repeated complaints were received regarding a licence holders treatment of disabled persons or the standard of their driving, and a Licensing Sub-Committee is satisfied that it is appropriate, they could decide to suspend the driver's licence until they have undertaken further training on disability awareness or until they have successfully completed a driving assessment.
- 3.24 This approach would mean that additional training and assessments are directed towards those that require them rather than requiring every driver to undertake training every three years.
- 3.25 In light of the information provided above, Members are asked to consider whether or not to make they wish to make any further amendments to the Council's Hackney Carriage and Private Hire Driver Licensing Policy shown at **Appendix 1**.

4. RISK MANAGEMENT

- 4.1 None

5. APPENDICES

- Appendix 1 – Hackney Carriage and Private Hire Driver Licensing Policy
- Appendix 2 – Summary of Consultation Responses
- Appendix 3 – Redditch Taxi Association Response to the Consultation

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**REDDITCH BOROUGH COUNCIL - DRIVER LICENSING POLICY
(REVISED WITH EFFECT 1ST DECEMBER 2017)****APPLICATION FOR A HACKNEY CARRIAGE AND/OR PRIVATE HIRE VEHICLE DRIVER'S LICENCE**

The Driver's Licence covers the driving of either/both Hackney Carriage and Private Hire Vehicles and is valid for one year from the date of grant.

Criteria for Hackney Carriage and Private Hire Drivers:

- Applicants must be over 21 years of age;
- Applicants must hold a DVLA driver's licence or an equivalent E.U. member state driving licence;
- Applicants should have at least 2 years driving experience in the relevant class of vehicle in the UK;
- Applicants must have good conversational English
- Applicants for new licences must be free from previous convictions and cautions, other than for minor traffic offences.
- Applicants for any new driver licences must pass the Council's essential skills test.
- Applicants for new hackney carriage driver licences or dual hackney carriage/private hire driver licences, must pass the Council's knowledge test before issue of a licence;
- Applicants for any new driver licences must pass a Driving Assessment test with Worcestershire County Council before issue of a licence;
- Applicants for any new driver licences must undertake a disability awareness training course conducted by Worcestershire County Council or demonstrate to the Council's satisfaction that they have undertaken equivalent disability awareness training (e.g. Level 2 NVQ in Road Passenger Vehicle Driving)
- Applicants should be medically fit to drive hackney carriages or private hire vehicles and shall give proof of their medical fitness by completing and submitting a medical certificate carried out by a registered medical practitioner authorised by this Council (to the Driver and Vehicle Licensing Agency's Group 2 medical standards). This medical will include a drugs test.

Age 21 – 45 Medical/drugs test on first application

Age 45 – 65 Medical/drugs test every five years

Age 65 plus Medical/drugs test every year

Foreign Nationals and other persons who have lived abroad

If you are a foreign national and/or have lived abroad within the last twenty years for a period of 16 weeks or more then you will be required to produce a document from the relevant Government or Embassy of your country of origin, or last place of residence if more appropriate, which provides a comprehensive criminal record. This document must provide contact details for the Embassy or Government, in order that Officers can validate its authenticity.

Any relevant offences will be put before the Council's Licensing Committee so that they can make an informed decision as to the suitability of the applicant.

Although the Council does not employ drivers who are the recipients of Hackney Carriage and Private Hire Licences it is recommended, in the Department for Transport Best Practice Guidance, to establish that an applicant has the right to work as part of the determination of whether an applicant is a 'fit and proper' person to hold a licence. Consequently you will be required to prove your right to work in the UK. This can be done by submitting a National Insurance Number and Customs and Revenue Code numbers.

Those who do not meet the criteria

Under taxi licensing legislation, the Council has to ensure that anyone holding a licence is a 'fit and proper person'.

Where there is any doubt as to whether the applicant is a 'fit and proper' person, for instance because the DBS or DVLA checks have shown the applicant has criminal or motoring convictions, the Licensing Team may not have the authority to grant or renew an application.

In these circumstances a report will be compiled by the Licensing Officer outlining the details and presented to the Committee.

Applicants are entitled to attend the meeting to explain the circumstances of their conviction (or other reason for referral) and speak in support of their application. They are entitled to be accompanied by a representative (who may be either legally qualified or a 'lay' representative).

In respect of criminal convictions, the Committee will have regard to the supplemental guidelines relating to the relevance of convictions.

Renewal of a Driver's Licence

A licence holder must apply for renewal of their licence whilst the existing one is still in force.

A reminder letter will usually be sent to the licence holder approximately 4-6 weeks before the current licence expires. If the renewal application is received more than 14 days after the expiry of the previous licence it will be treated as a new application.

When renewing a licence the applicant must submit the completed renewal application form, to the One Stop Shop, or by post to the address shown at the front of this handbook, together with the following supporting documentation:

- Application form for Disclosure and Barring Service check (where applicable);
- Medical report/drugs test (where applicable);
- DVLA licence showing current address;
- DVLA mandate;
- Licence fee;
- Two passport sized photographs.

With effect from 1st July 2014 a driver licence holder applying to renew their licence must have undertaken a disability awareness training course conducted by Worcestershire County Council or demonstrate to the Council's satisfaction that they have undertaken equivalent disability awareness training (e.g. Level 2 NVQ in Road Passenger Vehicle Driving).

With effect from 1st December 2017, holders of driver licences must undertake refresher training in disability awareness and must pass a Driving Assessment test with Worcestershire County Council at least every three years.

Applicants for renewal of licences must be free from new convictions since the date of the grant of their last licence, other than minor traffic offences.

If the DBS or DVLA checks do not arrive prior to the expiry of the existing licence, drivers will be permitted to carry on driving hackney carriage and private hire vehicles, providing their application was received prior to the expiry date of the existing licence.

If the DBS disclosure reveals a conviction/s not disclosed by the licence holder, then the licence holder will be referred to the Committee for a decision as to whether their licence should be suspended or revoked.

If a licence holder is going on an extended holiday, they may apply for a renewal before they go, or give someone else written permission to renew their licence on their behalf.

Issue of Licence

An application will only be granted, and the licence issued, once the application has been properly completed and approved.

Improving Disabled People's Access to Redditch Taxi Fleets

Survey Reponses

Redditch Borough Council is considering relaxing its policy on the licensing of vehicles as hackney carriages so that instead of additional hackney carriages having to be "brand new" wheelchair accessible vehicles, they can be wheelchair accessible vehicles that are up to six years of age.

Please note that in this context a "wheelchair accessible vehicle" means a vehicle capable of carrying a wheelchair user whilst they remain seated in their wheelchair.

Do you agree with this proposal?

Yes - 15 (68%)

No - 7 (32%)

Other Comments Received in Relation to this Question

Although I agree that there should be more wheelchair accessible hackney carriages in the Borough, I don't feel the quality of the vehicles should be compromised by allowing vehicles to be upto six years old.

As long as they are we'll maintained regularly and spot checks done

Yes, as long as it is safe, and has been properly adapted - AND
CHECKED/approved etc.

who cares how old it is if its safe clean and usable!?

This will make it more affordable for drivers to purchase and license a wheelchair accessible taxi

Otherwise the situation is restricted - it is necessary to encourage the greatest possible number of taxis available

I believe that the vehicle does not have to be a brand new taxi, as long as it has gone through all the stringent tests that RBC taxi licensing ask of all their taxis. Also buying a wheelchair access vehicle brand new would be too expensive for most of the taxi firms, which is one reason why we do not have many of them.

As long it is maintained and fit for purpose the age should not be restrictive

There is no substantial difference in use or safety of a WAV over the rest of the fleet.

As long as the vehicle has regular services of the vehicle and ramps etc to ensure that the vehicle is safe for use then I feel a taxi can be used up to 6 years old.

Access to services under the Equality Act 2010 should be for everyone and not just for the able bodied.

Disabled people have a very limited social life – the lack of transport extends their social exclusion

Disabled people should be given the same opportunities as their peers without transport this is extremely difficult

With the services at the Alexander Hospital being moved to Worcester disabled people are going to struggle to attend appointments due to mis matched bus services and also the limitation of available positions for wheelchair users

Employment opportunity for disabled people are already limited with accessible transport disabled people would be able to venture out of county

Accessible transport would increase freedom of independence which is often lacking in the majority of disabled peoples lives

It makes good business sense and there is definatly a niche in the market to extend taxi services considering how many disabled people there are within our county

The spending power of disabled people within the county would benefit hundreds of business including the taxi provision themselves, if they had accessible transport.

I agree as it is giving more flexibility to disabled people with wheelchairs.

There are too many old bangers used as taxi/private hire. Many of these vehicles have in excess of 300,000 miles and should not be used for this purpose only new cars and buses should be allowed for this purpose. It would be a good idea to restrict mileage on vehicles also operators should supply service details many of the companies do not even service a vehicle until it breaks down.

Because we can buying cheaper 6 years old hackney taxi is cheaper so all the drivers can buying. I cannot afford a new one.

Because buying a six year old hackney carriage is cheaper so all the drivers can buying hackney taxi. I cannot afford a new one.

I cannot afford a brand new taxi with disabled access.

Because I am a dual badge taxi driver in Redditch but I cannot afford a brand new hackney vehicle. I will buy a hackney vehicle if is 6 years old so it will help the disabled customer to reduce the waiting time to get a disabled access vehicle.

What happened to those vehicles which were given out to people for this very purpose. I think there were at least four licences. I also think that this is a private hire matter unless there is a survey carried out on each taxi rank.

The taxi trade is already overcrowded with licensed hackney and private hire vehicles. How will you accommodate additional hackney carriages i.e. ranks/stands and adaptations to existing ranks so they are wheelchair friendly. Have not seen any evidence to back the Councils claim that more wheelchair access hackney carriages are needed. For example no proof of any independent survey being done. The Council has also not considered the fact that this will open the gateway for drivers easily obtaining a hackney carriage licence in Redditch and using the loophole to go and work in other Boroughs out of Redditch. There is no legislation to restrict this practice to make sure all Redditch hackney carriage licences issued remain in the Redditch Borough.

Refer to Redditch Taxi Association Letter

Too many taxis in Redditch, not enough demand for this type of vehicle. Cross-border loophole will open up

There is no demand for any more. Before any policy change I would like to see a report or an independent survey completed to back such changes. There are already sufficient amount of wheelchair cars in Redditch this will produce more overcrowding on existing ranks that are designed to accommodate such vehicles.

Redditch Borough Council is considering amending it's policy on the licensing of drivers of hackney carriage and private hire vehicles to require all drivers to undertake refresher training in driving standards and disability awareness every three years.

Do you agree with this proposal?

Yes - 13 (59%)	No - 9 (41%)
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Other Comments Received in Relation to this Question

I see more and more hackney carriage/private hire licence holders driving to very poor standards and with sub standard vehicles. Refresher training in driving standards every 3 years would, hopefully, raise the standard of driving and impress upon them the importance of having a well maintained and road worthy vehicle.

I have also been advised by wheelchair users that some companies within the Borough do not use the required restraints when fixing their wheelchair in their vehicles. Additional refresher training in disability awareness would promote a great understanding of how to interact with disabled passengers and ensure their wheelchairs are securely restrained.

I am also under the impression that a number of Redditch companies have purchased wheelchair accessible vehicles but do not readily take wheelchair passengers due to the additional time it takes to load and unload them. I believe they have only purchased these specialist vehicles in order to take advantage of the extended period they are allowed to keep the vehicles as licensed hackney carriages, as opposed to standard non-wheelchair accessible vehicles.

Everyone's needs updated training regularly for health & safety reasons

Definitely must be compulsory. The standard of driving should be better, and the driver should end up having a greater degree of empathy. One thing that should also be seriously considered AND PROMOTED is that drivers of taxis who have passed the advanced driving test - set by the Institute of Advanced Motorists - should be officially recognised etc. And if all the registered drivers of a taxi firm have passed the IAM test then that taxi firm must get special recognition.

yes absolutely, most able bodied drivers have no clue about any kind of disability

and some especially council licenced are racist and dangerous, and I have had personal incidents with drivers who should not have been behind the wheel.
Over time everyone forgets what they learned on a course. Refreshers seem a very good idea.
As long as it isn't too onerous
I believe that every taxi driver should have a refresher course as they get into bad habits, and it does not hurt to remind them about the standards that are expected of our drivers. As a disabled person who is ambulant and walks with crutches it is a lot to be desired at the moment.
It is crucial to understand the needs of disabled passengers to complete their journeys safely and securely
All professions require updated training. Training becomes less effective and relevant over time.
Drivers need to be made aware of disabilities and what each disabled person may need in regarding assistance in and onto/off the vehicle.
All clients must feel safe and secure when travelling on public transport. Without training drivers would not know how to approach the disabled person and support their needs. Drivers must be aware of working dogs and the legislation assigned to carrying a working dog such as those for visually impaired people and wheelchair users. It makes good business sense to enhance customer satisfaction Disabled people travel differently to able people i.e taking corners at the correct speed, being helped to fit their seat belts, being clamped in correctly The vulnerability of disabled people can expose them to areas of danger that they themselves may not be aware of.
I agree as the Council is giving training to people to help with assistance to wheelchair people
Many drivers in Redditch do not have full command of the English language this should not be allowed.
All the drivers already pass the taxi test and are well trained.
All the drivers already pass the taxi test and are well trained.
Every driver is very well trained and already undertook the taxi test.
Most of the drivers already know about disability awareness. As I am a taxi driver for more than 5 years.

