

Licensing Committee

Mon 2nd Nov
2009
7.00 pm

Committee Room 2
Town Hall
Redditch



Access to Information - Your Rights

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000, has further broadened these rights, and limited exemptions under the 1985 Act.

Your main rights are set out below:-

- Automatic right to attend all Council and Committee meetings unless the business would disclose confidential or “exempt” information.
- Automatic right to inspect agenda and public reports at least five days before the date of the meeting.
- Automatic right to inspect minutes of the Council and its Committees (or summaries of business undertaken in private) for up to six years following a meeting.
- Automatic right to inspect lists of background papers used in the preparation of public reports.
- Access, upon request, to the background papers on which reports are based for a period of up to four years from the date of the meeting.
- Access to a public register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc.
- A reasonable number of copies of agenda and reports relating to items to be considered in public must be made available to the public attending meetings of the Council and its Committees etc.
- Access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned.
- Access to a summary of the rights of the public to attend meetings of the Council and its Committees etc. and to inspect and copy documents.
- In addition, the public now has a right to be present when the Council determines “Key Decisions” unless the business would disclose confidential or “exempt” information.
- Unless otherwise stated, all items of business before the Executive Committee are Key Decisions.
- (Copies of Agenda Lists are published in advance of the meetings on the Council’s Website:
www.redditchbc.gov.uk

If you have any queries on this Agenda or any of the decisions taken or wish to exercise any of the above rights of access to information, please contact

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Licensing Committee

2nd November 2009

7.00 pm

Committee Room 2 Town Hall

Agenda

Membership:

Cllrs:	M Braley (Chair)	W Hartnett
	K Banks (Vice-Chair)	N Hicks
	M Chalk	D Hunt
	A Clayton	W King
	J Cookson	J Pearce
	D Enderby	D Smith
	J Field	D Thomas
	A Fry	

<p>1. Apologies</p>	<p>To receive the apologies of any Member who is unable to attend this meeting.</p>
<p>2. Declarations of Interest</p>	<p>To invite Councillors to declare any interests they may have in items on the agenda.</p>
<p>3. Minutes (Pages 1 - 2) Chief Executive</p>	<p>To confirm as a correct record the minutes of the meeting of the Executive Committee held on (Minutes attached)</p>
<p>4. Licensing - Service Standards (Pages 3 - 8) Head of Environment</p>	<p>To seek endorsement on Licensing's written Service Standards; which once adopted will indicate to customers the level of service they can expect from Licensing. (Report attached)</p> <p>All Wards</p>
<p>5. Security Industry Authority (S.I.A.) Door Supervisors (Pages 9 - 30) Head of Environment</p>	<p>To endorse the application by Redditch Borough Council's Licensing Officers to the Security Industry Authority (S.I.A.) for written authorisation, which will enable Licensing Officers to carry out entry and inspection powers in accordance with Section 19 of the Private Security Industry Act 2001. (Report attached)</p> <p>All Wards</p>

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<p>6. Gambling Act - Revised Statement of Gambling Principles</p> <p>(Pages 31 - 58)</p> <p>Head of Environment</p>	<p>To consider the adoption of the Revised Statement of Licensing Principles, which has been produced and consulted on in accordance with Section 349 of the Gambling Act 2005.</p> <p>(Report attached)</p> <p>All Wards</p>
<p>7. Work Programme</p> <p>(Pages 59 - 60)</p>	<p>To consider and review the Committee's Work Programme.</p> <p>(Report attached)</p>
<p>8. Exclusion of the Public</p>	<p>It may be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting in relation to the following items of business on the grounds that exempt information is likely to be divulged. It may be necessary, therefore, to move the following resolution:</p> <p>“that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information (Variation) Order 2006, the public may be excluded from the meeting for the following matters(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs (to be specified) of Part 1 of Schedule 12 (A) of the said Act, as amended.”</p>



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Licensing Committee

28th September 2009

MINUTES

Present:

Councillor Michael Braley (Chair), Councillor Kath Banks (Vice-Chair) and Councillors M Chalk, A Clayton, J Cookson, J Field, W Hartnett, W King and D Smith

Officers:

A Teepe and S Garratt

Committee Officer:

D Sunman

1. APOLOGIES

Apologies for absence were received from Councillors Fry, Hunt, Pearce and Thomas.

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 5th December 2007 be confirmed as a correct record and signed by the Chair.

4. HACKNEY CARRIAGE - FARES

The Committee considered a report which outlined the options for a variation of fares for hiring Hackney Carriages within the Borough.

Members were informed that the last fare increase had been approved on 29th November 2008 and took effect from 12th January 2009 as follows:

.....
Chair

Mileage

First half mile or uncompleted parts thereof	£2.62p
Subsequent charge	10p per 135 yards or £1.31 p per mile
Waiting time	10p per 40 secs. or 15p per minute
Each person exceeding one	10p
Late Night and Bank Holiday Surcharge	
Midnight to 6.00am every day and all Bank Holidays (excluding Good Friday)	£1.25 per journey
From 6.00pm Christmas Eve to Midnight Boxing Day	Double Tariff
From 6.00pm New Years Eve to 6.00am New Years Day	Double Tariff
Dogs (with the exception of guide dogs)	£1.35p
Any persons fouling the vehicle will be charged an excess of £75 per journey.	

Officers reported that the Executive Committee in October 2008 had recommended that various retail price indices, including petroleum products be taken into account when considering a variation in fares for hiring Hackney Carriages.

Using these indices the effect on the fare table was found to be minimal.

Consultation had been carried out with Redditch Taxi Association who had agreed the policy and recognised the effect of low inflation on the current tariff.

RESOLVED that

there be no increase in the Hackney Carriage fare rates for the year 2009 to 2010.

The Meeting commenced at 7.00 pm
and closed at 7.30 pm

.....
Chair

Licensing Committee

No Specific Ward Relevance

2nd November 2009

LICENSING - SERVICE STANDARDS

(Report of the Head of Environment)

1. Summary of Proposals

To seek endorsement on Licensing's written Service Standards; which once adopted will indicate to customers the level of service they can expect. Licensing Service Standards will then be published on Redditch Borough Council's website.

2. Recommendations

The Committee is asked to **RESOLVE** that
the Licensing Services Standards, as detailed in Appendix 1, be approved and published.

3. Financial, Legal, Policy Risk and Sustainability Implications

Financial

- 3.1 The cost of producing the Licensing Services Standards has been met within existing budgets.

Legal

- 3.2 There are no legal implications identified with this report.

Policy

- 3.3 The proposed adoption of the standards will bring written standards for all staff working in Licensing.

Risk

- 3.4 There are no envisaged risks with adopting Licensing Service Standards.

Sustainability / Environmental

- 3.5 None.

Report

4. Background

- 4.1 Licensing sits in Environmental Health in the Environment and Planning Directorate. Licensing is responsible for the regulation and enforcement of various Acts including the Licensing Act 2003, the Gambling Act 2005 and Hackney Carriage and Private Hire Licensing. The Licensing Team also deal with Animal Boarding, Pet Shops, Sex Shops, Scrap Metal Dealers and Motor Salvage Operators.
- 4.2 The needs of customers using the Licensing Services are varied and wide ranging. At present, there are no public written standards that indicate the level of service that customers can expect from the service.

