



Licensing Committee

Mon 8 Nov
2021
7.00 pm

Council Chamber
Town Hall
Redditch



www.redditchbc.gov.uk

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

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GUIDANCE ON FACE TO FACE MEETINGS

Due to the current Covid-19 pandemic Redditch Borough Council will be holding this meeting in accordance with the relevant legislation for face to face meetings of a local authority.

If you have any questions regarding the agenda or attached papers please do not hesitate to contact the officer named below.

GUIDANCE FOR ELECTED MEMBER ATTENDING MEETINGS IN PERSON

In advance of the Committee meeting, Members are encouraged to consider taking a lateral flow test, which can be obtained for free from the NHS website. Should the test be positive for Covid-19 then the Member should not attend the Committee meeting, should provide their apologies to the Democratic Services team and should self-isolate in accordance with national rules.

Members and officers are encouraged to wear face masks during the Council meeting, unless exempt. Face masks should only be removed temporarily if the Councillor requires a sip of water and should be reapplied as soon as possible. Refreshments will not be provided by the venue. Hand sanitiser will be provided for Members to use throughout the meeting.

The meeting venue will be fully ventilated, and Members may need to consider wearing appropriate clothing in order to remain comfortable during proceedings.

PUBLIC SPEAKING

The Council has introduced public speaking at Licensing Committee which allows members of the public to comment on agenda items due to be considered at the meeting. The usual process for public speaking at meetings of Licensing Committee will continue to be followed subject to some adjustments in light of the on-going restrictions around social distancing. For this meeting the options to participate in public speaking will be in person, by joining the meeting using a video link or by submitting a written statement to be read out by officers.

The total maximum time permitted for public speaking is 15 minutes and the time limit for individual speakers is 3 minutes per speaker.

Only those members of the public who have registered to speak in advance of the meeting will be permitted to do so.

To register to speak you must contact Democratic Services by phone on 01527 64252 ext 2884, or by email at sarah.sellers@bromsgroveandredditch.gov.uk before 12 noon on Thursday 4th November.

When registering to speak you must give your name, contact telephone number, and email address, and indicate which agenda item(s) you wish to speak about, and whether you are in support of or opposed to the officer recommendation

Although this is a public meeting, there are circumstances when the committee might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public will be asked to vacate the meeting room and any video link will be suspended.



Licensing

COMMITTEE

Monday, 8th November, 2021

7.00 pm

Council Chamber

Agenda

Membership:

Cllrs:	Salman Akbar (Chair)	Aled Evans
	Lucy Harrison (Vice-Chair)	Andrew Fry
	Karen Ashley	Julian Grubb
	Tom Baker-Price	Ann Isherwood
	Joanne Beecham	David Thain
	Michael Chalk	

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 true record the minutes of the Licensing Committee held on 19th July 2021.

4. Public Speaking

5. Revised Statement of Principles under Gambling Act 2005 - Consideration of Consultation Responses (Pages 7 - 56)

6. Review of Hackney Carriage Table of Fares (Pages 57 - 62)

7. Work Programme (Pages 63 - 64)



Licensing Committee

Monday 19th July 2021

MINUTES

Present:

Councillor Salman Akbar (Chair), Councillor Lucy Harrison (Vice-Chair) and Councillors Karen Ashley, Tom Baker-Price, Joanne Beecham, Michael Chalk, Aled Evans, Andrew Fry, Julian Grubb, Ann Isherwood and David Thain

Also Present:

Imran Altaf

Officers:

Vanessa Brown and Dave Etheridge

Democratic Services Officers:

Jess Bayley-Hill

1. APOLOGIES

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

RESOLVED that

the minutes of the meeting of the Licensing Committee held on 8th March 2021 be approved as a true and correct record and signed by the Chair.

4. PUBLIC SPEAKING

Mr A. Nazir attended the Licensing Committee meeting to speak on behalf of the Redditch Taxi Association, under the Council's public speaking rules, and commented on the proposals for the creation /

Chair

amendment of stands for hackney carriages, in connection with Minute Item No. 6.

5. STATEMENT OF PRINCIPLES FOR THE GAMBLING ACT

The Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS), presented a report on the subject of the Statement of Principles for the Gambling Act.