If the Council is willing to pay then yes, otherwise no. Simply Council Officers don't pay out of their own pockets for any of their training or courses. Charge new drivers only.

I would like to see evidence that supports the need to make such amendments to policy i.e. complaints etc. If anything considering the time a driver spends on the road on a daily basis, driving skills, reflexes, judgement calls etc are much better and natural than an average driver who drives to and from work. However if the Council still considers this amendment, as I feel it is a gimmick to generate yet again more finances from the taxi trade, I would agree only on the basis that there was no costs involved. As for disability awareness the last time we completed such a course we had to pay for it, again generating more revenue but did not receive any documentation that such training was completed.

Refer to Redditch Taxi Association Letter.

Most of the drivers do a great job without extra training. New drivers must do extra tests initially when applying. Where is my certificate from disability test?

No due to the fact drivers who are existing drivers have many years of experience and are some of the best and experienced in the Borough. However they should make more rigid and intense training for any new applicants as some of them should not hold a hackney or private hire licence.

Redditch Borough Council is considering amending its policy and conditions for the licensing of hackney carriage and private hire vehicles to require vehicle proprietors to display stickers in their vehicles that provide information on how passengers can make complaints or pass on compliments.

Do you agree with this proposal?

Yes - 19 (90%)

No - 2 (10%)

Other Comments Received in Relation to this Question

I think this would be very useful. However, I would question whether Redditch Borough Council have sufficient manpower to deal with these due to the ongoing cut-backs to staffing levels.

So the public can view the details clearly.

And ensure the sticker is LARGE and of an approved/standard design - with large font, and it must be put in a prominent position etc.

because they treat you like its your fault when they have been rude or dangerous and you end up injured. and if you ring the office they say they don't know who picked you up.

This will make it easier for the public to report issues to the council.

This is a basic requirement and avoids the person having to ask the driver if it is a complaint.

This would help on both sides as if you have received exceptional treatment from a taxi driver (not normal treatment which they should be doing) you can give a compliment the same way as you can complain about a driver.

If the vehicle is licensed then there should be a complaint process and information where you can make that complaint or compliment.

What is the point of compliments? What would you do with the compliments? If they were used in anyway to influence or effect the outcome of enforcement you would be in breach of existing legislation. The compliments aspect is concerning and sets a negative precedent in taxi licensing law. This aspect is likely to be judicially reviewed and is more about appeasing drivers than improving standards.

Saves the passenger the time and hassle of having to make phone calls to find out who they need to really speak to when there is a problem.

You can not access a service unless you know how to access it.
This allows passengers to understand a driver is following code of conduct set out to him and they have information available to see where they can get in touch which helps the communication between passengers and driver.
As I have said before, many proprietors have old transport cars and buses with very high mileage and due to lack of English do not give a good service to customers.
Already there is a sticker with the taxi number displayed. We don't mind.
Already there is a sticker with the taxi number displayed. We don't mind if this is changed.
Already there is a sticker with the taxi number displayed. We don't mind if this is changed.
Because there is already a vehicle plate number is stick in the inside of the windscreens. And also we taxi driver always should wear badge so everybody can read over identity and badge number.
Depending on size of stickers. Also private hire should have "pre-booked" stickers like other towns and cities.
Because majority of customers if they have complaints or issues will either contact the operator they booked the taxi directly or in serious issues contact the police or Council anyway. However if the Council feel there is a need, why not alter the licence plates and include a contact number like some Boroughs rather than waste more money on stickers. However I strongly feel before actually implementing any changes, the Council should set up an independent complaints line for drivers who have issues with licensing i.e. badge renewals, suspensions, plate renewals and enforcement issues.
Refer to Redditch Taxi Association Letter.
I agree but more staff is required - who will pay? Who will pay for stickers? Recommend do it on red or green plates. Tell customers through newspapers on how to complain.
Rather than display stickers on the dashboard, the information should be included on the rear plates and on the interior licence sticker.

Redditch Borough Council is considering publishing a list on their website of all taxi owners / operators who can provide a vehicle that is capable of carrying a passenger who remains seated in their wheelchair.

Do you agree with this proposal?

Yes - 21 (100%)	No - 0 (0%)
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Other Comments Received in Relation to this Question

I would welcome this. However, detail regarding whether they have split ramps and high headroom would also be useful as different wheelchairs have different transportation needs.

It will give people confidence and reassurance to know they can trust the recommendations.

Obvious, and make it easy to find on the RBC website. [The search facility on the RBC website isn't very good.]

helpful as you don't know who you can call unless you personally know a driver who has a suitable car a list of companies who will put a chair in the boot without complaint or extra charge would also help.

This will make it easier to know who to call.

Again this is an obvious thing to do with so much usage of the internet and in the interests of providing a comprehensive service for users.

Yes as otherwise you have to phone round different taxi firms to see if they take wheelchair access vehicles.

Usually you have to call each firm to see if they have a suitable vehicle and if it is available.

It helps people access the appropriate service for them.

I have tried to look on the website for such information now that I have to use an electric wheelchair and there is no information at all so far of which taxi companies do provide wheelchair accessible taxis.

You can not access a service unless you know how to access it.

I agree to helping to work alongside people to be able to achieve a goal and having vehicles available for wheelchair users so they can go shopping, visit family,

appointments, etc at comfort and service.
Good idea.
It will be easier for the customers.
It will be easier for customers to book a disabled vehicle.
It will be easier for customers to book a disabled vehicle.
That will be easy for the disabled people to ring the right operator without wasting their time.
No objections at all.
Good idea to make it fair change P/H policy where operators need to stop discriminating on price. It will be good for customers to know who or how to book.

Do you have any other proposals that you think the Council should consider to improve access for disabled people to hackney carriage and private hire services?

I think the Council should ensure that disabled people are aware of the small number of wheelchair accessible vehicles that are available within the Borough and that many of these vehicles are multi-purpose so can be used as standard hackney carriages/private hire vehicles. This would help them understand that they are not as freely available in Redditch as they are in cities such as Birmingham or London. Unfortunately this results in wheelchair taxis need to be booked, in many cases, in advance, to ensure that the correct vehicle arrives.

General point, like the City of Oxford taxi tariffs, plus many other local authorities, all the taxi tariffs in Worcestershire must be in metric units, not the price per mile, the tariff meter should be set to kilometres. The published price of fares to show £ /km.

list of companies with chair adapted vehicles. list of companies who will put a chair in the boot, or carry service dogs without extra charge or moaning, list of companies whose drivers are willing to help carry goods to the door for you if you really can't, carry it a way to make sure you can complain if something happens and will be listened to drivers and cars more regularly checked for standards set rules about what they can charge so its not different with every driver as often happens. make cars easier to identify AS taxi, the company I use are great they text you telling you what car they sent, but its not always easy to identify car types in the dark at night... or a car type you have never seen before...

The council could make it mandatory for all its taxis to be wheelchair accessible taxis like they have in other towns around the country.

At the moment if a wheelchair disabled person requires a taxi, the taxi firms I have consulted on say that 48 hours notice has to be given. This is not acceptable as I feel that this is discrimination to the disabled person. How do you know if you might need a taxi for an emergency and there is no other way of getting there!

Bring down the price. I have used the only taxi company I could find to go out when I needed to. It cost me £24 for a return to my visit my sister who lives less than 3 miles from me. This is something I can't afford being a single disabled parent on benefits. Outrageous cost. In a normal taxi it would cost me £6 return to visit my sister and as I can no longer use a normal taxi £24 is not what I am willing to pay so I haven't used the service since and now I feel isolated and feel as though I will never be able to visit family and friends again.

I think when it comes to wheelchair users it is very difficult for me to say how I am going to know what's best for them as they are in a wheelchair permanently, working to help towards achieving that goal and having training as well sounds like it will

help me to improve that service.

I do not understand how some drivers get a private hire licence when they cannot speak English. It says in the manifesto that all drivers should have a good understanding of English. Many do not.

Drivers who get dual badge council can offer to put the vehicle which is at least 6 years old (like Peugeot Partner) so then will be more disabled access vehicle will come on the road which will improve service to provide a disabled access vehicle to disabled people.

My proposal would be based on first hand knowledge of the taxi trade as I have been a driver for over 12 years. Over this period of time I have never experienced an issue with disability because literally all wheelchairs are foldable and customer is able to get into a normal saloon car. I feel to improve wheelchair friendly access the Council should consider making changes to how licences for private hire vehicles are issued. For example make it compulsory for anyone wanting a private hire vehicle licence will only be issued one if the car is a 6 year old wheelchair vehicle. And change policy so they cannot charge extra for this service. As at the moment in the last 24 months a lot of private hire licences have been issued both vehicle and driver that could have potentially been wheelchair friendly. Also there is no policy or enforcement in place to stop operators for charging extra for wheelchairs. Also give the Dial-a-Ride contract to a taxi operator with the vehicles as they would do a better and regular service.

Refer to Redditch Taxi Association Letter.

Restrict what private hire operators charge if wheelchair cars are used. Any other questions please contact Redditch Taxi Association.

Redditch Taxi Association

65 Oakly Road

Redditch

B974EF

Dear Dave,

The RTA over the past few months have been speaking to the members regarding the consultation on Improving Disabled Peoples Access to Redditch Taxi Fleets. The response has been overwhelming from both Hackney and Private Hire Drivers.

The attached letter details on how the drivers feel about this consultation. Many drivers have not received the consultation letter therefore we have included a list of the drivers who have raised their concerns.

Regards

Redditch Taxi Association

In response to the report that was issued by the Task Group on improving disabled people's access to Redditch taxi fleets, the Redditch Taxi Association (RTA) and its members have agreed that changes are required but many taxi drivers have raised concerns on some of the recommendations made in this report.

The following letter will highlight what the concerns are, and are willing to put some recommendations forward to make sure that both the drivers and the disabled customer needs are met in an amicable manner.

The drivers have asked for an independent and more in-depth inquiry into what is being proposed and would be very grateful if this is carried out before any decision is made.

Many taxi drivers in the borough have been working with the public for over three decades, many of those drivers believe the demand for wheelchair accessible vehicles (WAVS) is already being met by private operators. Those customers whom require a WAV generally pre-book their taxi for a return journey at agreed times and price with their provider. Those that would come on to the taxi rank usually have foldable wheelchairs and can easily sit in the car with reasonable assistance from the driver.

Hackney members feel that this consultation is only targeted towards them. Redditch Borough Council (RBC) Licensing has made the private hire licence a free for all. The drivers believe that many of the issues and problems the customer faces are a result of licensing not following their own guidelines in recruitment of drivers. One of the recommendations that operators improve driver standards. From the offset when a driver is being issued a licence, the licensing team should follow the requirements tick list. Rather than passing on the book to operators and drivers the licensing team, employed to do this need to make sure standards are met.

The recommendation made by the Task Group to increase the number of licensed WAVS operating in the borough by relaxing its policy of vehicles as hackney carriages has many implications on the trade as a whole. From the research carried out we have found there are already too many hackney carriages for what the Taxi Ranks can cater for, which has already resulted in over parking. Cross-border working due to legal loopholes.

The ranks are not equipped for certain types of WAVS which will mean that the Ranks will have to be made more user friendly. One problem we have found with the Bus station rank is that if a WAV is parked in the middle of the rank and a customer requires this particular vehicle, there is no way of getting around unless all vehicles are made to leave the rank.

The rank configurations would come at a cost which should be considered especially when the current feeder rank situation is still being questioned and has not been sorted.

The report has not considered that by relaxing or changing the policy on the age may open a gateway for drivers to obtain a hackney carriage licence in the borough and then use a legal loophole to go and work cross- borders. There is no legislation to restrict this practice to make sure all hackney carriage licensed vehicles remain in the borough.

Members have suggested that a change in policy for any new private hire licences should have a compulsory requirement of WAV.

Changing the policy from allowing a brand new WAV to one that can be up to six years of age. This in the report states that considerable savings can be made to the driver. These vehicles usually tend to be high mileage thus requiring more maintenance for wear and tear, giving far less fuel economy and some are adapted only to carry a single occupant alongside the wheelchair user. The side loading black cab style vehicle even at six years of age is an expensive option as these tend to be ex taxis in other counties and also come with high mileage and usually are coming to the end of their life span.