5. Key Issues

- 5.1 There is no statutory requirement for the Council to publish Licensing Service Standards. However, best practice encourages the publication of such standards.
- 5.2 The proposed Licensing Service Standards (as attached in Appendix 1) sets out a comprehensive set of standards that Licensing shall endeavour to maintain. The Service already strives to meet a significant amount of these standards as well as various statutory deadlines on a daily basis. These standards represent the Service's commitment to attaining high standards of performance.
- 5.3 Licensing Service Standards have been prepared in line with other corporate documents relating to customer service. In particular, the Council's Charter for our customers – our promise to you', then Customer Services Handbook and the Complaints handling Policy.' have been used as resources to ensure consistency between the Service's approach to customer service and Council wide standards and procedures.

6. Other Implications

Asset Management	-	None
Community Safety	-	None
Human Resources	-	None
Social Exclusion	-	None

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7. Lessons Learnt

7.1 This is the first report on this issue.

8. Background Papers

Redditch Borough Council Charter for our Customers – Our Promise to You.

Customer Services Handbook (Intranet)

Complaints Handling Policy (Intranet)

9. Consultation

9.1 This report has been prepared in consultation with relevant Borough Council Officers.

10. Author of Report

The author of this report is Sue Garratt (Licensing Manager) who can be contacted on extension 3032 (email: sue.garratt@redditchbc.gov.uk) for more information.

11. Appendices

Appendix 1 - Licensing Service Standards

Licensing Appendix 1

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Licensing Service Customer Standards

The Licensing Service

The Licensing Section operates in connection with the Council's role as the Licensing Authority for the Licensing and Gambling Acts and the Local Authority for the regulation of all other licensable activities. We work in partnership with the Police, Trading Standards, Businesses, Residents and other partner organisations.

Through advice and enforcement we seek to ensure high standards of operation from the premises and the services we licence.

It is the Licensing Service's intention that all licence applications will be dealt with promptly. However, many delays are caused by applicants who fail to submit all required documents.

Each licence or registration is considered in accordance with statute law, case law, any appropriate Council policy, the requirements of the Enforcement Policy and any applicable code of practice, guidance or condition.

In addition to the consultation, administration and licence production processes most applications require an inspection of the proposed premises or vehicle by officers of the Council.

The Licensing Service will when dealing with the investigation of complaints or possible breaches of licence conditions take enforcement action in line with our enforcement policy to ensure fairness and consistency.

Complaints and Compliments

If we do things well please tell us; but if you have a complaint please speak to the member of staff who has been dealing with you. They may be able to sort it out straight away. Alternatively, ask to speak to the manager. Complaints give us the chance to put things right and improve how we do things in the future. If you are still not satisfied we can give you our leaflet "How to make a complaint or compliment" which fully explains the formal complaints procedure. We are determined to provide quality, customer focussed services.

Licensing Service Customer Standards	How will they be measured?	Measuring Frequency
We will investigate and resolve complaints made in relation to premises or services we licence within 2 months.	Excel Enforcement Spreadsheet	Quarterly
We will consult in accordance with Statutory requirements on all licensing matters.	Post book	Monitored yearly
Application packages for all licences will be issued within 5 working days of receipt	Post book	Monitored quarterly

Licensing Appendix 1

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of request		
All Premises Licences will be issued within 5 working days of public notices being completed if all papers are submitted and are complete and no representations are received.	Post book	Monitored quarterly
All licensed vehicles will have safety tests carried out within 28 days of the appointed date.	Caps Uniform	Monitored Monthly
All medical examinations and CRB applications for drivers will be renewed within 28 days of the expiry the original documentation and in any case prior to the renewal of a licence.	Caps Uniform	Monitored Monthly
<p>Inspections:</p> <p>Licensing Act 2003 - Premises Licenses – Alcohol, Entertainment and Late Night Refreshment.</p> <p>A representative sample of premises and all premises which have been the source of complaints or other problems will be inspected prior to the issue of a licence. All premises will be subject to a “during performance” inspection by the Enforcement Officer usually in company with the Police.</p> <p>Gambling Act 2005 – Premise Licence – Betting, Bingo and Amusement Arcades.</p> <p>All premises will be inspected prior to the issue of a licence.</p> <p>Taxis - Hackney Carriage Vehicles and Drivers, Private Hire Operators, Vehicles and Drivers.</p> <p>All applicants will be interviewed and all vehicles inspected prior to the issue of a licence.</p> <p>Licensing will work in partnership with VOSA and the West Mercia Police to ensure all licensed vehicles are kept in a roadworthy condition and fit for purpose.</p>	Caps Uniform and Officers Excel Spreadsheet.	Quarterly

Licensing Committee

No Specific Ward Relevance

2nd November 2009

SECURITY INDUSTRY AUTHORITY (S.I.A.) DOOR SUPERVISORS – ENFORCEMENT

(Report of the Head of Environment)

1. Summary of Proposals

The Committee is asked to endorse the application by Redditch Borough Council Licensing Officers to the Security Industry Authority (S.I.A.) for written authorisation. This written authorisation will enable Licensing Officers to carry out entry and inspection powers in accordance with Section 19 of the Private Security Industry Act 2001.

The purpose of these powers is to prevent and detect offences under the Act in relation to door supervisors employed on Licensed Premises within the Borough on behalf of the S.I.A. and to aid Local Authority Licensing Officers in the enforcement and management of the night time economy.

This authorisation would be used by the Licensing Officers in conjunction with the Security Industry Authority and the local Police.

All enforcement visits at Premises Licensed under the Licensing Act 2003 will be in accordance with the SIA Enforcement Policy Code of Practice.

2. Recommendations

The Committee is asked to **RECOMMEND** that

application to the Security Industry Authority (S.I.A.) for written authority be endorsed to enable Licensing Officers to carry out the powers authorised under the Private Security Industry Act 2001.

3. Financial, Legal, Policy Risk and Sustainability Implications

Financial

- 3.1 This function will be carried out within the normal inspection routines of Council Licensing Officers. Therefore no further financial burden is placed on the current budget.

Legal

- 3.2 None - All actions and enforcement will be carried out under S.I.A. Authority and Policy.

Policy

- 3.3 None

Risk

- 3.4 There is a risk to any enforcement officer whilst involved in enforcement duties. However, these enquiries are on behalf of the S.I.A and any enforcement action other than the first initial enquiries will be undertaken by them.

Sustainability / Environmental

- 3.5 None

Report**4. Background**

- 4.1 The Security Industry Authority (S.I.A) is the sole Licensing Authority for all Door Supervisors employed in the Licensing Trade. All Door Staff employed at pubs and clubs must be registered and licensed by the S.I.A.
- 4.2 Many of the Borough's late night venues have conditions on their Premises Licenses which require Door Supervisors at specific times.