The Committee was informed that the Council was a Licensing Authority under the terms of the Gambling Act. As such, the Council could issue licences for a diverse range of related services, including small society lotteries, gaming machines and bingo halls.

The Council was required to have a Statement of Principles, under the terms of the Gambling Act. This Statement of Principles had to be refreshed by the Council every three years. The Council had previously agreed the existing Statement of Principles in 2018. The new Statement of Principles would need to be approved in time to come into effect from January 2022 onwards.

There had been very few changes to gambling legislation or to the statutory guidance to Licensing Authorities issued by the Gambling Commission since 2018. Therefore, Officers were anticipating that only minor changes would be required to the Council's Statement of Principles. This included:

- Amendments to the introduction to update factual information, such as details relating to local demographics.
- Making reference to the Safeguarding Children Partnership in respect of that body's role as a consultee on matters relating to children and young people.
- The inclusion of information about the new Betting and Gaming Council, which had been formed following the merger of the previous British Bookmakers and Casino Forum organisations.

In reviewing the Statement of Principles, the Council was required to consult with a number of responsible bodies. This included Public Health England, Worcestershire County Council and West Mercia Police. The consultation process would be advertised in the local press and on the Council's website. As only minor changes were likely to be required, Officers were proposing that the consultation period should be six to eight weeks in length. The feedback received during the consultation process would be reported for Members' consideration at a meeting of the Licensing Committee later in the year.

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Following the presentation of the report, Members discussed the decision-making process that would need to be followed in terms of updating the Statement of Principles. Members were advised that the Licensing Committee would review the consultation feedback and proposed changes at a meeting on 8th November but did not have the authority to determine the final content of the Statement of Principles. Instead, recommendations would need to be made by the Licensing Committee to the Council meeting due to take place on 15th November, where a final decision would be taken.

Members noted that the documents provided contained the changes suggested by Officers but these had not been specifically highlighted. To ensure clarity for Members, it was agreed that a copy of the draft policy detailing the changes in track changes, should be circulated for Members' consideration after the meeting.

During consideration of this item, Members noted that at paragraphs 10.5 and 10.6 of the draft policy reference was made to the role of the Public Health team in terms of assisting the Licensing Authority. Members agreed that these paragraphs should specify that Worcestershire County Council's Public Health team was the relevant body that was referred to in this instance.

RESOLVED

that subject to the amendment detailed in the preamble above, to approve the revised draft Statement of Principles for the purpose of consultation with relevant parties.

6. VERBAL UPDATE ON ENGAGEMENT WITH STAKEHOLDERS IN RELATION TO PROPOSALS FOR THE CREATION / AMENDMENT OF STANDS FOR HACKNEY CARRIAGES

The Senior Practitioner (Licensing), WRS, provided a verbal update in respect of engagement with stakeholders in relation to proposals for the creation / amendment of stands for hackney carriages. In introducing the report, Officers explained that private vehicles, including licensed private hire vehicles, could not park on hackney carriage stands. Only licensed hackney carriage vehicles could park on these stands.

Members were advised that in January 2020 the Committee had considered a report on the subject of the current location of hackney carriage stands. The Committee had then asked Officers to consult with stakeholders about options for change, including:

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- The potential to introduce a hackney carriage stand at Redditch Train Station as part of the redevelopment work on the site.
- The potential to introduce a hackney carriage stand at the Alexandra Hospital.
- The potential to change the existing hackney carriage stand on Unicorn Hill and the possibility of moving this stand to Bates Hill.

There had been some delay in respect of progressing with this consultation process. This had partly been caused by the Covid-19 pandemic. However, in summer 2020 work had begun in respect of the consultation process.

A meeting had been held in the autumn at Bates Hill with representatives of Worcestershire County Council's Highways Department, which had identified some flexibility in relation to Unicorn Hill. There had been a further delay when the engineer had identified issues which it had been felt would prevent action from being taken but it subsequently transpired that this was no longer an obstacle.

In the summer of 2020 correspondence had been sent to the Worcestershire Hospitals Acute NHS Trust in respect of the suggested hackney carriage stand at the Alexandra Hospital. However, no response had been received from the Trust to this correspondence and Officers suggested that this appeared to indicate there was no support from the Trust for the introduction of a hackney carriage stand at the hospital.