The current WAV operators in the borough have a modern and adequate fleet of vehicles, who cater for all types of wheelchairs. The supply for WAVS surpasses the demand for the borough, as many operators have to rely on regular contracts to make these vehicles financially viable.

The report states that "a disabled customer was unable to get home after their shopping trip" which prompted this short and fast review. A question drivers are asking is how did this customer get there?, why is it when a taxi is required it is expected there and then and if you book a taxi operated and funded by the council you have to wait upto a week?

When the customer did require a WAV they were told one was not available for a period of time due to prior commitments. Yet Dial a Ride which was praised in the report, a service funded by the council will make customers book in advance for the journey required. A service that only operates limited hours and days. Some members have suggested that the dial a ride contract be given to a local operator, at a subsidised cost which may lead to a more regular and cost effective service.

Redditch Borough Councils consideration of requiring hackney carriage drivers to undertake refresher training in driving standards and disability awareness every three years has unanimously been rejected by the drivers. The amount of private hire licences being issued has seen a decrease in driver earnings over the last few years. Who will cover the cost of such training and courses? Our proposal would be, any new drivers joining the taxi trade Hackney Carriage or Private Hire must undertake a DSA test as well as a disability awareness test before their license is issued. Majority of Redditch drivers have been working in the trade helping people from all groups without any problems or major concerns.

The consideration of stickers in taxis for passengers to make complaints and compliments is a good idea. Our recommendation would be to have this information on the plates inside and outside of the car, this will save on the cost of having the stickers made. Drivers are also concerned whether there will be a specialist department with more employees? And if so how will these costs be covered?

When a complaint is made, there must be sufficient and reasonable evidence of any complaints made before the driver has been summoned to the committee.

Drivers are in agreement that a disabled passenger must be charged the same as all customers. Changes to policy are required so that this can be achieved and be fair to all. The drivers have made it clear that any licensed driver, who refuses to carry a passenger with a disability without reasonable exemptions, should be given penalties or even a ban.

The recommendation of advertising WAVS through the internet is a good idea and would make it easier for the user to access this service. It will also save on costs when upgrades are needed, compared to other types of media.

In conclusion the drivers believe some changes are required. An independent inquiry must be carried out before a decision is made. Changes to private hire policy must be looked into, which may include the fairness in price for disabled passengers. The improvements that can be made in initial recruitment of drivers by the licensing team.

We would be very grateful that the council or committee do not issue any WAV a licence on what is being suggested in the report during the consultation period or until a final decision is made regarding this matter.

Any issues in this letter you may want to discuss with the RTA please do not hesitate in contacting us.

Regards

Redditch Taxi Association

LICENSING COMMITTEE

5th November 2018

CONSIDERATION OF A REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE AGE LIMITS

Relevant Portfolio Holder	Councillor G Prosser
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

Members are asked to consider whether they wish to carry out consultation on amending the age limits for vehicles that are set out in the Council's Hackney Carriage and Private Hire Vehicle Licensing Policies.

2. RECOMMENDATIONS

That Members consider the content of the report and RESOLVE whether or not they would like carry out a consultation exercise on amending the existing applicable age limits for vehicles that are set out in the Council's Hackney Carriage and Private Hire Vehicle Licensing Policies.

3. KEY ISSUES

Financial Implications

- 3.1 The costs involved in carrying out the consultation would be met from existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 Council's are free to adopt policies on the licensing of hackney carriage and private hire vehicles. These policies can include requirements relating to the age of vehicles that the Council will consider issuing licences in respect of. However each case must be considered on its own merits and the Council can depart from its own policies and grant a licence in respect of a vehicle that does not meet the normal requirements in policy where there are exceptional reasons for doing so.

**LICENSING
COMMITTEE**5th November 2018**Service / Operational Implications**

- 3.3 The Council's existing Private Hire Vehicle Policy was last amended with effect from 1st August 2013 and the Council's Hackney Carriage Vehicle Policy was last amended with effect from 1st December 2017.
- 3.4 These policies both contain requirements in relation to the age of vehicles. A summary of the current vehicle age requirements is shown in the table at **Appendix 1**.
- 3.5 It is open to applicants to request that the Council departs from its normal policies if there are exceptional reasons for doing so. Where a person submits an application to licence a vehicle that does not meet the Council's policy, the application is referred to a Licensing Sub-Committee for consideration and determination.
- 3.6 In November 2016 the Licensing Committee considered a report from the Senior Practitioner (Licensing) asking them to consider whether they wished to review the vehicle age limits in light of the number of applications being granted by Members at Licensing Sub-Committees, that fell outside the requirements set out in Policy.
- 3.6 At that time, officers had noticed an increase in the number of applications being submitted where the vehicle did not comply with the Council's policy. For example an increasing number of applicants were requesting that licences for vehicles are renewed after they had reached the upper age limit set out in the policies.
- 3.7 Between 1st January 2016 and 14th September 2016 there had been a total of ten applications for licences for vehicles that did not meet the age requirements set out in the Council's policy.
- 3.8 Four of these applications related to applications for licences to use a vehicle as a hackney carriage three being granted and one refused. The remaining six applications were for licences to use vehicles as private hire vehicles. Five of these were granted and one application was withdrawn.
- 3.9 The Democratic Services Officer has confirmed that, since September 2016, there have been a further 52 applications made and referred to Licensing Sub-Committees for vehicles that did not meet the age requirements set out in the Council's Policy.

**LICENSING
COMMITTEE****5th November 2018**

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- 3.10 Of these 52 applications, the majority (40) were for saloon-type vehicles that had reached the maximum age under the policy and where the proprietor was requesting a licence to continue using the vehicle, despite it no longer complying with the Council's policy.
 - 3.11 36 of these 40 applications were ultimately determined at a Licensing Sub-Committee with the other 4 applications being withdrawn or otherwise not proceeded with.
 - 3.12 Of the 36 applications determined by Licensing Sub-Committees, 31 applications were granted (86%) and 5 were refused (14%).
 - 3.13 Officers recognise that preparing for and attending Licensing Sub-Committees is costly and time consuming for both the Council and licence applicants. In addition, the Redditch Taxi Association has also repeatedly requested during liaison meetings that further consideration be given to amending the vehicle age requirements to allow saloon-type vehicles to be licensed until they are ten years of age.
 - 3.14 Therefore, in light of the number of occasions since September 2016 that Sub-Committees have resolved to grant licences to vehicles that fall outside the policy requirements, and in light of the requests made by the Redditch Taxi Association, Members are asked to consider whether they wish to carry out a consultation on amending the age limits for vehicles that are set out in the Council's Hackney Carriage and Private Hire Vehicle Licensing Policies.
 - 3.15 Any consultation could set out a number of options and Members would be asked to consider the results of the consultation at a future Licensing Committee meeting before deciding whether they wished to make any amendments to the Council's current Hackney Carriage and Private Hire Vehicle Licensing Policies.

4. RISK MANAGEMENT

- 4.1 None

5. APPENDICES

- Appendix 1 – Table Setting Out Existing Age Requirements for Licensed Vehicles

**LICENSING
COMMITTEE****5th November 2018****AUTHOR OF REPORT**

Name: Dave Etheridge – Senior Practitioner (Licensing)
 Worcestershire Regulatory Services

E Mail: dave.etheridge@worcsregservices.gov.uk

Tel: (01905) 822799

Appendix 1

	Current Policy - Hackney Carriage	Current Policy - Private Hire
New (additional) vehicles being licensed	Must be <u>wheelchair accessible</u> and under 6 years of age.	Must be under 6 years of age
Replacement vehicles	Must be under 6 years of age (and wheelchair accessible if replacing a wheelchair accessible vehicle)	Must be under 6 years of age
On Renewal	Can be no older than 9 years of age unless wheelchair accessible when it can be no older than 12 years of age.	Can be no older than 9 years of age unless wheelchair accessible when it can be no older than 12 years of age.
Inspections	<p>Vehicles up to 9 years of age must be inspected twice per year.</p> <p>Vehicles over 9 years of age must be inspected three times per year.</p>	<p>Vehicles up to 9 years of age must be inspected twice per year.</p> <p>Vehicles over 9 years of age must be inspected three times per year.</p>

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LICENSING COMMITTEE**5th November 2018****GAMBLING ACT 2005 – REVIEW OF STATEMENT OF PRINCIPLES**

Relevant Portfolio Holder	Councillor G Prosser
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

The Council's current Statement of Principles under the Gambling Act 2005 took effect on 31st January 2016. In accordance with the provisions of the Act, the Council is required to prepare and publish a Statement of Principles every three years. Therefore a new Statement of Principles must be published by 31st January 2019.

On 5th March 2018, the Licensing Committee approved a draft revised Statement of Principles for consultation purposes. The results of the consultation are now being reported back to the Committee who are asked to recommend to Council that the draft revised Statement of Principles be approved and published.

2. RECOMMENDATIONS

Members are asked to RESOLVE:

To recommend to Council that the revised draft Statement of Principles at Appendix 2 be approved and published.

3. KEY ISSUES**Financial Implications**

- 3.1 The costs involved in carrying out the consultation were met from existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 Section 349 of the Gambling Act 2005 requires that the licensing authority produce, consult on and publish a Statement of the Principles that it proposes to apply when exercising its functions under the Act.

LICENSING COMMITTEE**5th November 2018**

-
- 3.3 The Act also requires that the Statement of Principles should be kept under review and must be re-published at least every three years.
- 3.4 When revising its Statement of Principles, the Council is required to consult with:-
- the Chief Officer of Police for the Authority's area;
 - one or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
 - one or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under this Act.

Service / Operational Implications

- 3.5 Redditch Borough Council is a licensing authority in accordance with the provision of the Gambling Act 2005.
- 3.6 Each licensing authority is required before each successive three year period, to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during that period. This document is commonly referred to as the authority's Statement of Principles.
- 3.7 The Council's current Statement of Principles took effect on 31st January 2016 and therefore a new Statement of Principles must now be prepared and published ready to take effect on 31st January 2019.
- 3.8 Whilst there have been no significant amendments to the provisions of the Gambling Act 2005 itself since the last Statement of Principles took effect, there have been changes made to the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) that licensed operators have to comply with. The Gambling Commission has also updated its Guidance to Licensing Authorities (GLA).
- 3.9 On 12th March 2018, the Licensing Committee approved a draft revised Statement of Principles for consultation purposes.
- 3.10 Consultation on the revised draft Statement of Principles took place with all relevant parties including:
- The Chief Officer of West Mercia Police
 - The Gambling Commission
 - All other responsible authorities identified under the Act

LICENSING COMMITTEE**5th November 2018**

- Relevant Trade Associations
- The Public Health Team at Worcestershire County Council
- Organisations working with people who are problem gamblers
- Feckenham Parish Council
- The general public

- 3.11 The consultation was also made available for comment via the Council's website and publicised via social media and also through the local press.
- 3.12 The consultation exercise began on the 4th May 2018 and remained open for comments until 27th July 2018.
- 3.13 There were two substantive responses received during the consultation from the Public Health Team at Worcestershire County Council, and from a consultant that works for a gambling premises operator who has premises in the licensing authority's area.
- 3.14 The Public Health Team has requested some minor changes to the wording contained in part 10 of the Statement of Principles which relates to Public Health and Gambling in order to provide a firmer commitment to engagement with them in this area. The changes they requested have been incorporated into the draft revised Statement of Principles shown at **Appendix 2**.
- 3.15 The response from the consultant can be seen at **Appendix 1**. In response to the first point raised, the revised Statement of Principles has been amended at paragraph 19.5 to clarify that when an applicant for an unlicensed family entertainment centre is a limited company, a Basic Disclosure certificate will need to be supplied in respect of each director of the company concerned.
- 3.16 In response to the second point raised by the consultant, officers do not believe that the wording of the draft revised Statement of Principles implies gambling premises are inappropriate in town centres. Part 10 specifically acknowledges that Public Health is not a responsible authority. Part 10 recognises the Gambling Commission's view that gambling-related harms should be considered a public health issue and sets out how the licensing authority will engage with public health in order to try and address these harms.
- 3.17 The draft revised Statement of Principles is also clear that in all circumstances each application will be treated on its own merits with the onus on the applicant providing the Licensing Authority with sufficient information to make their determination with the underpinning statutory aim of permitting gambling subject to being reasonably consistent with the licensing objectives

LICENSING COMMITTEE

5th November 2018

- 3.18 Members of the Committee are now asked to consider the responses and recommend to Council that the draft revised Statement of Principles at **Appendix 2** be approved and published.