5. Key Issues

- 5.1 To enable Local Authority Licensing Officers to carry out functions under the Security Industry Act 2001 written permission is needed from the S.I.A. Each Local Authority Licensing Officer must have this written authorisation before taking any action in this regard. This written authorisation must be kept up to date with the S.I.A.
- 5.2 Once written authority is granted by the S.I.A. the enforcement role of the Council Licensing Officers is to check at venues to ensure that S.I.A. Licensing Conditions are being adhered to.
- 5.3 Subject to the written Authority of the S.I.A, the Local Authority Licensing Officers are then authorised to enter and inspect on behalf of the S.I.A which includes checking, enforcing and reporting any offences and breaches of S.I.A Conditions. Those breaches are

then reported back to the S.I.A for further investigation and prosecution if necessary. This includes the issue of warning notices for the offences of:-

a) Engaging in licensable conduct without a licence

And

b) Employing unlicensed person in licensable conduct.

5.4 A copy of a warning notice can be found at appendix 1. A copy of the relevant S.I.A Enforcement Policy Code of Practice can be found at appendix 2.

6. **Other Implications**

Asset Management - None

Community Safety - Enforcement under the Licensing Act 2003 and the Security Industries Act 2001 is a key role to ensure a safe and vibrant night time economy. Ensuring the safety of all visitors by promoting the four licensing objectives.

Human Resources - None

Social Exclusion - None

7. **Lessons Learnt**

7.1 This is the first report on this issue.

8. **Background Papers**

Security Industry Act 2001
Security Industry Enforcement Policy; Code of Practice

9. **Consultation**

9.1 This report has been prepared in consultation with relevant Borough Council Officers.

Licensing Committee

2nd November 2009

10. Authors of Report

The authors of this report are Sue Garratt (Licensing Manager) and Steven Wood (Licensing Officer) , who can be contacted on extension 3713 (e-mail:) licensing@redditchbc.gov.uk for more information.

11. Appendices

Appendix 1 - Copy of S.I.A Notification
Appendix 2 – S.I.A Code of Practice

Licensing

Appendix 1

Committee

2nd November 2009

Copy of SIA Notification



Security Industry Authority

**SIA OFFENCE WARNING
NOTIFICATION**

Licensing Committee

Appendix 1

2nd November 2009

WARNING NOTIFICATION

SERIAL NO. 31081

Surname (Print) _____

Forenames _____ M / F (Circle)

Date of Birth ___ / ___ / ___ ID SHOWN YES / NO (Circle)

Address _____

_____ Post Code _____

 At _____ hours, on _____ day, the _____ day of _____ month
 _____ year, an Authorised SIA official / Police Officer / LA official
 observed you undertake work at _____ (Premises)

_____ (Location)

 for which an SIA Licence is required. As a result of this inspection it is
 believed the following offence / offences have been revealed under the
 Private Security Industry Act 2001:

1	2	3	4	5	6	7	8	9
---	---	---	---	---	---	---	---	---

**circle believed PSIA offence committed - PSIA offences detailed
below**

 It is therefore believed that you are currently committing an offence
 under the Private Security Industry Act 2001, and I must warn you that
 you must cease this activity immediately. Should you wish to work in this
 capacity in future an SIA Licence is required. **If you continue to undertake
 licensable activity without an SIA Licence further enforcement action
 will be taken against you.**

 ISSUED BY SIA / POLICE / LOCAL AUTHORITY
 delete as appropriate

FULL NAME POSITION / RANK AREA / NO. SIGNATURE	
---	--

*The SIA may pass details of this inspection to the Police and Local
 Authority in your area who may wish to take action under their own
 legislative powers.*

I confirm I have received a copy of this form:

 Details of obtaining a licence can be found at our website at www.the-sia.org.uk or by contacting our enquiry line on 08702 430100.

 This information will be recorded and may contribute towards any future
 enforcement action by the SIA. The SIA will retain the information in
 accordance with its data retention policy.

Offences under Private Security Industry Act 2001:

1. Engaging in licensable conduct without a licence S3(1)
2. Employing unlicensed person in licensable conduct S5(1)
3. Occupier of land permitting unlicensed wheel clamp to operate S6(1)
4. Contravening licence conditions S9(4)
5. Wrongly claiming SIA Approved Contractor status S16(2)
6. Contravening terms of Approved Contractor status S17(2)
7. Contravening terms of Approved Contractor status S17(3)
8. Obstructing SIA official in the exercise of power of entry, fail to comply with any requirement made by that person S19(5)
9. Intentionally or recklessly making a false statement to the SIA S22(1)

Details of obtaining a licence can be found at our website at www.the-sia.org.uk or by contacting our enquiry line on 08702 430100.

This information will be recorded and may contribute towards any future enforcement action by the SIA. The SIA will retain the information in accordance with its data retention policy.

Offences under Private Security Industry Act 2001:

1. *Engaging in licensable conduct without a licence S3(1)*
2. *Employing unlicensed person in licensable conduct S5(1)*
3. *Occupier of land permitting unlicensed wheel clamber to operate S6(1)*
4. *Contravening licence conditions S9(4)*
5. *Wrongly claiming SIA Approved Contractor status S16(2)*
6. *Contravening terms of Approved Contractor status S17(2)*
7. *Contravening terms of Approved Contractor status S17(3)*
8. *Obstructing SIA official in the exercise of power of entry, fail to comply with any requirement made by that person S19(5)*
9. *Intentionally or recklessly making a false statement to the SIA S22(1)*

SIA Code of Practice

SIA Enforcement Policy
Code of Practice
June 2008



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The Security Industry Authority is the organisation responsible for regulating the private security industry. It is an independent body reporting to the Home Secretary, established in 2003 under the terms of the Private Security Industry Act 2001. Its mission is to help protect society by collaboratively developing and achieving high standards within the private security industry. Its remit currently covers England, Wales and Scotland.

This Enforcement Policy Code of Practice is produced in accordance with section 20 of the Private Security Industry Act. The SIA aims to raise standards of professionalism and skills within the private security industry and promote and spread best practice. Part of its responsibility is to ensure that regulation is being complied with, so the SIA is provided with enforcement capability under the Act. The SIA believes that appropriate use of enforcement powers is important, both to secure compliance with the law, and to ensure that those who have responsibilities under it are held to account for failures to comply with the details of the legislation. We are committed to the Regulators' Compliance Code, a statutory code of practice for regulators that promotes a risk-based, proportionate and targeted approach.

There are a range of compliance tools at the disposal of the SIA which assist in securing compliance with the law and allow a proportionate response to offences. SIA investigators (references to 'SIA investigators' relate only to investigators deployed directly by the SIA) may issue verbal or written warnings where companies, organisations or individuals are found failing to comply with the law. SIA investigators can issue companies with improvement notices which state what improvements are required and offer a manageable timeframe in which to rectify matters. The SIA has the option to initiate prosecutions for breaches of legislation; however compliance in the first instance will always be the preferred option.