Officers had met with representatives of the company that managed parking at Redditch Train Station to discuss the potential to introduce a hackney carriage stand at the station. During these discussions, the potential for hackney carriage drivers to pay a license fee to operate from a rank at the station had been noted. This arrangement was in place in some, though not all, train stations in the West Midlands.

Officers were aiming to present a more detailed written update on this process at a future meeting of the Licensing Committee. Members would subsequently need to undertake a formal consultation process in respect of any proposals. As part of this process, hackney carriage drivers needed to be consulted.

RESOLVED that

the report be noted.

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7. WORK PROGRAMME

Officers confirmed that there had been no amendments to the Licensing Committee's Work Programme since the publication of the agenda for the meeting.

RESOLVED that

the contents of the Licensing Committee's Work Programme be noted.

The Meeting commenced at 7.00 pm
and closed at 7.35 pm

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LICENSING COMMITTEE8th November 2021**GAMBLING ACT 2005 – REVIEW OF STATEMENT OF PRINCIPLES**

Relevant Portfolio Holder	Councillor N Nazir
Portfolio Holder Consulted	No
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

- 1.1 The Council's current Statement of Principles under the Gambling Act 2005 took effect on 31st January 2019. In accordance with the provisions of the Act, the Council is required to prepare and publish a Statement of Principles every three years. A new Statement of Principles must therefore be published by 31st January 2022.
- 1.2 On 19th July 2021, 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

- 2.1 **Members are asked to RESOLVE;**

To recommend to Council that the revised draft Statement of Principles at Appendix 3 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.
- 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 2019 and therefore a new Statement of Principles must now be prepared and published ready to take effect on 31st January 2022.
- 3.8 The last revision of the Statement of Principles during 2018 involved the Council significantly enhancing the content of the statement to provide more comprehensive information on how the Council approaches its roles and responsibilities in relation to the various permits and small society lotteries that it is responsible for administering and monitoring.

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- 3.9 Since the Statement of Principles was revised during 2018, there have been no significant amendments to the provisions of the Gambling Act 2005. Nor have there been any major changes made to the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) that licensed operators have to comply with or the Gambling Commission's statutory Guidance to Licensing Authorities (GLA).
- 3.10 In light of this, only minor revisions were included in the draft Statement of Principles that was presented to the Licensing Committee on 19th July 2021. These minor revisions include updating the introduction section of the Statement to reflect the current Council Plan and the strategic purposes and priorities it identifies. The introduction section had also been updated to reflect more recent estimates on the population of the borough.
- 3.11 The draft Statement had also been revised to nominate the Worcestershire Safeguarding Children Partnership as the body competent to advise the Council on matters relating to the protection of children from harm. This is because the Worcestershire Safeguarding Children Partnership has replaced the previously nominated Worcestershire Safeguarding Children Board.
- 3.12 The list of consultees shown at Appendix B of the Statement had also been updated to reflect changes to some of the Gambling Trade Associations and to include additional organisations involved in working with people who experience problems with gambling.
- 3.13 On 19th July 2021, the Licensing Committee approved the draft revised Statement of Principles for consultation purposes.
- 3.14 Subsequently 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
 - 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
- 3.15 The consultation was also be made available for comment via the Council's website and publicised via social media and also through the local press.

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- 3.16 The consultation exercise began on the 6th August 2021 and remained open for comments until 1st October 2021.
- 3.17 There were two responses received during the consultation. The first of these responses was received from Gosschalks Solicitors and was submitted on behalf of their clients the Betting and Gaming Council (BGC). A full copy of the response can be seen at **Appendix 1**.
- 3.18 The response made on behalf of the BGC suggests a small number of amendments are made to the draft Statement of Principles before it is published by the Council.
- 3.19 Firstly it is suggested that the words “significant numbers of” should be removed from paragraph 10.2 of the draft Statement in light of the assertion that problem gambling rates are static and are about 0.5% of the population.
- 3.20 Officers respectfully disagree with this suggestion and believe that 0.5% of the population still amounts to a significant number of people. It is therefore not felt that paragraph 10.2 should be amended as suggested by the consultee.
- 3.21 The next suggested amendment in the BGC response is the removal of paragraph 12.4 from the draft Statement as they feel that where an applicant is suggesting its own ways of meeting the licensing objectives, then this is an issue for the local area risk assessment rather than within the application or premises licence itself.
- 3.22 Officers agree that this paragraph should be removed from the section headed “Premises Licences” and therefore have relocated the paragraph under the heading “Local Risk Assessment” instead. The paragraph numbers in that section have been updated in light of this change.
- 3.23 The final suggested amendment to the draft Statement in the BGC response relates to paragraph 15, which the respondent feels would be assisted by a clear statement that the mandatory and default conditions are designed to be, and usually are, sufficient to ensure operation that is consistent with the licensing objectives and in the circumstances, it is only in exceptional circumstances where additional conditions will be imposed.