4. RISK MANAGEMENT

- 4.1 Failing to prepare and publish a new Statement of Principles by 31st January 2019 would leave the Council in a position where it was failing to comply with its duties as a licensing authority under the provisions of the Gambling Act 2005.

5. APPENDICES

Appendix 1 – Response from Consultant

Appendix 2 – Draft Revised Statement of Principles

AUTHOR OF REPORT

Name: Dave Etheridge – Senior Practitioner (Licensing)
Worcestershire Regulatory Services

E Mail: dave.etheridge@worcsregservices.gov.uk

Tel: (01905) 822799

From: Roger [REDACTED]
Sent: 10 May 2018 11:58
To: WRS Enquiries
Subject: Redditch - Consultation on Draft Revised Statement of Principles

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

I have submitted representations in response to the consultation by another of the Worcestershire authorities. I respond to this as it is not clear that an objection to one consultation applies to them all. Further, an additional matter occurs to me that requires me to add to my earlier submission of 3 May. I have underlined the new element.

I have 2 comments:-

1. Whilst I have no prospective applicant in mind I have come across the suggestion elsewhere which is at 19.5 in your revised Statement that '*The Licensing Authority requires applicants for uFEC permits to provide a Basic Disclosure certificate issued by the Disclosure and Barring Service (DBS) within a period of one month before the application is made.*'

What happens if the applicant is a company?

That is not a circumstance that your policy seems to contemplate.

2. The LCCP and the way in which gambling premises have to be managed (I have in mind AGCs and Bingo premises)with detailed policies in place to identify the vulnerable and exclude them or enable them to exclude themselves means that they can be suitable in most areas without giving rise to problems. They are situated in town centres which are a gathering point for all members of the community and so their management has to take into account the likely presence of problem gamblers in town centres. I am not aware of a problem with Worcestershires gambling premises at the moment.

If, as seems to be implied, gambling premises are deemed innappropriate in areas where the vulnerable are most numerous, in town centres, then that would potentially make the current pattern of premises innappropriate.

In summary, I consider your proposed changes at section 10 will leave the Council to determine licence applications in accordance with the views of your 'public health teams' with insufficient regard being paid to the obligations placed on operators by the LCCP (Gambling Commission - Licence Conditions and Codes of Practice) and the way they conduct their premises. Further, I am concerned at the weight which it seems is to be accorded to the input of the 'public health teams'. It is to be noted that they are not 'Responsible Authorities' which suggests that one should be cautious about according undue weight to their input.

Roger Etchells FRICS
[REDACTED]

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Gambling Act 2005

Statement of Principles

2019-2022

Contents	Page
Introduction	3
Gambling Act 2005	4
The Gambling Commission	4
Local Area Profile	5
Authorised Activities	5
General Statement of Principles	5
Preventing gambling from being a source of crime and disorder	6
Ensuring gambling is conducted in a fair and open way	7
Protecting children and vulnerable people from gambling	7
Public Health and Gambling	8
Local Risk Assessments	9
Premises licences	10
Responsible Authorities	12
Interested Parties	12
Licence conditions	13
Gaming Machines	14
Gambling in Alcohol Licensed Premises	14
Gambling in Clubs	17
Unlicensed Family Entertainment Centre Permits	21
Prize Gaming Permits	23
Temporary Use Notices	24
Occasional Use Notices	24
Lotteries	25
Exchange of Information	29
Enforcement Protocols	30
Reviews	31
Appendix A – Map of the Borough of Redditch	33
Appendix B – List of Consultees	34

Statement of Principles – Gambling Act 2005**1.0 Introduction**

- 1.1 Redditch Borough Council is situated in the County of Worcestershire, which contains 6 District Councils in total. The Borough is approximately 15 miles south of Birmingham. The Council area has a population of 84,300 (2011 Census) and covers an area of around 21 square miles. The population of the Borough has a higher percentage of young people (0 – 15) compared with the rest of the County. There is a very diverse population within the Borough and there are four areas that are within the top 10% most deprived in England.
- 1.2 The Borough of Redditch consists of 2 distinct areas:-
- An essentially urban area, which includes a vibrant and thriving town centre and smaller centres within local districts; and
 - An essentially rural area, which includes Astwood Bank, Feckenham, Elcocks Brook and Ham Green.
- 1.3 The Borough and its address districts are shown in the map at Appendix 'A'.
- 1.4 Redditch Borough Council is committed to providing residents with effective and efficient services that not only meet their needs but understand them too. Through considering what really matters to residents the Council has produced a set of six strategic purposes to guide us; they are based on customer demands and data and evidence about the needs of and issues affecting the people of Redditch Borough. The six strategic purposes are set out in the Council Plan. This statement seeks to support the strategic purposes and to promote the licensing objectives set out in the Act, which are central to the regulatory regime created by the Act. These are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way, and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.5 The Licensing Authority has produced this statement as required by Section 349 of the Gambling Act 2005 (referred to in this statement as "the Act") and having had regard to the Gambling Commission's formal guidance issued under Section 25 of the Act, the licensing objectives and to the views of those that the Licensing Authority have consulted. The Licensing Authority consulted widely upon this statement before finalising and publishing. The list of those persons and organisations consulted is shown at Appendix B. The consultation took place between 4th May 2018 and 27th July 2018 in line with current published Government consultation principles. The statement was approved at a meeting of the Full Council on 19th November 2018 . Should you have any comments with regards to this policy statement please send them via email or letter to: wrsenquiries@worcsregservices.gov.uk.
- 1.6 This statement must be published at least every three years. The statement may also be reviewed from 'time to time' and any amended parts re-consulted upon.

- 1.7 The Licensing Authority intends that this document should provide information and guidance on the general approach that the Licensing Authority will take to licensing. A series of advice sheets with more specific guidance is available on request; advice tailored to individuals is available by phone or to personal callers.
- 1.8 Nothing in this statement takes away the right of any person to make an application under the Act and to have that application considered on its merits; nor does it undermine the right of any person to object to an application or to seek a review of a licence where the law provides that they may do so. Applications will be considered in line with our statement of general principles, below.

2.0 Gambling Act 2005

- 2.1 This statement reflects and aims to support our strategic purposes, as set out in the Council Plan.
- 2.2 The Act provides for gambling to be authorised in a number of different ways. Our main functions are to:
 - licence premises for gambling activities, including the issue of provisional statements;
 - regulate and grant permits for gambling and gaming machines in clubs, including commercial clubs,
 - regulate gaming and gaming machines in alcohol licensed premises;
 - grant permits to family entertainment centres for the use of certain lower stake gaming machines;
 - grant permits for prize gaming;
 - receive and endorse notices given for the temporary use notices;
 - receive occasional use notices for betting at tracks;
 - register small societies lotteries;
 - maintain public registers; and
 - provide information to the Gambling Commission on issued licences.

- 2.3 The Gambling Commission regulates remote gambling and issues personal and operating licences for premises. The “National Lottery” is also regulated by the Gambling Commission. Spread betting is regulated by the Financial Conduct Authority.

3. The Gambling Commission

- 3.1 The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring that gambling is conducted fairly and openly; and by protecting children and vulnerable people.
- 3.2 The Commission provides independent advice to the Government about the manner in which gambling is carried out, the effects of gambling, and the regulation of gambling generally. It also produces guidance under Section 25 of the Act detailing how local authorities should exercise their licensing functions.
- 3.3 In addition, the Commission’s role is to issue codes of practice under Section 24 of the Act about the manner in which facilities for gambling are provided, and how those provisions might be advertised.
- 3.4 Information about the Gambling Commission can be found on the Internet at: www.gamblingcommission.gov.uk or by phone: 0121 230 6666.

4 Local Area Profile

- 4.1 Alongside its Statement of Principles, the Licensing Authority has worked with the other Licensing Authorities in Worcestershire and other partners to develop a “Local Area Profile” for the County as a means of mapping out local areas of concern, which can be reviewed and updated to reflect changes to the local landscape.
- 4.2 This Local Area Profile takes account of a wide range of factors, data and information held by the Licensing Authority and its partners. An important element of preparing the Local Area Profile has been proactive engagement with responsible authorities as well as other organisations in the area that could give input to ‘map’ local risks in the area.
- 4.3 These include public health, mental health, housing, education, community welfare groups and safety partnerships, and organisations such as GamCare or equivalent local organisations.
- 4.4 The aim of the Local Area Profile is to increase awareness of local risks and improve information sharing, to facilitate constructive engagement with licensees and a more coordinated response to local risks. The Local Area Profile will also help to inform specific risks that operators will need to address in their own risk assessments, which forms a part of any new licence application, or any application made to vary a licence.
- 4.5 The Local Area Profile is published on the Licensing Authority’s website and will be updated on a regular basis to reflect changes to the local environment. Holder’s of premises licences will be notified whenever the Local Area Profile is updated.

5. Authorised Activities

- 5.1 ‘Gambling’ is defined in the Act as gaming, betting, or taking part in a lottery.
 - ‘Gaming’ means playing a game of chance for a prize.
 - Betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not.
 - A lottery is an arrangement where persons are required to pay in order to take part in an arrangement whereby one or more prizes are allocated by a process which relies wholly on chance.

6. General Statement of Principles

- 6.1 In carrying out the licensing functions in accordance with the Act, particularly with regard to premises licences, the Licensing Authority will aim to permit the use of premises for gambling as long as it is considered to be:
 - in accordance with any relevant Codes of Practice issued by the Gambling Commission;
 - in accordance with any relevant Guidance issued by the Gambling Commission;
 - in accordance with this Statement of Principles; and
 - reasonably consistent with the licensing objectives.

- 6.2 The Licensing Authority will not seek to use the Act to resolve matters that are better dealt with by other legislation. Licensing is not the primary mechanism for general control of nuisance and the antisocial behaviour of people once they are away from licensed premises.
- 6.3 The Licensing Authority will ensure that in dealing with applications under the Act the Licensing Authority will follow the required procedures and only take into account issues that are relevant. Specifically, the Licensing Authority will not have regard to "demand" when considering applications for gambling premises; nor will the Licensing Authority consider the suitability of applicants for premises licences (which is a matter for the Gambling Commission). The Licensing Authority will not reject an application on moral grounds. If the Licensing Authority does decide to reject an application, the Licensing Authority will make known the reasons for doing so.
- 6.4 The Council has delegated its licensing function to its Licensing Sub-Committee and Licensing Officers. In the remainder of this Statement of Principles they are referred to collectively as the 'Licensing Authority'.
- 6.5 Where an application is for a new premises licence, the responsible authorities will usually visit to check that gambling facilities meet all necessary legal requirements.
- 6.6 Where there are no representations (objections), licences and permissions will be granted subject only to any appropriate mandatory conditions (Section 167 of the Act) and any conditions having at least the effect of appropriate default conditions made under Section 168.
- 6.7 If there are objections that cannot be resolved informally, or the Licensing Authority intends to impose extra conditions, the Licensing Authority will hold a public hearing at which the Licensing Sub-Committee will hear evidence and make a decision in accordance with the Act.
- 6.8 This Statement is not intended to override the right of any person to make an application under the Act, and to have that application considered on its merits. Equally, this Statement of Principles is not intended to undermine the right of any person to make representations about an application or to seek a review of a licence where provision has been made for them to do so.

7. Preventing Gambling from being a Source of Crime and Disorder

- 7.1 The Gambling Commission takes the leading role in preventing gambling from being a source of crime, and maintains rigorous licensing procedures aiming to prevent criminals from providing facilities for gambling. Applicants need an operating licence from the Commission before the Licensing Authority will issue a licence to use premises for gambling.
- 7.2 The Licensing Authority will not issue a premises licence to someone who does not hold an operator's licence, and would not generally be concerned with the suitability of an applicant. Where concerns about a person's suitability arise the Licensing Authority will bring those concerns to the attention of the Commission.

- 7.3 If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, the Licensing Authority will, in consultation with the Police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime. This could include a requirement for door supervisors registered by the Security Industries Association.
- 7.4 'Disorder' is generally a matter for the Police; the Licensing Authority will not use this Act to deal with general nuisance issues, for example, parking problems, which can be better dealt with using alternative powers. Disorder will only be considered under this Act if it amounts to activity which is more serious and disruptive than mere nuisance, and where it can be shown that gambling is the source of that disorder. A disturbance might be serious enough to constitute disorder if Police assistance were required to deal with it; the Licensing Authority will then consider how threatening the behaviour was to those who could see or hear it, and whether those people live sufficiently close to be affected or have business interests that might be affected.
- 7.5 When making decisions relating to disorder, the Licensing Authority will give due weight to comments made by the Police.

8. Ensuring Gambling is conducted in a Fair and Open Way

- 8.1 The Gambling Commission does not expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way. The Commission, through the operating and personal licensing regime, will regulate the management of the gambling business and the suitability and actions of an individual.
- 8.2 As betting track operators do not need an operating licence from the Commission, the Licensing Authority may, in certain circumstances, require conditions of licence relating to the suitability of the environment in which betting takes place.