The Private Security Industry Act 2001 created several offences concerned with engaging in designated licensable activities without the correct SIA licence and deploying an unlicensed person to carry out licensable activities. Should a case against an individual believed to be in breach of the Act be prosecuted as a summary conviction at a Magistrate's Court, Sheriff Court or District Court, there is a maximum penalty of six months imprisonment and/or a fine of up to £5,000, or (for supplying unlicensed staff only) for a trial on indictment at Crown Court, High Court of Justiciary or Sheriff and jury trial, the penalty is an unlimited fine and/or up to five years imprisonment.

Why this Code of Practice is issued

This Enforcement Policy explains what can be expected from SIA investigators and those with written authority making enquiries. It is important to remember that the SIA aims to encourage full compliance and co-operation in the first instance and will do all it can to assist in helping organisations meet their obligations. This Code is binding on the activities of SIA investigators and those with written authority who carry out investigations under section 19 of the Private Security Industry Act 2001. If the requirements of this Code are not met, grounds for complaint may arise; see paragraphs 26-29 for details of how to complain. This Code of Practice is available to download from the SIA website; www.the-sia.org.uk.

I. This Code of Practice explains the powers of SIA investigators and those with written authority, the extent of those powers, and the responsibilities and rights of those from whom the SIA may seek information, as defined in legislation.¹ SIA investigators and those with written authority should undertake enquiries in accordance with this Code of Practice.

¹ References to 'those with written authority' relate to individuals with written authority from the SIA under section 19 of the Private Security Industry Act 2001, allowing them to inspect SIA licences.

2. SIA investigators and those with written authority should always inform people of the existence of this Code of Practice when formally invoking powers under sections 19 (1) or (2) of the Private Security Industry Act 2001 to require entry to premises or request information.

3. This code explains the powers of the SIA and provides the basis for how SIA investigators and those with written authority should conduct their enquiries.

Powers of Entry and Information Gathering

4. Under section 19 (1) of the Private Security Industry Act 2001, SIA investigators may enter any premises owned or occupied by a person appearing to be a regulated person under section 19 (8) of the Private Security Industry Act 2001 other than premises exclusively used for residential purposes.

5. When exercising powers, under section 19 of the Private Security Industry Act 2001, to enter premises or request information in person, SIA investigators and those with written authority will;

- state who they are and show their authorisation and evidence of their identity,
- state that they are using their powers of entry and/or making a formal request for information under the powers conferred by the Act,
- state the purpose for which the power is being exercised, and
- make a record of the date and time of entry and the duration of the visit and conduct whilst there.

This information will be recorded and a copy of this record will be made available on request. Any person present at the time of a visit where these powers to gain entry have been exercised, may request the above information and/or a copy of the record.

6. When exercising powers, under sections 19 (1) or (2) of the Private Security Industry Act 2001, to request information by letter, an SIA investigator or those with written authority will;

- state in the letter that they are using their powers for making formal request for information under the powers conferred by the Act, and
- state the purpose for which the power is being exercised.

7. In most cases SIA investigators or those with written authority will give advance notice of any intention to visit. On occasion, this may not be appropriate so visits can be made without prior notification. The power of entry conferred by Section 19(1) of the Private Security Industry Act 2001 shall only be exercised at a reasonable hour.

8. SIA investigators or those with written authority are required to act reasonably and fairly in seeking information from individuals and organisations that hold details necessary to SIA enquiries.

9. SIA investigators or those with written authority will only enter premises and remain, with consent from the owner, the occupier, or their representative. They will never try to force an entry. If, after entry has been granted, an SIA investigator or those with written authority are asked to leave before they have completed their enquiries, they will do so. However, where SIA investigators or those with written authority consider that such action has been taken to obstruct their enquiries or to conceal evidence, they may consider further enforcement action.

10. Under section 19 (5) of the Private Security Industry Act 2001, it is an offence to intentionally obstruct entry or to fail to comply with requests for information by SIA investigators, or those with written authority in the exercise of their powers under this Act.

11. SIA investigators are entitled to seek information by questioning any person appearing to be a regulated person under section 19(8) of the Private Security Industry Act 2001, however they do not have the power to detain people.

12. If absolutely necessary SIA investigators may remove original documentation from the premises visited. SIA investigators will explain why this is necessary. Any original documents that are removed will be returned as soon as possible. A receipt will be given for any documents that need to be removed temporarily.

13. Documents will not be seized and removed by force. When a request by an SIA investigator or those with written authority is made, whether in writing or in person, there is a statutory duty under section 19(2) of the Private Security Industry Act 2001 to provide that information, including any documentation that is requested.

14. The Data Protection Act 1998 will not be contravened by providing information requested by SIA investigators or those with written authority. Under section 35(1) of the Data Protection Act 1998 exemption from the non disclosure provisions exists where a statutory provision applies, such as Section 19 of the Private Security Industry Act 2001 which requires the supply of information.

15. If a recipient of an SIA request for information has difficulty meeting any part of the requirement for information, they may contact the SIA investigator or the individual with written authority to explain why, and make alternative arrangements for the provision of the information.

16. Failure to fully meet SIA requests for information could result in criminal proceedings being instigated. The maximum penalty is a fine, fixed at level 5, (currently £5,000), and/or a term of imprisonment not exceeding six months.

At the end of SIA enquiries

19. Notification of any further action will be made as soon as possible once an enquiry has been concluded or SIA investigators have made an enquiry or obtained information.

20. When issuing an improvement notice SIA investigators will give clear and simple advice, explaining what action is required and in what timescale. They will also distinguish between what must be done to comply with the law and what is recommended as best practice.

21. SIA investigators will provide details of contact points for further dealings and enquiries.

22. Should advice given by the SIA be disputed, SIA investigators will advise the procedure for making a complaint.

Equal Opportunities

23. The SIA is committed to the principles of fairness and non-discrimination. It aims to treat individuals with dignity and respect and provide services free from unlawful discrimination, harassment or victimisation. In particular it aims not to discriminate on gender, race and ethnic origin, disability, sexual orientation, faith or age.

24. The National Intelligence Model is used by the SIA to produce assessments, to prioritise and inform targeted compliance activity and identify potential criminality. The model and incorporated processes is designed to create a consistent and objective analysis of priorities, excluding discrimination of any variety.

25. The SIA monitors the ethnicity of individuals issued with SIA warnings. Where there is evidence that certain ethnic groups are being issued a disproportionate number of warnings, the SIA will identify the cause of this and will take measures to redress the matter where these are within its control or influence.

Complaints

26. Complaints about how SIA investigators or those with written authority have employed their powers or about the reasonableness of their actions, including any matter relating to alleged discrimination, can be made to:

The Security Industry Authority
PO Box 1293
Liverpool
L69 1AX

Telephone: 0844 892 1025
Fax: 0844 892 0975
Email: info@the-sia.org.uk

Correspondence will be acknowledged within one working day and the SIA will endeavour to respond to all queries and complaints within ten working days of receipt.

If the complaint is complicated it may take longer than ten working days for us to get back to you. If this happens, we will let you know and keep you informed of progress.

27. Should the matter not be resolved in the first instance, you can ask for your complaint to be reviewed by the SIA Chief Executive.

28. Independent legal advice can be sought at any time. The Citizens Advice Bureau (see the telephone book for details of your local bureau) will be able to help decide who to contact.

