



Oadby and Wigston Borough Council

TO COUNCILLOR:

G S Atwal
A R Bond
G A Boulter
Mrs L M Broadley
F S Broadley

K Chalk
Miss M V Chamberlain (Vice-
Chairman)
M H Charlesworth
R F Eaton
B Fahey

J Kaufman
Mrs H E Loydall (Chair)
K J Loydall
R H Thakor

Dear Sir/Madam,

I hereby summon you to attend a meeting of the **LICENSING AND REGULATORY COMMITTEE** to be held in the Council Chamber - Council Offices, Wigston on **THURSDAY, 1 OCTOBER 2015 at 7.00 pm** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices
Wigston
23 September 2015

Chief Executive

AGENDA

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MINUTES OF A MEETING OF THE LICENSING AND REGULATORY COMMITTEE HELD IN THE COUNCIL OFFICES, STATION ROAD, WIGSTON ON WEDNESDAY, 22 JULY 2015

IN ATTENDANCE:

Chair: Councillor Mrs H E Loydall
Vice Chair: Councillor Miss M V Chamberlain

Councillors: G S Atwal, G A Boulter, Mrs L M Broadley, F S Broadley,
M H Charlesworth, R F Eaton, B Fahey and J Kaufman

Officers in attendance: S Eyre, Miss G Ghuman, Miss S Illston and J Mortell

Min Ref	Narrative	Officer Resp.
1.	<p><u>APOLOGIES FOR ABSENCE</u></p> <p>Apologies for absence received from Councillors K Loydall, Ms K Chalk and R Thakor.</p>	
2.	<p><u>MINUTES OF PREVIOUS MEETING</u></p> <p>RESOLVED: That the minutes of the previous meeting of the Committee held on 22 January 2015, be taken as read, confirmed and signed.</p>	
3.	<p><u>INTRODUCTIONS</u></p> <p>The Chair introduced the new Licensing Team to the Members stating that: the new Licensing Officer is James Mortell; the interim Licensing Team Leader is Stephen Eyre who is from North West Leicestershire District Council and; the Legal and Licensing Assistant who is Sophie Illston.</p> <p>Councillor Atwal declared an interest in that he is a Taxi Driver by profession for Leicester City Council. However he stated he came to the meeting with an open mind so was allowed to stay.</p>	
4.	<p><u>LICENSED VEHICLES INSURANCE CERTIFICATES</u></p> <p>The Licensing Team Leader outlined the report advising Members that some taxi drivers take out weekly insurance policies which creates extra data-entry work for Officers. He advised that this extra work infringed on enforcement work. The general trend amongst taxi drivers was reported to be a taking of a 12 month policy but pay it on a monthly basis.</p> <p>He referred Members to Section 12 of the Taxi Licensing Policy which was adopted by the Committee in July 2013, where it is clear that only 12 month insurance certificates should be accepted, with the exception of a 6 month when a taxi license is first issued and occasionally a temporary cover note. The Officer asked for Members' permission to enforce the policy as it stood.</p>	

	<p>The Chair advised that she had asked for this to come to the Committee as there had been issues with this previously, stating that in the policy the Council will only accept 12 month renewals (bar exceptional circumstances as mentioned above). She advised that Officers at the time reassured her that this was not an issue, however it has now come to light again. She reiterated Section 12 of the Policy stating that it is clear that on first application, the insurance should be 6 months/temporary followed by a 12 month policy, then followed by an annual renewal.</p> <p>She recommended that the Council follow the policy and adhere to the 12 month renewal.</p> <p>A Member asked whether there was any benefit to the seven day certificate to which the response from the Licensing Team Leader was that some drivers may have monetary issues so they opt for weekly insurance renewals despite it being potentially more costly in the long-term.</p> <p>The Chair stated that cost should not be priority and that the main concern should focus on the safety of residents.</p> <p>A Member expressed a concern stating that Taxi Drivers are self employed and by enforcing the policy it may discourage new drivers to join the trade which may lead to a shortage of taxi drivers. He asked whether any leniency could be applied insofar as accepting monthly renewals instead of annual.</p> <p>The Licensing Team Leader stated that he was mindful of the fact that some drivers may have cash flow issues but did not believe it was appropriate to do so as taxi drivers need to be insured all of the time.</p> <p>A Member noted that annual policies can be paid in monthly instalments so cash flow should not be a problem.</p> <p>RESOLVED: That Taxi Drivers must ensure their vehicle is insured for 12 months and renewed annually and that the policy should be enforced in this regard.</p> <p>All Members in favour bar one against from Cllr G S Atwal.</p>	
5.	<p><u>CHILD SEXUAL EXPLOITATION (VERBAL UPDATE)</u></p> <p>The Chair advised that she had requested this to come to Committee as she wanted an update as to how Leicestershire County Council was devolving information down to the Districts.</p> <p>The Licensing Team Leader advised that this is a sensitive subject-matter and that each Council/County has to organise their own way of ensuring the incidents in Rochdale and Rotherham are not repeated.</p> <p>He advised Members of a meeting to be held in August where he will be able to obtain information concerning a fully coherent and coordinated approach to be undertaken, not only for taxi drivers but licensed premises on the whole. He advised Members that he will</p>	