9. Protecting children and vulnerable people from being harmed or exploited by gambling

- 9.1 The intention of the Act is that children and young persons should not be allowed to gamble, and should be prevented from entering those gambling premises which are 'adult-only' environments.
- 9.2 Codes of Practice – including advice about access by children and young persons – may be published by the Gambling Commission for specific kinds of premises. Applicants are expected to heed this advice where applicable.
- 9.3 The Licensing Authority expects steps to be taken to prevent children from taking part in, or being in close proximity to, gambling. This may include restrictions on advertising to ensure that gambling products are not aimed at children, nor advertised in such a way that makes them particularly attractive to children.
- 9.4 When determining a premises licence or permit the Licensing Authority will consider whether any additional measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises like pubs, clubs and betting tracks.

- 9.5 In seeking to protect vulnerable people the Licensing Authority will include people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling, perhaps due to a mental impairment, alcohol or drugs.
- 9.6 The Licensing Authority will always treat each case on its individual merits and when considering whether specific measures are required to protect children and other vulnerable people, will balance these considerations against the overall principle of aiming to permit the use of premises for gambling.
- 9.7 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.

These principles are:

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

- 9.8 In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Worcestershire Safeguarding Children Board for this purpose.

10. Public Health and Gambling

- 10.1 The Licensing Authority agrees with the Gambling Commission's position that gambling-related harm should be considered as a public health issue.
- 10.2 Gambling is a legitimate leisure activity enjoyed by many and the majority of those who gamble appear to do so with enjoyment, and without exhibiting any signs of problematic behaviour. There are however significant numbers of people who do experience significant harm as result of their gambling.
- 10.3 For these problem gamblers, harm can include higher levels of physical and mental illness, debt problems, relationship breakdown and, in some cases, criminality. It can also be associated with substance misuse.
- 10.4 There can also be considerable negative effects experienced by the wider group of people around a gambler. The health and wellbeing of partners, children, and friends can all be negatively affected.
- 10.5 Therefore the Licensing Authority considers that Public Health teams, whilst not a responsible authority under the Act, can still assist the Licensing Authority to address gambling-related harms in its area.
- 10.6 The licensing authority will therefore engage with the local Public Health team in the further development of this Statement of Principles and the Local Area Profile. It is planned that the Public Health team will be able to help the Licensing Authority:

- Identify and interpret health data and evidence to inform the review of the Statement and develop locally tailored local area profiles.
- Make decisions that benefit and protect the health and wellbeing of local communities.
- Be clear on issues which they can have regard to when deciding on licenses for a wide range of gambling activities.
- Conduct a health-impact assessment of gambling in the local area or assess any existing information.

11.0 Local Risk Assessments

- 11.1 Since 6 April 2016 it has been a requirement for operators to assess local risks to the licensing objectives taking into account this Council's Policy. The operator must also have policies, procedures and control measures in place to mitigate these risks. Risk assessments must be reviewed whenever there are significant changes in local circumstances, or at the premises, or when applying for a new licence or a variation of a licence. Risks in this context include actual, potential and possible future emerging risks to the licensing objectives.
- 11.2 The Licensing Authority will expect the local risk assessment to consider, for example:
- whether the premise is in an area of deprivation;
 - whether the premise is in an area subject to high levels of crime and/or disorder;
 - whether the premise is near an addiction treatment facility and in general consider the demographics of the area in relation to vulnerable groups;
 - the location of sensitive buildings such as schools, playgrounds, toy shops, leisure centres, libraries and other areas where children are likely to gather; and
 - how vulnerable persons as defined within this Policy are protected.
- 11.3 In compiling their local risk assessment the Licensing Authority shall also expect operators to take into account the general principles as set out in this Policy and the Local Area Profile.
- 11.4 Other matters that the risk assessment may include are, for example:
- Staff training, including refresher training, e.g. such as intervention when customers show signs of excessive gambling, in the mandatory licensing conditions, in location of the premises licence; in location of information relating to gambling care providers, etc.
 - Where installed, details of CCTV coverage and how the system will be monitored.
 - Layout of the premises to ensure staff have unobstructed views of persons using the premises or where this is not possible, evidence of how this can be achieved.
 - The number of staff employed at the premises at any one time taking into account any effects from seasonal trade in the area.
 - Where only one staff member is employed – in the case of smaller premises, – what the supervisory and monitoring arrangements are when that person is absent from the licensed area or distracted for any other reason.
 - Provision of signage and documents relating to games rules, gambling care providers.
 - The mix of gambling provided.
 - Consideration of primary gambling activity and location of gaming machines.

- 11.5 Operators are expected to share their risk assessments with the Licensing Authority when applying for a new premises licence, applying for a variation to an existing licensed premise or otherwise upon request. These risk assessments must in any event be kept under regular review and updated as necessary. The Licensing Authority expects a copy of the most recent local risk assessment to be kept on each premises that is subject to a premises licence under the Gambling Act 2005.
- 11.6 The information contained within the risk assessment may be used to inform the decision the Licensing Authority makes about whether or not to grant the licence, to grant the licence with special conditions or to refuse the application.
- 11.7 However, in all circumstances each application will be treated on its own merits with the onus on the applicant providing the Licensing Authority with sufficient information to make their determination with the underpinning statutory aim of permitting gambling subject to being reasonably consistent with the licensing objectives.
- 11.8 In its Guidance to Licensing Authorities, the Gambling Commission suggests that Licensing Authorities should adopt a 'Local Area Profile'. The Guidance suggests that a Local Area Profile is a process of gathering and presenting information about a locality and any particular areas of concern within that locality. It underpins and explains the approach that the Licensing Authority will apply when granting licences. The Licensing Authority has created a Local Area Profile to assist applicants and licence holders to conduct their local risk assessments.
- 11.9 The Licensing Authority expects local risk assessments to be kept under review and updated as necessary. The Licensing Authority expect local risk assessments to be subject to a review whenever there is a significant change at or near the premises and in any event at least every twelve months.

12.0 Premises licences

- 12.1 A premises licence can authorise the provision of facilities at the following :
- casino premises
 - bingo premises
 - betting premises, including betting tracks
 - adult gaming centres
 - family entertainment centres
- 12.2 Premises can be 'any place' but the Act generally prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts can be reasonably regarded as being separate 'premises'.
- 12.3 This will allow large, multiple unit premises such as tracks, shopping malls or service stations to obtain discrete premises licences, with appropriate safeguards in place. The Licensing Authority will pay particular attention if there are issues about sub-divisions of a single building or plot and mandatory conditions relating to access between premises are observed. The Licensing Authority will not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partition, can properly be regarded as different premises. Whether different parts of a building can properly be regarded as being separate premises will depend on the individual circumstances of the case.

- 12.4 A particular requirement might be for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of the premises is not compromised and people are not allowed to 'drift' accidentally into a gambling area. It should normally be possible to access the premises without going through another licensed premises or premises with a permit. The Licensing Authority would also expect customers to be able to participate in the activity named on the premises licence.
- 12.5 The Secretary of State appointed an independent Casino Advisory Panel to advise the Government on the areas in which small and/or large casinos may be located. The Borough of Redditch was not identified as a suitable location for a casino; consequently the Licensing Authority is currently prevented from granting a Casino Premises Licence.
- 12.6 The Council has not passed a resolution under section 166(5) of the Gambling Act 2005 to not issue casino premises licences. If such a resolution were considered in the future, the Council would carry out a full public consultation and consider all responses before passing such a resolution.
- 12.7 The Licensing Authority will not turn down applications for premises licences where relevant objections can be dealt with through the use of licence conditions.
- 12.8 Other than an application for a betting premises licence for a track, the Licensing Authority are not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.
- 12.9 When considering applications for premises licences the Licensing Authority will not take into account either the expected 'demand' for facilities or the likelihood of planning permission or building regulation approval being granted, as well as 'moral' objections to gambling. Equally, the grant of a premises licence would not prejudice or prevent any action that may be appropriate under the law relating to planning or building regulations.
- 12.10 The Licensing Authority are aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to our decision-making. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated.
- 12.11 The Licensing Authority will only issue a premises licence once the Licensing Authority are satisfied that the premises is ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required. If the construction of a premises is not yet complete, or if they need alteration, or the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made.
- 12.12 The Licensing Authority will apply a two stage consideration process if there is outstanding construction or alteration works at the premises:
- should the premises be permitted to be used for gambling;
 - can appropriate conditions be imposed to cater for the situation that the premises is not yet in the state in which they should be before gambling takes place.

- 12.13 The Licensing Authority is entitled to decide whether or not it is appropriate to grant a licence subject to conditions.
- 12.14 Applicants for premises licences are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.
- 12.15 The Licensing Authority will maintain a public register of premises licence applications received which may be viewed at the Council Offices during normal office hours which are generally Monday – Friday 9am until 5pm.

13.0 Responsible authorities

- 13.1 Responsible authorities are identified in the legislation, and have to be notified about licence applications so that they can identify any risks. The responsible authorities that the Licensing Authority recognises are listed below, contact details for each of the responsible authorities identified are available on our website www.redditchbc.gov.uk, and will be sent on request.
- the Gambling Commission
 - the Chief of Police for the area
 - Fire & Rescue Service
 - Redditch Planning Department
 - Environmental Services Department
 - Worcestershire Safeguarding Children Board
 - HM Revenue and Customs
 - Redditch Licensing Department
 - any other bodies identified in Regulation by the Secretary of State,
 - for vessels, the Environment Agency, Canal and River Trust, Secretary of State.
- 13.2 Any concerns expressed by a Responsible Authority cannot be taken into account unless they are relevant to the application itself and the licensing objectives. However, each representation will be considered on its own individual merits.

14.0 Interested Parties

- 14.1 An interested party is someone who:
- lives sufficiently close to the premises to be likely to be affected by the authorised activities; or
 - has business interests that might be affected by the authorised activities; or
 - represents persons in either of the two groups above.
- 14.2 The Licensing Authority will generally require written evidence that a person/body 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representations is sufficient. Whilst this may not apply to those elected ward members or MP or Parish Councillors, those persons should be aware of the need to represent the whole of the community that they represent and not just the vocal 'minority'.

- 14.3 In determining whether someone lives sufficiently close to a particular premises so as to be affected, the Licensing Authority will take into account, among other things :
- the size of the premises
 - the nature of the premises
 - the distance of the premises from the person making the representation
 - the identity of the complainant
 - the potential impact of the premises
- 14.4 In determining whether a person has a business interest which could be affected the Council will consider, among other things:
- the size of the premises
 - the catchment area of the premises, and
 - whether the person making the representation has business interests in the catchment area that might be affected
- 14.5 If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, the Licensing Authority would not consider this, in the absence of other evidence, as a relevant representation as it does not relate to the licensing objectives and instead relates to demand or competition.
- 14.6 The Licensing Authority may consider a representation to be either frivolous or vexatious, and reject it. This will generally be a matter of fact given the circumstances of each individual case but, before coming to a decision the Licensing Authority will normally consider:
- who is making the representation and whether there is a history of making representations that are not relevant,
 - whether it raises an issue relevant to the licensing objectives, or
 - whether it raises issues specifically to do with the premises which are the subject of the application.

15.0 Licence conditions

- 15.1 In particular cases the Licensing Authority may find it necessary to impose conditions beyond appropriate mandatory and default conditions. Any such conditions will be relevant to the need to make the building suitable for use as a gambling facility; directly related to the premises and the type of licence applied for; fairly and reasonably related to the scale and type of premises and reasonable in all other respects. The Licensing Authority will not have recourse to a pool of standard conditions.
- 15.2 The Licensing Authority will also ensure that where category C or above machines that are on offer in premises to which children are admitted are located in an area of the premises which is separated by a physical barrier to prevent access other than through a designated entrance; the designated area is supervised and observed by staff or the licence holder.
- 15.3 Examples of conditions which are likely to be attached in certain circumstances include those relating to opening hours, segregation of gambling from non-gambling areas frequented by children, SIA licensed door supervisors, appropriate signage for adult only areas, age limits, or keeping children and young persons away from gaming machines. The Licensing Authority will also expect the applicant to offer their own suggestions as to ways in which the licensing objectives can be promoted effectively.

- 15.4 The Licensing Authority will not seek to control those matters specified in the Act with conditions:
- which make it impossible to comply with an operating licence condition imposed by the Gambling Commission;
 - relating to gaming machine categories or method of operation;
 - which specify that membership of a club or other body is required; or
 - in relation to stakes, fees, winnings or prizes.
- 15.5 Duplication with other statutory or regulatory regimes will be avoided as far as possible. The need for conditions will be assessed on the specific merits of each application.