Complaints to the Ombudsman

29. Complaints relating to enquiries made by SIA investigators may be made to the independent Parliamentary Commissioner for Administration, commonly known as the 'Ombudsman'. The Ombudsman deals with complaints from members of the public who feel they have suffered injustices because of maladministration by a public body. The Ombudsman will decide whether a complaint is fully or partly justified and can recommend what remedial action the organisation should take. If you want to complain to the Ombudsman you must first tell a Member of Parliament about your complaint and ask him or her to refer it to the Ombudsman. Most people get in touch with their local constituency MP. Your local library or Citizens Advice Bureau can give you your MP's name. You can also search for their name online by going to www.parliament.uk.

Disclaimer

The SIA reserves the right to revise this Code of Practice from time to time as procedures are developed and refined. An up to date Code of Practice will always be available on the SIA website (www.the-sia.org.uk). Please note that this Code of Practice gives general guidance only and should not be regarded as a complete and authoritative statement of the law. If any of the contents of this Code of Practice are not understood, independent advice can be sought.

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BRD/07-08/03a | June 08



Security Industry Authority

Licensing Committee

No Specific Ward Relevance

2nd November 2009

GAMBLING ACT – REVISED STATEMENT OF GAMBLING PRINCIPLES.

(Report of the Head of the Head of Environment)

1. Summary of Proposals

To consider the adoption of the Revised Statement of Licensing Principles which has been produced and consulted on in accordance with Section 349 of the Gambling Act 2005.

2. Recommendations

The Committee is asked to RECOMMEND that

subject to the Committee's comments, the Council's revised Statement of Licensing Principles under the Gambling Act 2005, as amended, be adopted as Council Policy.

3. Financial, Legal, Policy Risk and Sustainability Implications

Financial

3.1 There are no direct financial implications to this report.

Legal

3.2 The Licensing Authority Statement of Policy will last for a maximum of three years, but can be reviewed and revised by the authority at any time. The statement must be produced following consultation with those bodies and persons set out in subsection (3) of Section 349 of the Gambling Act 2005.

3.3 Regulations made by the Secretary of State, prescribe the form of statements, and the procedure to be followed in relation to them and their publication.

3.4 The regulations stipulate that the Licensing Authority must advertise their intention to publish a revised statement four weeks before it takes effect and make that statement available for viewing either on their website, principle office or library.

- 3.5 An order of the Secretary of State means that licensing authorities have to publish their second statement by 14th January 2010.

Policy

- 3.6 This proposal constitutes a revision to the current Statement of Gambling Principles.

Risk

- 3.7 There is a risk to the proper consideration of Gambling Act applications; if the Council does not process this matter in accordance with statutory obligations.

Sustainability / Environmental

- 3.8 None.

Report

4. Background

- 4.1 The Gambling Act 2005 (“the Act”) contains a regulatory system to govern the provision of all gambling in Great Britain other than the National Lottery and “spread betting” (see definition at the end of the report). It introduced a system, similar to that of the Licensing Act 2003, of regulation for premises for gambling through local Unitary and District Councils. Councils, as the “licensing authorities”, were also made responsible for Gaming Machine Permits and Small Lottery Registration. The Gambling Commission remained responsible for granting and enforcing operating and personal licenses.
- 4.2 Any appeal of the Council’s decisions in these matters are heard in the Magistrates’ Courts
- 4.3 Under Section 349 of the Act, each licensing authority is required to produce a Statement of Licensing Principles on which it has formally consulted with a number of interested parties as defined by the Act. The parties consulted on this revised Statement are shown in Appendix B to the policy document.

5. Key Issues

- 5.1 The revised Statement of Licensing Principles attached at Appendix 1 to this report was produced in consultation with neighbouring Authorities in Worcestershire, and all those listed in Appendix B of the policy document.

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- 5.2 Consultation took place between July and September 2009 and Appendix 2 to this report shows the comments received during that consultation period on a countywide basis and lists the proposed responses to those comments.
- 5.3 The contents of the revised Statement of Licensing Principles, once formally adopted, must be the basis on which decisions are made under the Gambling Act 2005 by the Licensing Committee, its Sub-Committee or Officers. Any change subsequently made under the review must be fully consulted upon with a wide range of statutory consultees.
- 5.4 An order of the Secretary of State means that Licensing Authorities must publish their second statement by 14th January 2010.

6. Other Implications

- Asset Management - None
- Community Safety - One of the prime aims of licensing is to secure public safety.
- Human Resources - None
- Social Exclusion - Licensing requirements must be applied even-handedly, with no differentiation between would-be applicants for licenses.

7. Lessons Learnt

- 7.1 The Statement of Licensing Principles is a statutory requirement of the Gambling Act 2005; which has a requirement for it to be reviewed every three years whilst recognising that it is a live document which can be reviewed at any time if necessary. There have been no issues raised during the past three years that would necessitate any changes or alterations to the document. The changes that have been implemented during this review are a result of Lacors guidance

8. Background Papers

Gambling Act 2005
Gambling Commission Guidance;
Lacors Statement of Principles Template.

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9. Consultation

- 9.1 This report has been prepared in consultation with relevant Borough Council Officers.
- 9.2 Consultation has taken place with relevant specialist groups; please see Appendix 2 document for further analysis.

10. Author of Report

The author of this report is Sue Garratt (Licensing Manager) who can be contacted on extension 3032 (email: sue.garratt@redditchbc.gov.uk) for more information.

11. Appendices

- Appendix 1 - Revised Statement of Licensing Principles.
- Appendix 2 - Consultation responses

12. Definitions

“Spread Betting”

The most sophisticated type of sports betting that enables more interesting bets to be placed on many events and contests such as a bet on the margin of victory.

Spread betting is a form of gambling on the outcome of any event where the more accurate the gamble, the more is won and conversely the less accurate the more is lost. A bet is made against a “spread” (or index), on whether the outcome will be above or below the spread. The amount won or lost depends on the level of the index at the end of the vent. The spread represents the index firm margin.



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Gambling Act 2005

Statement of Principles (DRAFT)

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Appendix A Map of the Borough of Redditch

Appendix B List of Consultees

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 Council area has a population of 78,807 (2001 Census) and covers an area of 5,435 hectares (13,430 acres) making it the smallest in the County in terms of population and area.

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 the villages of Astwood Bank, Feckenham, Elcocks Brook and Ham Green.

The Borough and its address districts are shown in the map at Appendix 'A'.

1.2 Redditch Borough Council's overall vision is "an enterprising community which is safe, clean and green" This statement accords with that vision in seeking 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.

1.3 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 appended. The consultation took place between July and September 2009 in line with HM Government Code of Practice on Consultation. A full list of comments made and considered by the Council is available at www.redditchbc.gov.uk. The policy was approved at a meeting of the Full Council on 14th December 2009. Should you have any comments with regards to this policy statement please send them via email or letter to: licensing@redditchbc.gov.uk

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.

1.4 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

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specific guidance is available on request; advice tailored to individuals is available by phone or to personal callers.