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- 3.24 Officers agree that it would be helpful to include such a statement and have therefore included a new paragraph at 15.1 to state that the mandatory and default conditions prescribed under the Gambling Act 2005 are designed to be, and usually are, sufficient to ensure operation that is consistent with the licensing objectives except in exceptional circumstances. The other paragraphs in this section of the draft Statement have been renumbered in light of the inclusion of this extra paragraph.
- 3.25 A further response to the consultation was received from the charity GambleAware. This response can be seen at **Appendix 2**.
- 3.26 Due to resource constraints, the charity was not able to provide specific feedback on the draft Statement, but did provide some useful links to tools and publications that can be used by licensing authorities to help identify areas with increased levels of risk for any reason.
- 3.27 These might include areas where there are higher than average resident or visiting populations from groups known to be vulnerable to gambling harms including children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services.
- 3.28 These tools and publications will be very helpful when the Gambling Local Area Profile for Worcestershire is next updated.
- 3.29 Members of the Committee are now asked to consider the responses and recommend to Council that the draft revised Statement of Principles at **Appendix 3** be approved and published.

4. RISK MANAGEMENT

- 4.1 Failing to prepare and publish a new Statement of Principles by 31st January 2022 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 Gosschalks Solicitors on behalf of the Betting and Gaming Council

Appendix 2 – Response from GambleAware

Appendix 3 – Updated Draft Revised Statement of Principles Showing Tracked Changes

AUTHOR OF REPORT

Name: Dave Etheridge – Principal Officer (Licensing)
Worcestershire Regulatory Services

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GOSSCHALKS

BY EMAIL ONLY
LICENSING SECTION
REDDITCH BOROUGH COUNCIL

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / MJM / 123267.00001
#GS4117766
Your ref:
Date: 28 September 2021

Dear Sirs,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

The Betting and Gaming Council

The Betting and Gaming Council (BGC) was created in 2019 as the new standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

BGC members support 119,000 jobs and account for £4.5 billion to the Treasury annually in tax. Recent study also showed that BGC members contributed around £7.7 billion in gross value added to the UK economy in 2019.

The gambling industry is integral to the survival of sport. Betting companies spend over £40 million a year on the English Football League (EFL) and its clubs. Horse racing, an industry estimated to be worth £3.5 billion a year to the UK economy and which generates 85,000 jobs receives over £350 million per annum through the Horse Racing Industry Levy, media rights and sponsorship. Darts and Snooker receive in excess of £10 million per annum which represents 90 % of all sponsorship revenue.

The BGC has four principal objectives. These are to –

- **create a culture of safer gambling throughout the betting and gaming sector, with particular focus on young people and those who are vulnerable**
- **ensure future changes to the regulatory regime are considered, proportionate and balanced**

- become respected as valuable, responsible and engaged members of the communities in which its members operate
- safeguard and empower the customer as the key to a thriving UK betting and gaming industry

Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

Betting and Gaming in the UK

Betting and gaming is an incredibly important part of the UK leisure and hospitality industry, employing over 70,000 people, including 50,000 in betting, 13,000 in casinos and 10,000 people directly employed online. The betting and gaming industry contributes £8.7 billion Gross Value Added to the UK economy & contributes £3.2 billion to HM Treasury. In addition, casinos contribute over £120 million to the tourism economy each year.