16.0 Gaming Machines

- 16.1 Gaming machines include all types of gambling activity which can take place on a machine, including betting on 'virtual' events.
- 16.2 The Act itself prescribes the number and category of gaming machines that are permitted in each type of gambling premises.
- 16.3 Subject to the provisions of the Act, gaming machines can be made available in a wide variety of premises, including:
- casinos;
 - bingo premises;
 - betting premises, (including tracks);
 - adult gaming centres;
 - family entertainment centres;
 - clubs;
 - pubs and other alcohol licensed premises;
 - travelling fairs.

16.4 A machine is not a gaming machine if the winning of a prize is determined purely by the player's skill. However, any element of 'chance' imparted by the action of the machine would bring it within the definition of a gaming machine.

16.5 The Licensing Authority will encourage permit and premises licence holders to adopt applicable codes of practice which may be introduced by the amusement industry or Gambling Commission, from time to time.

17 Gambling in Alcohol Licensed Premises

- 17.1 There are exemptions in the Act that provide for a limited amount of gambling activity to take place within premises that are subject to a relevant valid alcohol licence.
- 17.2 These exemptions only apply where a premises is subject to a licence that authorises the sale of alcohol for consumption on the premises and that has a bar at which alcohol is served without a requirement that alcohol is served only with food.
- 17.3 In all cases the licensing authority considers that gambling must remain ancillary to the main purpose of the premises.

Automatic entitlement to two gaming machines

- 17.4 Section 282 of the Act provides an automatic entitlement to alcohol licence holders to make available two gaming machines (of category C or D) for use in alcohol-licensed premises. To take advantage of this entitlement, the person who holds the on-premises alcohol licence must give notice to the Licensing Authority of their intention to make gaming machines available for use, and must pay the prescribed fee.
- 17.5 This is not an authorisation procedure. The Licensing Authority has no discretion to consider the notification or to turn it down. The only matter to determine is whether the person applying for the automatic gaming machine entitlement is the holder of the alcohol licence and whether the prescribed fee has been paid. There is no statutory requirement for pubs and other alcohol-licensed premises to display a notice of their automatic entitlement to gaming machines.
- 17.6 The Licensing Authority expects licence holders making machines available in accordance with their automatic entitlement to comply with the Gambling Commission's code of practice for gaming machines in clubs and premises with an alcohol licence.
- 17.7 The Licensing Authority can remove the automatic authorisation in respect of any particular premises by making an order under section 284 of the Act. The Licensing Authority can do so if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
 - gaming has taken place on the premises that breaches a condition of s.282, for example the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines
 - the premises are mainly used for gaming
 - an offence under the Act has been committed on the premises.
- 17.8 Before making an order, the Licensing Authority will give the licensee at least 21 days' notice of the intention to make the order and will consider any representations that they may make. The Licensing Authority will hold a hearing if the licensee so requests and will comply with any other procedural requirements set out in regulations. If there is no appeal, the order will take effect 21 days after notice of the intention was given. The Licensing Authority must give the licensee a copy of the order and written reasons for making it. The licensee may appeal to the Magistrates' Court.

Licensed Premises Gaming Machine Permits

- 17.9 Where the holder of a relevant alcohol licence wishes to make more than two gaming machines available, they may apply for a licensed premises gaming machine permit. Such a permit can authorise the provision of any number of category C or D gaming machines within the relevant licensed premises.
- 17.10 The Licensing Authority expects licence holders making machines available in accordance with a licensed premises gaming machine permit to comply with the Gambling Commission's code of practice for gaming machines in clubs and premises with an alcohol licence.

- 17.11 Applications must be made by a person or organisation that holds the on-premises alcohol licence for the premises for which the application is made and must include information on the premises to which it relates and the number and category of gaming machines sought.
- 17.12 The Licensing Authority may also require an applicant to submit a plan of the premises showing where the gaming machines are to be located and showing the position of the bar.
- 17.13 In determining an application, the Licensing Authority must have regard to the licensing objectives and to the Gambling Commission's Guidance to Licensing Authorities. The Licensing Authority may also take account of any other matters that are considered relevant to the application.
- 17.14 In particular the Licensing Authority will have regard to the size and nature of the premises, the number of gaming machines requested and the ability of the licence holder to comply with the relevant code of practice.
- 17.15 The application does not require notification to the Commission or police before determination, however, the Licensing Authority is able to specify this as a requirement should they see fit.
- 17.16 The Licensing Authority may grant or refuse an application. In granting the application, it may vary the number and category of gaming machines authorised by the permit. If granted, the Licensing Authority will issue the permit as soon as possible after that. Where they refuse the application they will notify the applicant as soon as possible, setting out the reasons for refusal. The Licensing Authority will not refuse an application, or grant it for a different number or category of machines, unless they have notified the applicant of their intention to do so and given the applicant an opportunity to make representations, orally, in writing, or both.
- 17.17 The Licensing Authority is able to cancel a permit. It may only do so in specified circumstances which include if the premises are used wholly or mainly by children or young persons or if an offence under the Act has been committed. Before it cancels a permit the Licensing Authority will notify the holder, giving 21 days notice of intention to cancel, consider any representations made by the holder, hold a hearing if requested, and comply with any other prescribed requirements relating to the procedure to be followed. Where the Licensing Authority cancels the permit, the cancellation does not take effect until the period for appealing against that decision has elapsed or, where an appeal is made, until the appeal is determined.
- 17.18 The Licensing Authority can also cancel a permit if the holder fails to pay the annual fee, unless failure is the result of an administrative error. The court may order forfeiture of the permit if the holder is convicted of a relevant offence.
- 17.19 The applicant may appeal to the Magistrates' Court against the Licensing Authority's decision not to issue a permit. The holder can also appeal against a decision to cancel a permit.

Exempt Gaming

- 17.20 Exempt gaming is generally permissible in any relevant alcohol licensed premises. Such gaming must be equal chance gaming and must be ancillary to the purposes of the premises. This provision is automatically available to all such premises, but is subject to statutory stakes and prize limits determined by the Secretary of State.

- 17.21 Equal chance gaming is gaming that does not involve staking against a bank and the chances of winning are equally favourable to all participants. It includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.
- 17.22 The Secretary of State has set both daily and weekly prize limits for exempt gaming in alcohol licensed premises and details of these can be found on the Gambling Commission's website.
- 17.23 The Licensing Authority expects exempt gaming in alcohol licensed premises to comply with the Gambling Commission's code of practice on equal chance gaming in clubs and premises with an alcohol licence.
- 17.24 The Licensing Authority can remove the automatic authorisation for exempt gaming in respect of any particular premises by making an order under s.284 of the Act, if:
- provision of the gaming is not reasonably consistent with the pursuit of the licensing objectives
 - gaming has taken place on the premises that breaches a condition of s.279, for example the gaming does not abide by the prescribed limits for stakes and prizes, a participation fee is charged for the gaming or an amount is deducted or levied from sums staked or won
 - the premises are mainly used for gaming
 - an offence under the Act has been committed on the premises.

- 17.25 Before making an order, the Licensing Authority will give the licensee at least 21 days' notice of the intention to make the order and consider any representations that they may make. The Licensing Authority will hold a hearing if the licensee so requests and will comply with any other procedural requirements set out in regulations. If there is no appeal, the order will take effect 21 days after notice of the intention was given. The Licensing Authority must give the licensee a copy of the order and written reasons for making it. The licensee may appeal to the Magistrates' Court.

18 Gambling in Clubs

Defining Clubs

- 18.1 The Act creates a separate regime for gaming in clubs from that in other relevant alcohol licensed premises. It defines two types of club for the purposes of gaming:
- members' clubs (including miners' welfare institutes)
 - commercial clubs.

This is an important distinction in respect of the gaming that may take place.

- 18.2 A members' club is a club that is not established as a commercial enterprise and is conducted for the benefit of its members. Examples include working mens' clubs, miners' welfare institutes, branches of the Royal British Legion and clubs with political affiliations.
- 18.3 Miners' welfare institutes are associations established for recreational or social purposes. They are managed by representatives of miners or use premises regulated by a charitable trust which has received funds from one of a number of mining organisations.

- 18.4 A commercial club is a club established for commercial gain, whether or not they are actually making a commercial gain. Examples include commercial snooker clubs, clubs established as private companies and clubs established for personal profit.
- 18.5 The Licensing Authority expects exempt gaming in clubs to comply with the Gambling Commission's code of practice on equal chance gaming in clubs and premises with an alcohol licence.

Exempt Gaming

- 18.6 Exempt gaming is generally permissible in any club. Such gaming must be equal chance gaming and be ancillary to the purposes of the club. This provision is automatically available to all such premises, but is subject to statutory stakes and prize limits determined by the Secretary of State.
- 18.7 Equal chance gaming is gaming that does not involve staking against a bank and the chances of winning are equally favourable to all participants. It includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.
- 18.8 The Secretary of State has set both daily and weekly prize limits for exempt gaming. Different higher stakes and prizes are allowed for exempt gaming in clubs than are allowed in alcohol-licensed premises and details of these can be found on the Gambling Commission's website.
- 18.9 Clubs may levy a charge for participation in equal chance gaming under the exempt gaming rules. The amount they may charge is as prescribed in regulations and the relevant details can be found on the Gambling Commission's website. However in order to qualify as exempt gaming, clubs may not charge a rake on games (a commission or fee deducted from the prize fund), or levy or deduct an amount from stakes or winnings.
- 18.10 The Licensing Authority expects exempt gaming in clubs to comply with the Gambling Commission's code of practice on equal chance gaming in clubs and premises with an alcohol licence.

Club Gaming Permits

- 18.11 The Licensing Authority may grant members' clubs and miners' welfare institutes (but not commercial clubs) club gaming permits which authorise the establishments to provide gaming machines, equal chance gaming (without having to abide by the stake and prize limits which would apply to exempt gaming in the absence of a permit) and games of chance as prescribed in regulations namely pontoon and chemin de fer. This is in addition to the exempt gaming authorisation detailed above.
- 18.12 Club gaming permits allow the provision of no more than three gaming machines. These may be from categories B3A, B4, C or D but only one B3A machine can be sited as part of this entitlement.
- 18.13 Where a club has gaming machines the licensing authority expects the club to comply with the Gambling Commission's code of practice for gaming machines in clubs and premises with an alcohol licence.

Club Machine Permits

- 18.14 If a members' club or a miners' welfare institute does not wish to have the full range of facilities permitted by a club gaming permit, they may apply to the Licensing Authority for a club machine permit under s.273 of the Act. This type of permit authorises the holder to have up to three gaming machines of categories B3A, B4, C and D.
- 18.15 Commercial clubs are also able to apply for a club machine permit, although such a permit does not allow the siting of category B3A gaming machines by commercial clubs.
- 18.16 Where a club has gaming machines the Licensing Authority expects the club to comply with the Gambling Commission's code of practice for gaming machines in clubs and premises with an alcohol licence.

Applications for Club Gaming Permits and Club Machine Permits

- 18.17 Applications for permits must be accompanied by the prescribed documents and fees and must be copied to the Gambling Commission and the Chief Officer of Police within the prescribed period. The Commission and the Police may object to the permit being granted and if such objections are received, the Licensing Authority will hold a hearing.
- 18.18 The Licensing Authority may grant or refuse a permit, but it may not attach any conditions to a permit.
- 18.19 The Licensing Authority can only refuse an application on the grounds that:
- a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
 - b) the applicant's premises are used wholly or mainly by children and/or young persons
 - c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
 - d) a permit held by the applicant has been cancelled in the previous ten years
 - e) an objection has been lodged by the Commission or the police.
- 18.20 If the Licensing Authority is satisfied that (a) or (b) is the case, it must refuse the application. The Licensing Authority will have regard to relevant guidance issued by the Commission and (subject to that guidance), the licensing objectives.
- 18.21 In cases where an objection has been lodged by the Commission or the police, the Licensing Authority is obliged to determine whether the objection is valid.
- 18.22 There is a fast-track procedure for clubs in England and Wales which hold a club premises certificate under s.72 of the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which the Licensing Authority can refuse a permit are reduced.
- 18.23 This is because the club or institute will already have been through a licensing process in relation to its club premises certificate under the 2003 Act, and it is therefore unnecessary to impose the full requirements of Schedule 12.

18.24 Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure.

Determining Applications for Club Gaming Permits

18.25 When determining applications for Club Gaming Permits the Licensing Authority will take steps to satisfy itself that the club meets the requirements of the Act and to enable this to happen, clubs may be asked to supply additional information and documents in support of their application.

18.26 The Licensing Authority is particularly aware of the potential for club gaming permits to be misused for illegal poker clubs.

18.27 In determining whether a club is a genuine members' club, the Licensing Authority will take into account the matters set out in relevant part of the Gambling Commission's Guidance to Licensing Authorities.