	<p>report back to the Chair once this meeting had taken place.</p> <p>He advised that a forum whereby taxi drivers will be made aware of such matters will take place at Oadby and Wigston Borough Council.</p> <p>The Chair asked for a report to come back to Committee so that all are updated as to the most current position on the same.</p> <p>A Member advised that other authorities have introduced free courses for taxi drivers which ultimately improves public safety and standards of service. He advised Members that the taxi drivers are obliged to attend such courses.</p> <p>The Chair asked Officers to look into this.</p> <p>RESOLVED: That Officers report back to the October Committee meeting with a report on this subject-matter.</p>	
6.	<p><u>GAMBLING ACT 2005 - STATEMENT OF LICENSING PRINCIPLES (VERBAL UPDATE)</u></p> <p>The Licensing Team Leader advised Members that he will draft a new policy and have it go to consultation for a period of six weeks. He advised that it will need to be adopted at Full Council in December.</p> <p>A Member asked whether there had been many legislative changes to which he was advised that the changes have remained static and that the Gambling Commission wanted risk assessments to be carried out on premises. The fact that Oadby has a racecourse was said to be taken into consideration.</p> <p>It was reported that little has been done since the last meeting and that he would draft a new policy within the coming weeks and report back.</p> <p>RESOLVED: That a draft statement will go out to consultation over the Summer, with a report to be presented at the October Committee. The finalised statement will then go to Full Council in December to be approved for the next five years.</p>	

The meeting closed at 7.36 pm

Agenda Item 6



**Licensing and
Regulatory
Committee**

1 October 2015

**Matter
for Decision**

Title: **Review of Gambling Act Statement of Licensing Policy**

Author: **Stephen Eyre, Interim Licensing Team Leader**

1 Introduction

The purpose of this report is for members to consider the draft Gambling Act 2005 Statement of Licensing Policy following the consultation period.

2 Recommendations

That the reviewed statement of Licensing Policy is recommended to Council for approval.

3 Information

1.0 BACKGROUND

- 1.1 Under section 349 of the Act, Licensing Authorities are required to prepare and publish a statement of principles which they intend to apply when exercising their functions under the Act. This statement of principles is referred to as the Statement of Licensing Policy ('Policy').
- 1.2 Following consultation with a wide range of bodies and agencies, the last review of this Licensing Policy was approved by full Council on 20 November 2012 and came into effect on 31 January 2013.
- 1.3 Oadby and Wigston Borough Council's Gambling Act Statement of Licensing Principles (Statement) is a policy statement that guides its licensing authority in its decision making with regards to all applications received under the Gambling Act 2005.
- 1.4 Section 349 also requires Licensing Authorities to review their Policy every three years. The revised statement must be in place on or before 31 January 2016.

2.0 REVIEW OF STATEMENT OF LICENSING POLICY

- 2.1 The current policy has been reviewed in accordance with national guidance issued to licensing authorities by the Gambling Commission. A draft statement of licensing policy is attached as Appendix 1.

- 2.2 Although the guidance broadly remains unchanged, there are two new areas that must be addressed within a licensing policy. These are:
- Local risk assessments
 - Local area profile – mapping out the District’s gambling premises licences and the risk they pose.
- 2.3 A paragraph requiring applicants to carry out and submit a risk assessment relating to their application has been added at Part 8 of the draft policy.
- 2.4 A profile of the licensed premises/activities within the borough of Oadby and Wigston has been inserted at Part 9 of the draft policy. Applicants will use this profile to inform their risk assessment. At the time of print there were 8 licensed premises comprising of 6 betting shops, 1 Betting (On Course) and 1 adult gaming centres.