Betting and gaming is widely enjoyed in the UK. Around 30 million people participate in some sort of gambling, whether that is on the National Lottery, placing a bet in betting shops, playing in casinos or at bingo. The overwhelming majority of these people do so safely without reporting any problems.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of March 2020) was 7681. This is reducing every year and has fallen from a figure of 9137 in March 2014. Covid 19 had a devastating effect on the betting industry. The number of betting offices in June 2020 was down to 6461.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019 a maximum stake of £2 was applied to the operation of fixed odds betting terminals
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable and possibly falling.

Problem Gambling

Problem gambling rates are static or possibly falling. The reported rate of 'problem gambling' (according to either the DSM-IV or the PGSI) was 0.8% of the adult population in 2015, in 2016 it was 0.7% and in 2018 it was 0.5% of the adult population.

This is termed statistically stable but is encouraging that we might finally be seeing a reduction in problem gambling due to the raft of measures that have been put in place recently both by the

industry, the Gambling Commission and the Government – from a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures and voluntary restrictions on advertising. These rates have remained broadly the same since the introduction of the Gambling Act 2005.

Whilst one problem gambler is too many, both the Government and regulator both say there is no evidence that problem gambling has increased in recent years.

During the Covid-19 period of lockdown, both the Gambling Commission and Government have acknowledged that problem gambling levels have not increased.

In June 2020, the BGC's five largest members committed to increasing the amount they spend on research, education and treatment (RET) services from 0.1 per cent to 0.25 per cent of their annual revenue in 2020, 0.5 per cent in 2021, 0.75 per cent in 2022 and 1 per cent in 2023. The five operators confirmed they will provide £100 million to GambleAware charity to improve treatment services for problem gamblers.

Rates of 'problem gambling' in the UK are low by international standards – compared to France (1.3%), Germany (1.2%), Sweden (2.2%) and Italy (1.27%).

The BGC supported the creation of the new NHS gambling treatment clinics who have promised 22 clinics, 3 of which are open now. We are pleased that the NHS have committed to work to increase the number of clinics in the UK in addition to existing serviced delivered by Gordon Moody Association and GamCare's 120 treatment centres located throughout the UK.

The BGC welcomes the Gambling Commission's National Strategy was a way of accelerating progress on responsible gambling and tackling problem gambling. Our members are fully committed to meeting this challenge and are working tirelessly to deliver new responsible gambling initiatives including technology that tackles problem gambling and supporting a statutory levy and increased funding for problem gambling clinics.

Underage participating by those aged 11-16 in any gambling activity has declined from 22% to 11% over the past decade; here, 'gambling activity' mainly relates to personal betting (e.g. playing cards with friends) and legal play of lotteries (e.g. participating with consent of parents / guardians). BGC members have a zero tolerance to those under the age of 18 attempting to use their products.

Working in partnership with local authorities

The BGC is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

Differentiation between Licensing Act 2003 and Gambling Act 2005 applications

When considering applications for premises licences, it is important that a clear distinction is made between the regimes, processes and procedures established by Gambling Act 2005 and its

regulations and those that are usually more familiar to licensing authorities – the regimes, processes and procedures relating to Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, those steps being then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications where the LCCP provide a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called “Think 21”. This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%.

When reviewing draft statements of principles in the past, we have seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

Considerations specific to the draft Gambling Act 2005 statement of licensing principles 2022- 2025

On behalf of the BGC we welcome the light-touch approach to the statement of principles and have very few comments to make upon the policy. We note that it was not intended to make any significant amendments to the policy that is currently in force.

Paragraph 10.2 refers to *“significant numbers of people who do experience significant harm as a result of their gambling.”* It is important that statements such as this are put into context otherwise, they are pejorative. As stated above, problem gambling rates are static and are about 0.5% of the population. In order that some context is available to this paragraph, the words “significant numbers of” should be deleted.

Paragraph 12.14 states that applicants for premises licences are encouraged to propose any prohibitions or restrictions of their own in relation to the third licensing objective. This paragraph appears under the heading “premises licences” and should be deleted from this section. Where an applicant is suggesting its own ways of meeting the licensing objectives, then this is an issue for the local area risk assessment rather than within the application/premises licence itself. It is important

to differentiate between Licensing Act 2003 applications (where there is the ability/mechanism to “suggest conditions” or where statements in an operating schedule can be “converted into” conditions) and Gambling Act 2005 applications where the process does not anticipate this. It is within the risk assessment where an applicant will identify risks to the licensing objectives in the local area and outline in that document the policies, procedures, and mitigation measures to be put in place to mitigate the identified risk.