18.28 A visit to the premises before granting of the permit may also be undertaken to assist the Licensing Authority to understand how the club will operate.

Maintenance of Permits

18.29 Club Gaming Permits and Club Machine Permits will have effect for ten years, unless it ceases to have effect because it is surrendered or lapses or is renewed. However, a permit granted under the fast-track procedure does not expire, unless it ceases to have effect because it is surrendered, cancelled or forfeited or it lapses.

18.30 A permit will lapse if the holder of the permit stops being a club or miners' welfare institute, or if it no longer qualifies under the fast-track system for a permit. In addition, a permit will cease to have effect upon being surrendered to the authority. A notice to surrender must be accompanied by the permit or a statement explaining why it cannot be produced. The Licensing Authority must inform the Police and the Commission when a permit has been surrendered or lapsed.

Cancellation and forfeiture of permits

18.31 The Licensing Authority may cancel the permit if:

- the premises are used wholly by children and/or young persons
- an offence or breach of a permit condition has been committed in the course of gaming activities by the permit holder.

18.32 Reference here to 'a permit condition' means a condition in the Act or in regulations that the permit is operating under.

18.33 Before cancelling a permit, the Licensing Authority will give the permit holder at least 21 days' notice of the intention to cancel and consider any representations that they may make. The Licensing Authority will hold a hearing if the permit holder so requests and will comply with any other procedural requirements set out in regulations. If there is no appeal, the cancellation will take effect 21 days after notice of the intention to cancel was given. The Licensing Authority will notify the permit holder, the Commission and the police that the permit has been cancelled and the reasons for the cancellation.

Renewal of permits

- 18.34 In accordance with paragraph 24 of Schedule 12 of the Act, an application for renewal of a permit must be made during the period beginning three months before the licence expires and ending six weeks before it expires. The procedure for renewal is the same as for an application.
- 18.35 The duration of the permit will not be curtailed while a renewal application is pending, including an appeal against a decision not to renew.
- 18.36 If, at the time a permit is renewed, the applicant holds a club premises certificate, the fast-track procedure will apply as it does when application is first made for the permit.

19 Unlicensed Family Entertainment Centre PermitsIntroduction

- 19.1 Unlicensed family entertainment centres (uFEC) are able to offer only category D machines in reliance on a gaming machine permit. Any number of category D machines can be made available with such a permit, although there may be other considerations, such as fire regulations and health and safety, to take into account. Permits cannot be issued in respect of vessels or vehicles.
- 19.2 uFECs are premises which are ‘wholly or mainly’ used for making gaming machines available. The permit cannot therefore be granted for an entire shopping centre, airport or bowling alley, for example.

Applications for Unlicensed Family Entertainment Centre Permits

- 19.3 The application for a permit can only be made by a person who occupies or plans to occupy the premises to be used as an uFEC and, if the applicant is an individual, he or she must be aged 18 or over. Applications for a permit cannot be made if a premises licence under the Gambling Act 2005 is in effect for the same premises. The application must be made to the licensing authority in whose area the premises are wholly or partly situated.
- 19.4 The application must be submitted on Licensing Authority’s standard form and be accompanied by the prescribed application fee. The Licensing Authority also requires the application to be accompanied by a plan of the premises that will be used as an uFEC, which shows the location of any gaming machines that will be provided if the permit were to be granted.
- 19.5 The Licensing Authority requires applicants for uFEC permits to provide a Basic Disclosure certificate issued by the Disclosure and Barring Service (DBS) within a period of one month before the application is made. Where the applicant is a company, a Basic Disclosure certificate must be supplied in respect of each director of the company.

Consideration of Applications

- 19.6 The Licensing Authority can grant or refuse an application for a permit, but cannot add conditions. An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an uFEC, and if the chief officer of police has been consulted on the application.

- 19.7 When considering an application, the Licensing Authority will consider the suitability of the applicant. Given that family entertainment centres are likely to appeal particularly to children and young persons, the licensing authority will give particular weight to matters relating to the protection of children from being harmed or exploited by gambling.
- 19.8 In considering the application, the Licensing Authority shall have regard to the Gambling Commission's Guidance to Licensing Authorities and will also have regard to the licensing objectives.
- 19.9 The Licensing Authority may also consider asking applicants to demonstrate:
- that they have suitable policies and procedures in place for the safeguarding of children and young persons.
 - a full understanding of the maximum stakes and prizes of the gambling that is permissible in uFECs
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act)
 - that employees are at the premises are suitably vetted
 - that employees are trained to have a full understanding of the maximum stakes and prizes.
- 19.10 The Licensing Authority may not refuse an application unless it has notified the applicant of the intention to refuse and the reasons for it, and given them an opportunity to make representations orally or in writing or both.
- 19.11 The permit will have effect for ten years, unless it ceases to have effect because it is surrendered or lapses or is renewed. There is no annual fee for an uFEC gaming machine permit.

19.12 The permit may lapse for a number of reasons, namely:

- if the holder ceases to occupy the premises
- if the Licensing Authority notifies the holder that the premises are not being used as an uFEC
- if an individual permit holder dies, becomes incapable by reason of mental or physical incapacity, becomes bankrupt, or sequestration of his estate is ordered
- if the company holding the permit ceases to exist, or goes into liquidation.

Renewal of a Permit

- 19.13 An application for renewal of an uFEC gaming machine permit must be made during the period beginning six months before the permit expires and ending two months before it expires. The procedure for renewal is the same as for an application. Licensing Authority may only refuse to renew a permit on the grounds that:
- an authorised local authority officer has been refused access to the premises without reasonable excuse
 - renewal would not be reasonably consistent with the licensing objectives. In this respect, the licensing authority will have the benefit of having consulted the chief officer of police and will be aware of any concerns that have arisen about the use of the premises during the life of the permit.
- 19.14 The duration of the permit will not be curtailed while a renewal application is pending, including an appeal against a decision not to renew.

20. Prize Gaming Permits

- 20.1 Gaming is prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences.
- 20.2 A prize gaming permit is a permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes on specified premises.

Applications for Prize Gaming Permits

- 20.3 An application for a permit can only be made by a person who occupies or plans to occupy the relevant premises and if the applicant is an individual, he must be aged 18 or over. An application for a permit cannot be made if a premises licence or club gaming permit is in effect for the same premises under the Gambling Act 2005. The application must be made to the Licensing Authority in whose area the premises are wholly or partly situated.
- 20.4 The application must be submitted on Licensing Authority's standard form and be accompanied by the prescribed application fee. The Licensing Authority also requires the application to be accompanied by a plan of the premises that will be used for gaming with prizes.
- 20.5 The Licensing Authority requires applicants for prize gaming permits to provide a Basic Disclosure certificate issued by the Disclosure and Barring Service (DBS) within a period of one month before the application is made.

Consideration of Applications

- 20.6 In considering an application, the licensing authority shall have regard to the Gambling Commission's Guidance to Licensing Authorities and will also have regard to the licensing objectives.
- 20.7 The Licensing Authority can grant or refuse an application for a permit, but cannot add conditions.
- 20.8 The Licensing Authority will grant a prize gaming permit only if they have consulted the chief officer of police about the application. The Licensing Authority will take account of any objections that the police may wish to make which are relevant to the licensing objectives.
- 20.9 Relevant considerations would include the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming; and the suitability of the premises in relation to their location and any issues concerning disorder.
- 20.10 A permit cannot be issued in respect of a vessel or a vehicle.
- 20.11 The Licensing Authority will ask the applicant to set out the types of gaming that they are intending to offer and expects that the applicant should be able to demonstrate that:
 - they understand the limits to stakes and prizes that are set out in regulations
 - the gaming offered is within the law.

- 20.12 The Licensing Authority will not refuse an application unless they have notified the applicant of the intention to refuse and the reasons for it, and given them an opportunity to make representations orally or in writing or both.
- 20.13 If granted, the permit will have effect for ten years, unless it ceases to have effect, lapses or is renewed. There is no annual fee for prize gaming permits.

20.14 The permit may lapse for a number of reasons:

- if the holder ceases to occupy the premises
- if an individual permit holder dies, becomes incapable by reason of mental or physical incapacity, becomes bankrupt, or sequestration of his estate is ordered
- if a company holding the permit goes into liquidation
- if the holder (for example a partnership) otherwise ceases to exist.

Renewal of a Prize Gaming Permit

- 20.15 An application for renewal of a permit must be made during the period beginning six months before the permit expires and ending two months before it expires. The procedure for renewal is the same as for an application.
- 20.16 A permit will not cease to have effect while a renewal application is pending, including an appeal against a decision not to renew.

21.0 Temporary Use Notices

- 21.1 These 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 would 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. Premises that might be suitable for a temporary use notice would include hotels, conference centres and sporting venues. A temporary use notice may only be granted to a person or company holding a relevant operating licence.
- 21.2 Temporary use notices may only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. Equal chance gaming is gaming which does not involve playing or staking against a bank and gives equally favourable chances to all participants. Examples of equal chance gaming include games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

22.0 Occasional Use Notices

- 22.1 Occasional use notices relate to particular activities at tracks. The Licensing Authority's only role is to ensure that the statutory limit of 8 days in a calendar year is not exceeded. Whilst tracks are normally thought of as permanent racecourses, this can also include land which has a number of uses for example agricultural land upon which a point-to-point meeting takes place. Land used temporarily as a track can qualify, provided races or sporting events take place or will take place there. The track need not be a permanent fixture.

22.2 The Licensing Authority will share information with the Gambling Commission in relation to any Occasional Use Notices received. The Licensing Authority may also work in partnership with the Gambling Commission to carry out test purchase operations involving licensed operators that are providing facilities for betting in reliance on an Occasional Use Notice.

23. Lotteries

Introduction

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

23.2 An arrangement is a simple lottery if:

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

23.3 An arrangement is a complex lottery if:

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

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

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

23.5 The Licensing Authority is responsible for the registration of societies for the purpose of carrying on “small society lotteries.” Information on other forms of exempt lotteries is available from the Gambling Commission website.

23.6 The Licensing Authority defines ‘society’ as the society, or any separate branch of such a society, on whose behalf a lottery is to be promoted, and needs to understand the purposes for which a society has been established in ensuring that it is a non-commercial organisation.

23.7 Section 19 of the Act defines a society as such if it is established and conducted:

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

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

Registration Applications

- 23.9 The Licensing Authority with which a small society lottery is required to register must be in the area where their principal office is located. If the Licensing Authority believes that a society's principal office is situated in another area, it will inform the society and the other Licensing Authority as soon as possible.
- 23.10 Applications for small society lottery registrations must be in the form prescribed by the Secretary of State and be accompanied by both the required registration fee and all necessary documents required by the Licensing Authority to assess the application.
- 23.11 If there is any doubt as to the status of a society that makes application for registration to carry on small society lotteries, the Licensing Authority may require the society to provide documentary evidence in support of their application. The types of evidence that may be required include, but are not restricted to:
- A list of the members of the society
 - The society's constitution or a similar document setting out the aims and objectives of the society and its governance arrangements
 - A written declaration from the applicant stating that they represent a *bona fide* non-commercial society.
- 23.12 The Licensing Authority shall refuse an application for registration if in the period of five years ending with the date of the application—
- an operating licence held by the applicant for registration has been revoked under section 119(1) of the Act, or
 - an application for an operating licence made by the applicant for registration has been refused.
- 23.13 The Licensing Authority may refuse an application for registration if they think that—
- the applicant is not a non-commercial society,
 - a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
 - information provided in or with the application for registration is false or misleading.
- 23.14 The Licensing Authority may only refuse an application for registration after the society has had the opportunity to make representations at a formal hearing. If the Licensing Authority is minded to refuse registration, it will inform the society of the reasons why it is minded to do so and provide it with an outline of the evidence on which it has reached that preliminary conclusion, in order to enable representations to be made.

23.15 Any representations received will be considered at a formal hearing and the following principles will be applied when reaching a decision:

- Whether allowing the registration of the society would be consistent with the Act
- Whether allowing the registration of the society would be consistent with the promotion of the licensing objectives
- Whether allowing the registration of the society would be consistent with any relevant code of practise issued by the Gambling Commission

Promotion of small society lotteries once registered

23.16 Participation in a lottery is a form of gambling, and as such the Licensing Authority requires societies that it registers to conduct their lotteries in a socially responsible manner and in accordance with the Act.

23.17 The Act requires that lottery tickets may only be sold by persons that are aged 16 or over to persons that are aged 16 or over.

23.18 As the minimum age for participation in a lottery is 16, the Licensing Authority expects those societies that it registers to have effective procedures to minimise the risk of lottery tickets being sold to children, including procedures for:

- checking the age of apparently underage purchasers of lottery tickets
- taking action where there are unlawful attempts to purchase tickets.