3.0 CONSULTATION

- 3.1 The Gambling Act 2005 requires all local authorities have to widely consult when reviewing their Statement.
- 3.2 The reviewed Policy was sent out for consultation for 5 weeks commencing on 10 August. The consultation was sent out both electronically by email, and where this was unavailable, sent through the post. The consultation closed on 20 September.
- 3.3 The following responses were received:
1. The Bingo Association advised that a change needed to be made in regards to the number of category B gaming machines which were allowed in Bingo premises’. The Gambling Act 2005 (Gaming Machines in Adult Gaming Centres and Bingo Premises) Order 2011 amended the number of category B machines allowed in a Bingo premises to go from 8, to Twenty Percent of the total number of machines. This amendment has been made.
 2. The Racecourse Association suggested three amendments:-
 - a. In respect of Part 8 (Local Risk Assessments) that tracks are not required to hold an operating licence if they were not providing facilities for betting themselves, as these would be provided by other operators.
 - b. In respect of Part 14 of the draft policy, was that there is already provision for racecourses to provide licensed door supervisors in some roles, and therefore the council should not impose any further provisions relating to door supervisors. This provision comes from both the Licensing Act 2003 and the Private Security Industry Act 2001.

- c. In respect of Part 21, where the Council may impose additional conditions on Racecourses, the Council was asked to ensure that these conditions do not exceed those outlined in the Premises Licence Mandatory and Default Conditions

All three suggestions have been included.

- 3. The Association of British Bookmakers instructed Gosschalks Solicitors to comment on their behalf. They suggested two amendments:-
 - a. In respect of Part 14 of the draft policy, it was submitted that decisions upon individual conditions to be added should not be made if there is a 'perceived need', as this is not enough. It was recommended to amend this to show that additional conditions will be added if there is evidence of a risk to the licensing objectives.
 - b. In respect of Part 18, it was recommended that the refusal of planning permission must be a matter of fact and degree in the particular circumstances of that case, if that premises is not ready to be used for gaming.

Both suggestions have been included.

- 4. Ladbrokes sent a generic reply to the draft gambling policy, and there was nothing of particular relevance to Oadby and Wigston Borough Council.
- 5. Leicester Racecourse was approached for comment on this draft policy. They did not wish to make any comment, as they are in agreement with the comments made by the Racecourse Association.

3.4. No other comments were received.

4. APPROVAL PROCESS

- 4.1 The reviewed Policy will be taken to Council on 8 December 2015 for approval and adoption prior to the Policy publication in January 2016. Once the reviewed policy has been approved, it must be published 4 weeks prior to it coming in effect on 31st January 2016.

Email: licensing@oadby-wigston.gov.uk

Tel: 0116 2572 637

Implications	
Equalities	A broad consultation has been undertaken on this draft policy
Financial	No direct impact.
Legal	The Council Must comply with its statutory requirement to review the Gambling Policy.
Risk	CR6 – Changes to legislation.

OADBY & WIGSTON BOROUGH COUNCIL STATEMENT OF GAMBLING POLICY 2016-2019

TU approval	Not Applicable
Committee approval	Full Council 8 December 2015
Author	Stephen Eyre Interim Licensing Team Leader
EIA	23 September 2015
Policy Version Number	1.0
Date of Policy Review	January 2019





Oadby & Wigston Borough Council Statement of Gambling Policy 2016 - 2019

Foreword

The Gambling Act has been in force since 2006 and this is 4th edition of Oadby and Wigston Borough Council's statement of Licensing Principles.

A Licensing Authority is required to prepare and publish a Statement of Licensing Policy. From inception of the Act, the Policy has aided the promotion of the main licensing objectives, these are:

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

The Licensing Authority has considered and evaluated the effectiveness of the previous policy and with partners has decided which elements of the Policy should be retained. A new addition to this policy is a Local Area Profile which provides an analysis of the number and location of gambling facilities within the Borough this provides a prediction of future issues that may arise.

The Policy was adopted by Full Council December 2015 following consultation with stakeholders. If the policy is reviewed in the intervening period, the Statement of Licensing Policy will remain in force until January 2019.

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PART 1: Introduction

Oadby & Wigston is the Licensing Authority under the Gambling Act 2005 (“the Act”) and this Statement of Gambling Policy is intended to meet the Council’s obligations under Section 349 of the Act. The Licensing Authority is responsible for granting a variety of permissions under the Act within the Oadby & Wigston Borough. The Licensing Authority also has a role alongside the Gambling Commission in regulating gambling within the Borough.