It is important that these policies and procedures are dealt with in the risk assessment rather than by way of licence conditions as the risk assessment is a dynamic document and (in accordance with SR Code Provision 10.1.2) must be reviewed if there is a significant change in local circumstances. As risks change or new risks are identified, the policies, procedures, and mitigation measures to address these identified risks may be changed very quickly. However, if the mitigation measures are the subject of premises licence conditions, then an application for variation of the premises licence will be required to change these conditions. This could delay the implementation of any change and would cause unnecessary expense and administration for both operators and the Licensing Authority.

Paragraph 15 explains the Licensing Authority’s approach to the imposition of conditions on premises licences. This section would be assisted by a clear statement that the mandatory and default conditions are designed to be, and usually are, sufficient to ensure operation that is consistent with the licensing objectives and in the circumstances, it is only in exceptional circumstances where additional conditions will be imposed.

Conclusion

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that these comments above are useful. The BGC will work with you to ensure that its members’ operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,



GOSSCHALKS LLP

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From: Info <info@gambleaware.org>

Sent: 06 August 2021 14:49

To: WRS Enquiries <enquiries@worcsregservices.gov.uk>

Subject: External Email : RE: Consultation – Revised Statement of Principles Under the Gambling Act 2005 - Redditch Borough Council

Hello,

Thank you for consulting us on your draft Statement of Principles under the Gambling Act 2005.

Due to resource constraints on a small charity, we are not able to offer specific feedback on your policy. However, you may find GambleAware's recently published [interactive maps](#) useful, which have been designed for use by local authorities. The maps show the prevalence of problem gambling severity in each local authority and ward area as well as usage of, and reported demand for, treatment and support for gambling harms.

GambleAware also strongly commends two publications by the Local Government Association which set out the range of options available to local authorities to deal with gambling-related harms using existing powers:

- <https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach>
- <https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales>

GambleAware is also fully supportive of local authorities which conduct an analysis to identify areas with increased levels of risk for any reason. In particular we support those who also include additional licence requirements to mitigate the increased level of risk. Areas where there are higher than average resident or visiting populations from groups we know to be vulnerable to gambling harms include children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services.

Finally, GambleAware is a leading commissioner of prevention and treatment services for gambling harms. It provides these functions across England, Scotland and Wales and its work is underpinned by high quality research, data and evaluation. We encourage all local authorities to signpost people to the **National Gambling Helpline on 0808 8020 133** and also www.begambleaware.org. Both are part of the **National Gambling Treatment Service** and offer free, confidential advice and support for those who may need it.

Best regards,
Natalie

Natalie Simpson
Company Secretary

GambleAware®

Phone +44 (0) 20 7287 1994 - *note that we are currently remote working so please contact us by email*

Email natalie.simpson@gambleaware.org

Website begambleaware.org

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www.redditchbc.gov.uk



Gambling Act 2005
Statement of Principles
2022 – 2025

Revised with effect from 31st January 2022

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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 an estimated population of around 85,000 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 In our Council Plan Redditch Borough Council has set out our vision “to enrich the lives and aspirations of our residents, businesses and visitors through the provision of efficiently run and high quality services, ensuring that all in need receive appropriate help, support and opportunities.” The Council Plan also sets out our strategic purposes and our community and organisational priorities. This statement seeks to support the delivery of our strategic purposes and priorities 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 **6th August 2021 and 1st October 2021** in line with current published Government consultation principles. The statement was approved at a meeting of the Full Council on **15th November 2021**. Should you have any comments with regards to this policy statement please send them via email or letter to: enquiries@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, community priorities and organisational priorities, 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 Partnership 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 Applicants for premises licences are encouraged to consider, as part of their risk assessment, any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.

11.6 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.

11.7 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.

11.8 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.

11.9 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.