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

- the name of the promoting society
- the price of the ticket, which must be the same for all tickets
- the name and address of the member of the society who is designated as having responsibility at the society for promoting small lotteries or, if there is one, the external lottery manager (ELM)
- the date of the draw, or information which enables the date to be determined.

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

23.21 The Licensing Authority expects all registered small society lottery operators to maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw.

23.22 With regards to where small society lottery tickets may be sold, the Licensing Authority applies the following criteria to all small society lottery operators:

23.23 Lottery tickets must not be sold to a person in any street. For these purposes 'street' includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not. Tickets may, however, be sold in a street from a static structure such as a kiosk or display stand. Tickets may also be sold door to door. Licensees must ensure that they have any necessary local authority permissions, such as a street trading licence.

23.24 This approach is consistent with the operating licence conditions imposed upon operators of large society lotteries and local authority lotteries.

Financial Returns

23.25 As the purpose of permitted lotteries is to raise money for non-commercial causes, the Act requires that a minimum proportion of the money raised by the lottery is channelled to the goals of the society that promoted the lottery. If a small society lottery does not comply with these limits it will be in breach of the Act's provisions, and consequently be liable to prosecution.

23.26 The limits are as follows:

- at least 20% of the lottery proceeds must be applied to the purposes of the society
- no single prize may be worth more than £25,000
- rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society, and the maximum single prize is £25,000
- every ticket in the lottery must cost the same and the society must take payment for the ticket fee before entry into the draw is allowed

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

23.28 The following information must be submitted:

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

23.29 The Act also requires that returns must:

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

- 23.30 The Licensing Authority allows for returns to be sent to them both electronically and manually. The form of returns required can be downloaded from the Licensing Authority's website.
- 23.31 Where societies run more than one lottery in a calendar year, the Licensing Authority will monitor the cumulative totals of returns to ensure that societies do not breach the annual monetary limit of £250,000 on ticket sales.
- 23.32 The Licensing Authority will notify the Commission if returns reveal that a society's lotteries have exceeded the values permissible, and such notifications will be copied to the society in question.

Revocation of a registration

- 23.33 The Licensing Authority may determine to revoke the registration of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time.
- 23.34 Revocations cannot take place unless the society has been given an opportunity to make representations at a hearing. In preparation for this, the Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and provide them with the evidence on which it has reached that preliminary conclusion.
- 23.35 Any representations received will be considered at a formal hearing and the following principles will be applied when reaching a decision:
- Whether allowing the registration of the society to continue would be consistent with the Act
 - Whether allowing the registration of the society to continue would be consistent with the promotion of the licensing objectives
 - Whether allowing the registration of the society to continue would be consistent with any relevant code of practise issued by the Gambling Commission.

24.0 Exchange of Information

- 24.1 To ensure the licensing objectives are met, the Licensing Authority will establish a close working relationship with the police, the Gambling Commission and, where appropriate, other responsible authorities.
- 24.2 Subject to the provisions of the Data Protection Act 1998, the Licensing Authority will share any information it receives through the application process with the Gambling Commission and any relevant responsible authority. In doing so, the Licensing Authority will have regard to the Act itself, any guidance issued by the Commission and to any Regulations issued by the Secretary of State. People can access personal information that the Licensing Authority holds about them by contacting our Information Management Officer.
- 24.3 The Licensing Authority is committed to being open about what it does and how the Licensing Authority comes to decisions, in accordance with the spirit of the Freedom of Information Act 2000 (FOIA). An important feature of the FOIA is the requirement for each public authority to produce a publication scheme setting out what information it will publish as a matter of course, how and when it will be published, and whether this information will be free of charge or on payment. Copies of our FOI publication scheme are available on request from our Information Management Officer or via the Council's website www.redditchbc.gov.uk.

- 24.4 FOIA also provides the public with a general right of access to information held by public authorities, and subject to exemptions, to be supplied with a copy of that information. Individual requests should be made in writing to the Information Management Officer or via the Council's website.
- 24.5 Unless restricted by the Gambling Act, details about applications, licences and representations will be made available in our public register. Representations that the Licensing Authority accepts will be copied in their entirety to applicants, to provide an opportunity for mediation and to ensure that the rights of the applicant are not compromised.

25.0 Enforcement Protocols

- 25.1 The main enforcement and compliance role for the Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences and will also take the lead role on the investigation and where appropriate, the prosecution of illegal gambling. Any concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.
- 25.2 The Licensing Authority will work with the Commission, the Police and other enforcing authorities, having regard to any specific guidance produced by the Gambling Commission, relevant codes of practice, the licensing objectives and this statement of principles, to provide for the targeting of agreed problem or high-risk premises. A lighter touch will be applied to those premises which are shown to be well managed and maintained.
- 25.3 The overall aim is to permit the use of premises for gambling. With that in mind it is intended that action will generally be taken against 'problem' premises through the licence review process.
- 25.4 We will also have regard to the Regulators' Code whilst carrying out our regulatory functions.
- 25.5 The Licensing Authority will endeavour to be proportionate; accountable; consistent; transparent and targeted, as well as avoiding duplication with other regulatory regimes so far as possible.
- 25.6 In order to ensure compliance with the law, the Licensing Authority will prepare a risk based inspection programme and will carry out regular 'routine' day time programmed inspections, based on risk assessment in the categories High, Medium and Low and will also carry out 'non routine' evening programmed inspections. Where a one off event takes place under a temporary use notice or occasional use notice, the Licensing Authority may also carry out inspections to ensure the licensing objectives are being promoted.
- 25.7 High-risk premises are those premises that have a history of complaints and require greater attention with low risk premises needing only a lighter touch so that resources are effectively concentrated on problem premises.

26.0 Reviews

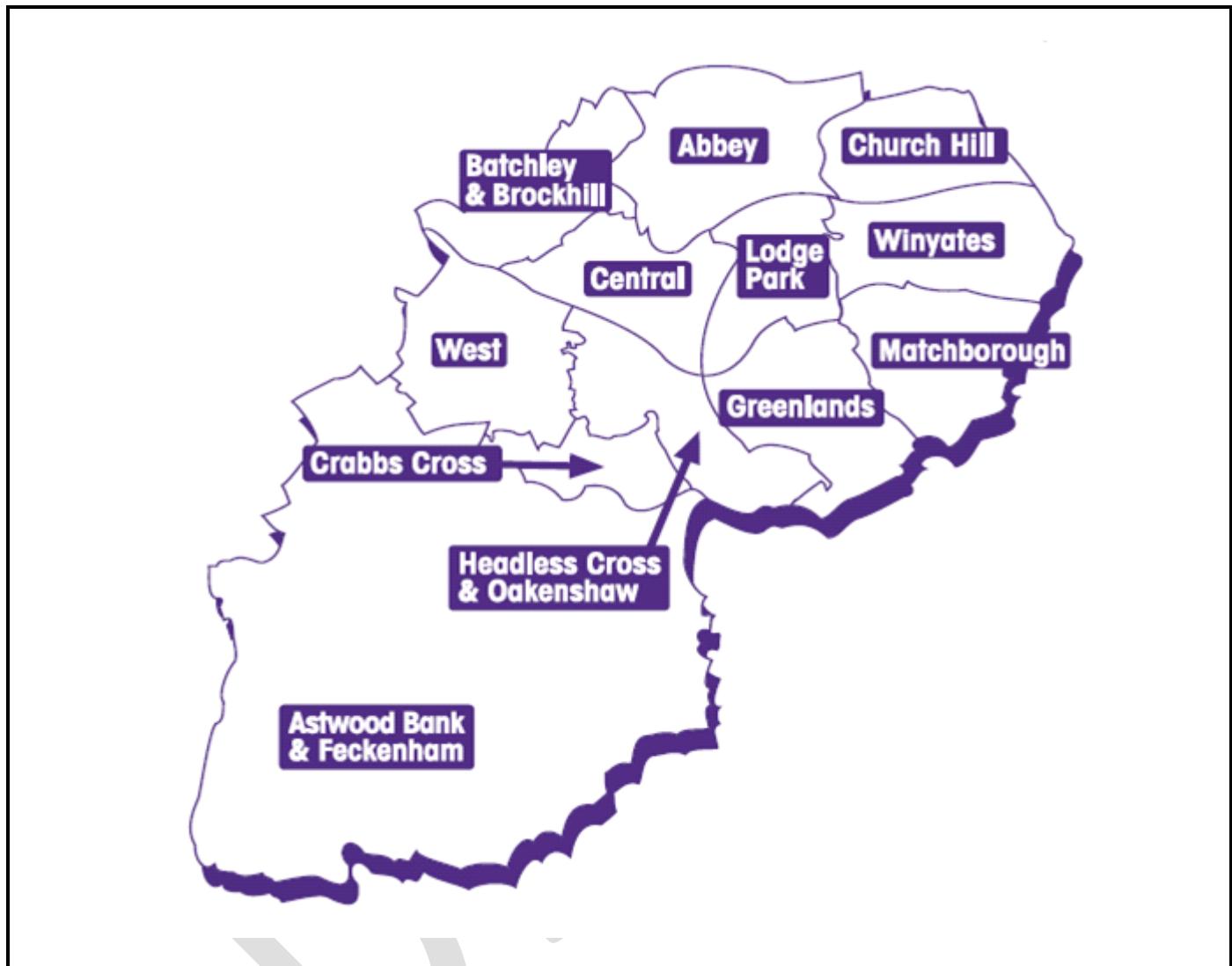
- 26.1 A review of a premises licence can be requested by interested parties or responsible authorities, however, the Licensing Authority will decide if the review is to be carried out on the basis of the following:
- In accordance with any relevant Code of Practice and/or guidance issued by the Gambling Commission
 - Consistent with the licensing objectives
 - In accordance with our statement of principles.
- 26.2 The Licensing Authority will also consider whether or not the request for a review is frivolous, vexatious, or repetitious or whether the Licensing Authority would wish to alter/revoke or suspend the licence.
- 26.3 The Licensing Authority can also initiate a review of a premises licence on the basis of any reason which the Licensing Authority think is appropriate, including if a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 26.4 Once a valid application for a review has been received by the Licensing Authority, representations can be made by responsible authorities and interested parties during the statutory consultation period. The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. The options available are:
- add, remove or amend a licence condition;
 - remove or amend a default condition, such as opening hours;
 - suspend the premises licence for a period not exceeding 3 months;
 - revoke the licence.

REDDITCH BOROUGH COUNCIL EQUAL OPPORTUNITIES STATEMENT

This statement is intended to operate within the Council's commitment to equalities and diversity including:

- Equal treatment regardless of race, gender, age, disability, sexual orientation, religion or belief, with reasonable adjustments where necessary in line with the Disability Discrimination Act.
- Working to eliminate ***unlawful*** discrimination.
- ***Promoting equal opportunities***
- Promoting community cohesion, ***including good relations between people from different racial groups.***
- Providing reasonable access to interpretation or support on request.
- Responding to the needs of all, and working to engage all sections of the community.

This statement will be assessed as part of a rolling programme of reviews to ensure that it does not have a detrimental or disproportionate effect on any group. Any concerns that the policy is operating in a way that could be construed as discriminatory should be passed to the responsible Manager and will be dealt with as part of the official Complaints Procedure, in line with the Council's Equality Schemes.

Redditch Borough Council Boundary

List of Consultees

Chief Officer of West Mercia Police

Gambling Commission

All Other Responsible Authorities Identified in the Gambling Act 2005

The Director of Public Health

District Councillors

Parish Councils

Holders of Premises Licences issued by the Council under the Gambling Act 2005

Gambling Trade Associations:

Association of British Bookmakers

British Amusement Catering Trade Association

Bingo Association

National Casino Forum

Lotteries Council

Hospice Lotteries Association

Organisations working with those who have a gambling problem:

GamCare

Gamblers Anonymous

**LICENSING
COMMITTEE****5th November 2018****LICENSING COMMITTEE WORK PROGRAMME 2018/19****5th November 2018**

Consideration of objection to proposed Hackney Carriage Table of Fares

Hackney Carriage and Private Hire Driver Licensing Policy – Further consideration of requirement for all licensed drivers to undertake disability awareness training and driving standards assessments every three years

Review of Hackney Carriage and Private Hire Vehicle Age Limits

Gambling Act 2005 – Consideration of responses to consultation on revised Statement of Principles

4th March 2019

Licensing Act 2003 — Consideration of responses to consultation on revised Statement of Licensing Policy

Review of Policy on the Relevance of Convictions for Hackney Carriage and Private Hire Drivers – Approval to Consult

Review of Arrangements for Medical Examinations of Hackney Carriage and Private Hire Drivers

To Be Allocated To Suitable Available Dates in 2018/2019

Review of Policy on the Relevance of Convictions for Hackney Carriage and Private Hire Drivers – Consideration of Results of consultation

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