1.5 Nothing in this policy 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 policy reflects our key priorities to be a well managed organisation; with a vision statement of an enterprising community which is safe, clean and green to provide sustainable culture and leisure opportunities; and to work with the public and our partners.

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. Spread betting is regulated by the Financial Services Authority. The “National Lottery” is regulated by the National Lottery Commission.

3.0 Authorised Activities

3.1 ‘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,

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- 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, and
- 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.

4.0 General Statement of Principles

4.1 In carrying out the licensing functions in accordance with the Act, particularly with regard to premises licences, the Licensing Authority will generally 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.

4.2 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.

4.3 The Licensing Authority will ensure that in dealing with applications under the Act the Licensing Authority follows the required procedures, and only takes 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 decides to reject an application, the Licensing Authority will make known the reasons for doing so.

4.4 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’.

4.5 Where an application is for a new premises licence, the responsible authorities may visit to check that gambling facilities meet all necessary legal requirements.

4.6 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.

4.7 If there are objections that can't 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.

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4.8 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.

5.0 Preventing gambling from being a source of crime and disorder

5.1 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.

5.2 The Licensing Authority will not issue a premises licence to someone who does not hold an operator's licence, the Licensing Authority is not generally 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.

5.3 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 Security Industry Authority registered door supervisors.

5.4 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 was 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.

5.5 "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.

5.6 When making decisions relating to disorder, the Licensing Authority will give due weight to comments made by the police.

6.0 Ensuring gambling is conducted in a fair and open way

6.1 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.

6.2 Because 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.

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

- 7.1 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.
- 7.2 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 will be expected to heed this advice where applicable.
- 7.3 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.
- 7.4 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.
- 7.5 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.
- 7.6 The Licensing Authority will always treat each case on its own 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.

8.0 Premises licences

- 8.1 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
- 8.2 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'.

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- 8.3 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.
- 8.4 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.
- 8.5 The Secretary of State has appointed an independent Casino Advisory Panel to advise the Government on the areas in which small and/or large casinos may be located. The District of Redditch has not been identified as a suitable location for a casino; consequently the Licensing Authority will be prevented from granting a Casino Premises Licence.
- 8.6 The Licensing Authority will not turn down applications for premises licences where relevant objections can be dealt with through the use of licence conditions.
- 8.7 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.
- 8.8 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.
- 8.9 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.

- 8.10 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.
- 8.11 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.
- 8.12 The Licensing Authority is entitled to decide whether or not it is appropriate to grant a licence subject to conditions.
- 8.13 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.
- 8.14 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.

9.0 Responsible authorities

- 9.1 Responsible authorities are identified in the legislation, and have to be notified about licence applications so that they can identify any risks. The responsible authorities that the Licensing Authority recognises are listed below, contact details for each of the responsible authorities identified are available on our website www.redditchbc.gov.uk, and will be sent on request.
- The Gambling Commission
 - The Chief of Police for the area
 - Fire & Rescue Service
 - Redditch Planning Department
 - Environmental Services Department
 - Worcestershire Safeguarding Children Board
 - HM Revenue and Customs
 - Redditch Licensing Department
 - Any other bodies identified in Regulation by the Secretary of State,
 - For vessels, the Environment Agency, British Waterways Board, Secretary of State.
- 9.2 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.

10.0 Interested Parties

10.1 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.

10.2 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'.

10.3 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 nature of the complainant
- the potential impact of the premises

10.4 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

10.5 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.

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10.6 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.

11.0 Licence conditions

11.1 In particular cases the Licensing Authority may find it necessary to impose conditions beyond appropriate mandatory and default conditions. Any such conditions will be relevant to the need to make the building suitable for use as a gambling facility; directly related to the premises and the type of licence applied for; fairly and reasonably related to the scale and type of premises and reasonable in all other respects. The Licensing Authority will not have recourse to a pool of standard conditions.

11.2 The Licensing Authority will also ensure that where category C or above machines that are on offer in premises to which children are admitted are located in an area of the premises which is separated by a physical barrier to prevent access other than through a designated entrance; the designated area is supervised and observed by staff or the licence holder.

11.3 Examples of conditions which are likely to be attached in certain circumstances include those relating to opening hours, segregation of gambling from non-gambling areas frequented by children, SIA licensed door supervisors, appropriate signage for adult only areas, age limits, or keeping children and young persons away from gaming machines. The Licensing Authority will also expect the applicant to offer their own suggestions as to way in which the licensing objectives can be promoted effectively.

11.4 The Licensing Authority will not seek to control those matters specified in the Act with conditions:

- which make it impossible to comply with an operating licence condition imposed by the Gambling Commission,
- relating to gaming machine categories or method of operation,
- which specify that membership of a club or other body is required, or
- in relation to stakes, fees, winnings or prizes.

11.5 Duplication with other statutory or regulatory regimes will be avoided as far as possible. The need for conditions will be assessed on the specific merits of each application.

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12.0 Gaming Machines

12.1 Gaming machines include all types of gambling activity which can take place on a machine, including betting on 'virtual' events.

12.2 The Act itself prescribes the number and category of gaming machines that are permitted in each type of gambling premises.

12.3 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

12.4 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.

12.5 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.

13.0 Temporary Use Notices

13.1 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.

13.2 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.

14.0 Occasional Use Notices

14.1 The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. 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,

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provided races or sporting events take place or will take place there. The track need not be a permanent fixture.

15.0 Lotteries

15.1 All lotteries are unlawful unless they are run in accordance with an operating licence issued by the Gambling Commission - unless they are 'exempt' lotteries as defined by the Act. One of those exemptions is for "small society lotteries," which the Licensing Authority will allow, after registration. The Licensing Authority will maintain a register of small society lotteries.

15.2 A society will be allowed to register with us if it is 'non-commercial', in other words, if it is established and conducted:

- for charitable purposes ;
- for the purpose of enabling participation in, or of supporting, sport, athletic or a cultural activity; or
- for any other non-commercial purpose other than for private gain.

16.0 Exchange of Information

16.1 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.

16.2 Subject to the provisions of the Data Protection Act 1998, the Licensing Authority will share any information it receives through the application process with the Gambling Commission and any relevant responsible authority. In doing so The Licensing Authority will have regard to the Act itself, any guidance issued by the Commission and to any Regulations issued by the Secretary of State.

People can access personal information that The Licensing Authority holds about them by contacting our Information Management Officer.

16.3 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 Redditch our Information Management Officer or via the Council's website www.redditchbc.gov.uk.

16.4 FOIA also provides the public with a general right of access to information held by public authorities, and subject to exemptions, be supplied with a copy of that information. Individual

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requests should be made in writing to the Information Management Officer or via the Council's website.

16.5 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.

17.0 Enforcement Protocols

17.1 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.

17.2 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.

17.3 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.

17.4 The Licensing Authority will also be mindful of future developments as regard the work of the Better Regulation Executive whilst carrying out our regulatory functions.

17.5 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.

18.0 Reviews

18.1 A review of a premises licence can be made 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 GC
- Consistent with the licensing objectives
- In accordance with our statement of principles.

18.2 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.

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18.3 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.