11.10 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.~~

12.14 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 Partnership
- 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 The mandatory and default conditions prescribed under the Gambling Act 2005 are designed to be, and usually are, sufficient to ensure operation that is consistent with the licensing objectives
- 15.2 However in exceptional circumstances when considering a 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.

- 15.3 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.
- 15.4 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.
- 15.5 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.
- 15.6 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 Permits

Introduction

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 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 relevant data protection legislation, 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.

DRAFT

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

Worcestershire Safeguarding Children Partnership

Director of Public Health

District Councillors

Parish Councils

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

Gambling Trade Associations:

Betting and Gaming Council

Bacta

Bingo Association

Lotteries Council

Hospice Lotteries Association

Organisations working with those who have a gambling problem:

GamCare

Gamblers Anonymous

GambleAware

Gordon Moody Association

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REDDITCH BOROUGH COUNCIL**LICENSING
COMMITTEE**8th November 2021**HACKNEY CARRIAGE TABLE OF FARES**

Relevant Portfolio Holder	Councillor N Nazir
Portfolio Holder Consulted	No
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. It is good practise to review the table of fares on a regular basis.

2. RECOMMENDATIONS

That the Licensing Committee note the contents of the report and that no further action is required at the present time.

3. KEY ISSUES**Financial Implications**

- 3.1 The costs of advertising any proposed variations to the table of fares for hackney carriages would be 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.

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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

- 3.6 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.
- 3.7 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.

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- 3.8 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.
- 3.9 The current table of fares can be seen at **Appendix 1**. The current table of fares was approved by the Licensing Committee at its meeting in November 2018 took effect on 16th November 2018.
- 3.10 Prior to table of fares approved in November 2018, the Council's table of fares for hackney carriages had not been amended since 2011, which represented a significant period without any increase to take account of inflation and other relevant cost rises for hackney carriage drivers and proprietors.
- 3.11 When considering making changes to the table of fares in November 2018, Members expressed the view that the table of fares should be regularly reviewed to avoid a situation where a large increase is requested following several years without a review having taken place.
- 3.12 On 4th November 2019 the Licensing Committee considered a report in which it was explained that Chairman of Redditch Taxi Association had confirmed that the Association did not wish to request any further increase at that time.
- 3.13 Members resolved that the contents of the report be noted, and that an officer's report on the hackney carriage table of fares be brought back to Licensing Committee no later than November 2020.
- 3.14 On 9th November 2020 the Licensing Committee considered a report in which it was explained that Chairman of Redditch Taxi Association had confirmed that the Association still did not wish to request any further increase at that time.
- 3.15 Members resolved that the contents of the report be noted, and that an officer's report on the hackney carriage table of fares be brought back to Licensing Committee no later than November 2021.
- 3.16 Prior to commencing the preparation of this report, the Chairman of Redditch Taxi Association was approached by officers to see if the Association would like to request any amendments to the current table of fares this year.

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- 3.15 The Chairman of Redditch Taxi Association has confirmed that they do not wish to request any further increase in the table of fares at the present time. The explanation provided for this was that trade was still quiet and that hackney carriage drivers want to try and remain competitive with the private hire sector in respect of the price of fares.
- 3.16 Officers therefore recommend that Members note that this matter has been reviewed and that no further action is required at the present time.

4. RISK MANAGEMENT

- 4.1 None

5. APPENDICES

Appendix 1 – Current Table of Fares

AUTHOR OF REPORT

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REDDITCH BOROUGH COUNCIL
TABLE OF FARES FOR HACKNEY CARRIAGES
WITH EFFECT FROM 16 NOVEMBER 2018



	Tariff One	Tariff Two	Tariff Three
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.)	£2.80 per mile (1609.3 metres approx.)
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><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.</p>			

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**LICENSING
COMMITTEE**

8th November 2021

LICENSING COMMITTEE WORK PROGRAMME 2021/22

8th November 2021

Revised Statement of Principles under Gambling Act 2005 – Consideration of Consultation Responses

Review of Hackney Carriage Table of Fares

21st March 2022

Draft Hackney Carriage and Private Hire Licensing Policy – Consideration of Consultation Responses

Proposals in Respect of Hackney Carriage Stands in Unicorn Hill / Bates Hill

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