18.4 Once a valid application for a review has been received by the Licensing Authority, representations can be made by responsible authorities and interested parties during the statutory consultation period. The purpose of the review will be to determine whether The Licensing Authority should take any action in relation to the licence. The options available are:

- Add, remove or amend a licence condition;
- Remove or amend a default condition, such as opening hours;
- Suspend the premises licence for a period not exceeding 3 months;
- Revoke the licence.

REDDITCH BOROUGH COUNCIL EQUAL OPPORTUNITIES STATEMENT

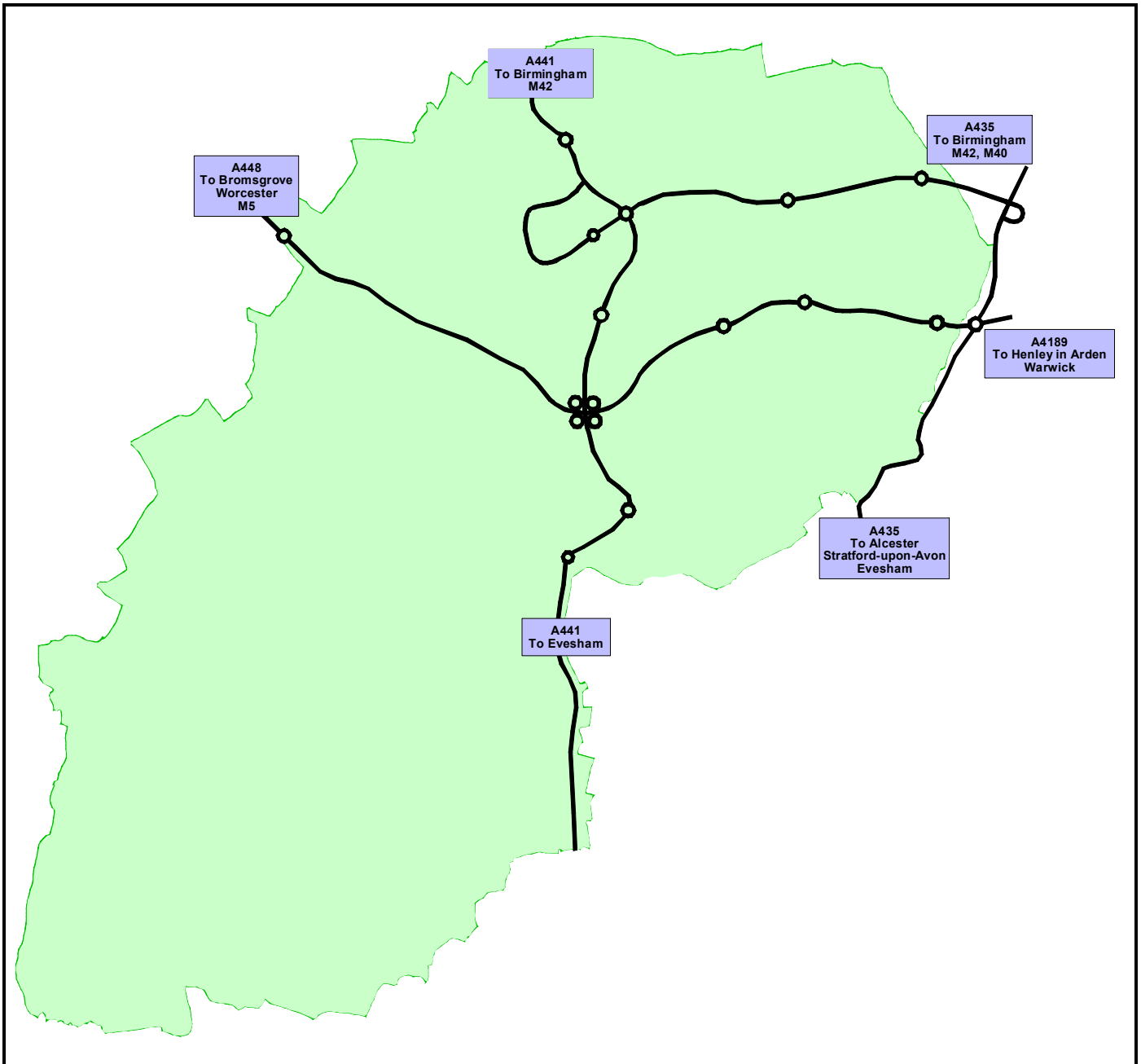
This statement is intended to operate within the Council's commitment to equalities and diversity including:

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

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

Appendix A

Redditch Borough Council Boundary



List of Consultees

REDDITCH BOROUGH COUNCIL

GAMBLING ACT 2005 – STATEMENT OF POLICY

LIST OF CONSULTEES

Statutory Consultees

- Licensing Officer, West Mercia Police, Police Station, Grove Street, Redditch, B98 8DD.
- Hereford & Worcester Fire & Rescue, North District, Kidderminster Fire Station, Castle Road, Kidderminster, DY11 6TH
- The Gambling Commission, 4th Floor, Victoria Square House, Victoria Square, Birmingham, B2 4BP
- Customs and Excise, HM Revenue & Customs, National Registration Unit, Portcullis House, 21 India Street, Glasgow, G2 4PZ.
- Service Development Manager (Safeguarding), Pavilion J/2 Children's Services, County Hall, Spetchley Road, Worcester, WR5 2NP.

Trade Associations

- Flint Bishop Solicitors, St Michaels Court, St Michaels Lane, Derby, DE1 3HQ.
- Leisureline, 10 Severn Road, Stourport, DY13 9EZ.
- Recaf Equipment Ltd, Stone Pointon Way, Stonebridge Cross Business Park, Droitwich, WR9 0LW.
- Gamestec Leisure Ltd, Low Lane, Horsforth, Leeds, LS18 4ER.
- Bromyard Automatics, Areley Farm, Burnthorne Lane, Dunley, Stourport, Worcs. DY13 0TL.
- Town & County Leisure Ltd, Langham House, 23 Bickford Road, Aston, Birmingham, B6 7EE.
- Crown Leisure Ltd, 139 Brookfield Place, Walton Summit Centre, Bamber Bridge, Preston, PR5 8BF.
- Punch Taverns Plc, Jubilee House, Second Avenue, Burton-Upon-Trent, Staffs, DE14 2WF
- Bathams Delph Limited, Delph Brewery, Delph Road, Brierley Hill, West Midlands, DY5 2TN
- Admiral Taverns Ltd, Suite H3, Steam Mill Business Centre, Steam Mill Street, Chester, CH3 5AN
- Enterprise Inns Plc, Monkspath Hall Road, Shirley, Solihull, B90 4SJ
- Premier Automatic Machines Ltd. Unit 9 Ninian Park, Ninian, Wilncote.
- M S Entertainments, 23a Hagley Road, Halesowen. B63 3AU.
- Claremont Automatics Ltd, 19 Churchill Way, Fleckney, Leicestershire, LE8 8UD.
- Games Media Licensing , 99 Green Lane, Hounslow, TW4 6BW.
- Sceptre Leisure Solutions Ltd, 139 Brookfield Place, Walton Summit Centre, Bamber Bridge, Preston, PR5 8BF.

Betting Offices within Redditch

- SPR Sports Bookmakers Ltd, 10 Matchborough Centre, Matchborough Way, Redditch, Worcestershire, B98 0EP.
- Lodge Park Racing Ltd, 5A Shakespeare Avenue, Redditch. Worcestershire B98 7LB.
- Wilf Gilbert, 9 Alcester Street, Redditch. Worcs. B98 8AE,
- William Hill, 169 Batchley Road, Redditch, Worcs. B97 6JB.
- William Hill 19-21 Unicorn Hill, Redditch, Worcs. B97 4QR
- T & R Sports, 106 Evesham Road, Redditch, Worcs. B98 5ES.
- William Hill, 7 Woodrow Centre, Redditch, Worcs. B98 7RY.
- Coral 8-10 Unicorn Hill, Redditch, Worcs.
- SPR Sports Bookmakers Ltd, 1196a Evesham Road, Redditch, Worcs. B96 6AA.

Director of Services

- Acting Chief Joint Executive, Redditch Borough Council.
- Acting Deputy Chief Executive, Redditch Borough Council.
- Director of Environment and Planning, Redditch Borough Council.
- Director of Housing, Leisure and Customer Services, Redditch Borough Council.

Interested Parties

- All Council Members, Redditch Borough Council
- All other relevant Council Officers. (Legal, Committee Services)

Solicitors

- Roger Etchells Chartered Surveyors, The Old Bank, Kilwarby Street, Ashby De La Zouch, Leicestershire, LE65 2FR
- TLT Solicitors 1 Redcliff Street, Bristol. BS1 6TP
- Flint Bishop Solicitors, St Michaels Court, St Michaels Lane, Derby DE1 3HQ.
- Gosschalks Solicitors, Queens Gardens, Hull, HU1 3DZ.
- Bryan Colley & Co, 16 New Street, Stourport, Worcs. DY13 8UW.
- Kenneth Curtis & Co, 3 Alcester Street, Redditch, Worcs.
- Ian McLachlan Solicitor, 12 Church Green East, Redditch.
- Kerwoods Solicitors, 7 Church Road, Redditch, Worcs. B7 4AD.
- Thursfields, 14 Church Street, Kidderminster, Worcs. DY10 2AJ.
- Davis Priest & Co, Solicitors 24 Church Green East, Redditch, B98 8DE
- Browning & Co., Alcester Street, Redditch, Worcs.
- John Gaunt & Partners, Omega Court, 372 Cemetery Road, Sheffield, S11 8FT.
- Maitland Walker, 19 Imperial Square, Cheltenham, Gloucestershire, GL50 1QZ
- Poppleston Allen, 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS.

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- Locket & Co, Lockett House, 13 Church Street, Kidderminster, Worcs. DY10 2AH.

Bingo Halls

- Shipleys Luxury Bingo Club, The Quadrant, Redditch, Worcs. B98 8AE.

Amusement Arcades within Redditch

- Shipleys Amusement Centre, 21-22 Church Green East, Redditch, Worcs. B98 0DE..

Other Consultees

- Gamblers Anonymous, Bromsgrove Methodist Centre, 19 Stratford Road, Bromsgrove, Worcs. B60 1AS.
- Citizens Advice Bureau, Redditch CAB, Suite E, Canon Newton House, Kingfisher Shopping Centre, Redditch, B97 4HA.
- Redditch Borough Crime & Disorder Reduction Partnership.
- Drug Alcohol Action Team, Worcester County Council, County Hall, Worcester, Worcs., WR5 2NP
- Licensing Section, Wychavon District Council.
- Licensing Section, Wyre Forest District Council
- Licensing Section, Worcester City Council.
- Licensing Section, Malvern Hills District Council.
- Licensing Section, Bromsgrove District Council.

**CONSULTATION ON THE REVISED STATEMENT OF LICENSING PRINCIPLES –
GAMBLING ACT 2005
COUNTYWIDE POLICY**

Consultation Period 1ST July 2009 – 28th September 2009

CONSULTEE	REFERENCE	COMMENT	COMMENTS BY: LICENSING OFFICERS GROUP AND/OR REDDITCH LICENSING MANAGER IN CONSULTATION WITH HEAD OF ENVIRONMENT	ACCEPTED
Hereford and Worcester Fire Authority	<p>Comments made to Wychavon DC</p> <p>Para 4.2</p> <p>Para 4.5</p> <p>Para 4.7</p> <p>Para 8.1</p> <p>Para 8.8</p>	<p>The draft appears to acknowledge that other legislation is more appropriate for dealing with fire safety issues. Eg. The Regulatory Reform (Fire) Order 2005</p> <p>In the majority of cases the Fire Authority will do a desk top audit/review as is the case for liquor licensing.</p> <p>The Fire Authority prefer, where possible, to resolve objections informally as with other licensing applications.</p> <p>The Fire Authority's</p>	<p>The Licensing Officers felt these were comments and not objections therefore no changes were made.</p>	

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Appendix 2

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	Para 9.2	<p>primary legislation is the Regulatory Reform (Fire) Order 2005 and we have a risk based inspection programme.</p> <p>The reference to building regulations means that the Fire Authority is involved, at that stage, because of statutory consultation.</p> <p>The Fire Authority will only express concerns over matters relevant to the licensing objectives.</p>		
Roger Etchells who act on behalf of MS Entertainments Ltd (Shipleys) Ltd	<p>Comments made to Bromsgrove DC.</p> <p>Only comments refers to Para 8.10 which we believe no longer reflects the guidance in the May 2009 Guidance to Licensing Authorities from the Gambling Commission.</p> <p>Suggested replacement.</p>	<p>“We will only issue a Premises Licence once we are satisfied the premises are ready to be used for gambling in the reasonably near future. Where we have agreed to grant a licence but substantial building works or alterations are still required we will impose a condition requiring the premises to be inspected on completion of the work and prior to the issue of the licence. Where the construction of a premise is not yet complete or if they need alteration an application for a Provisional Statement may be made. If an applicant does not</p>	The Licensing Officers Group feels that this is interpretation and therefore no change to draft policy has been agreed.	

Licensing
Committee**Appendix 2**

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		have a right to occupy premises then an application for a Provisional Statement should be made as having a right to occupy premises is a pre-condition to making a Premises Licence application.		
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LICENSING COMMITTEE WORK PROGRAMME 2009/11**28th September 2009**

- Hackney Carriage Fares

2nd November 2009

- Gambling Act
- SIA Authorisation
- Licensing Standards

14th December 2009

- Licensing Act – Annual Report
- Cardiff Report – Update (James Cooper)
- Scheme of Delegation

25th January 2010

- Taxi Inspection Testing

26th April 2010**19th July 2010****11th October 2010**

- Hackney Carriage Fares
- Review of Statement of Licensing Policy for the Licensing Act 2003

17th January 2011

- Licensing Act – Annual Report

11th April 2011**To Be Allocated To Suitable Available Dates, Dependent On Agenda**