‘Gambling’ is defined in the Act as either 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 where persons are required to pay in order to take part in an arrangement during the course of which one or more prizes are allocated by a process which relies wholly on chance

The Borough of Oadby & Wigston

Oadby and Wigston is a Borough Council based in South East Leicestershire which is one of the smallest in the Country in terms of both population and area. Despite this the area contains a wealth of activity and resource for people of all ages, ethnicity, and gender.

The Borough is principally a residential area which consists of 3 towns, Oadby, Wigston and South Wigston covering an area of 9 square miles (2,372 hectares). The 2011 census of the Borough showed an estimated population of 55,845 broken down as follows:-

Oadby	22,729
Wigston	25,645
South Wigston	7,471

Residents are well provided for by a wide range of shopping facilities, leisure activities by both public and private facilities with Community Colleges offering extended access to educational resources to the public.

The majority of factories and industrial buildings are located on industrial estates with a wide variety of manufacturing activity; such as hosiery, footwear, general engineering, and printing and food products.

PART 2: Declaration

In producing the statement of Gambling Policy, the Licensing Authority declares that it has regard to the licensing objectives of the Act, the guidance issued by the Gambling Commission, and any responses from those consulted on the policy statement.

It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

PART 3: Licensing Objectives

In exercising most of their functions the Licensing Authority will have regard to the licensing objectives as set out in section 1 of the Act.

The licensing objectives are:

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

PART 4: Responsible Authorities

These are generally public bodies that must be notified of applications and who are entitled to make representations to the Licensing Authority if they are relevant to the licensing objectives.

Section 157 of the Act defines those authorities as :-

- The Gambling Commission
- The Police
- The Fire Service
- The local planning authority
- Environmental health
- HM revenue and Customs
- A licensing authority in whose area the premises is situated

In accordance with Section 157(h) the Licensing Authority designates the Leicestershire Police to advise the authority on child protection issues.

It should also be noted that applications for some types of permit will also need to be sent to some of the above authorities.

PART 5: Interested Parties

An interested party can make representations about a licence application or apply for a review of an existing licence and is defined by Section 158 of the Act as someone who:

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities, or
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons in either of the two groups above (see notes below)

In determining whether someone lives sufficiently close to a particular premise so as to be affected the Licensing Authority will take into account, among other things:

- I. the size of the premises
- II. the nature of the premises

- III. the distance of the premises from the person making the representation
- IV. the nature of the complainant
- V. the potential impact of the premises

NB Interested parties can be persons who are democratically elected such as Councillors and MP's. Other than these persons, this authority will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises, and/or has business interests that might be affected by the authorised activities. A letter from one of these persons requesting the representation is sufficient.

This authority will not generally view bodies such as trade associations and trade unions, and residents' and tenants' associations as interested parties unless they have a member who can be classed as one under the terms of the Gambling Act 2005 e.g. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to local authorities.

PART 6: Information Exchange

In fulfilling its functions and obligations under the Act the Licensing Authority will exchange relevant information with other regulatory bodies and will establish protocols in this respect. In exchanging such information, the Licensing Authority will conform to the requirements of data protection and freedom of information legislation in accordance with the Council's existing policies.

Details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premises licence will be informed that their details will be disclosed.

PART 7: Licensing Authority Functions

The main functions of the Licensing Authority are to:

- License premises for gambling activities
- Grant permits for gambling and gaming machines in 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
- consider notices given for the temporary use of premises for gaming
- consider occasional use notices for betting at tracks
- register small societies lotteries
- Spread betting is regulated by The Financial Services Authority.
- Remote Gambling is dealt with by the Gambling Commission.
- The National Lottery is regulated by The National Lottery Commission.

PART 8: Local Risk Assessments

The Gambling Commissions Licence Conditions and Codes of Practice (LCCP issued February 2015) requires operators to consider local risks in their applications.

As part of the application process licensees are required to submit a local risk assessment when applying for a new premises licence. An exception to this may be Racing Tracks, as they are not required to have an operating licence unless they are providing facilities for betting themselves. An updated risk assessment must be submitted:

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

The Licensing Authority may require a licensee to share their risk assessment with the authority. The risk assessment will set out the measures the licensee has in place to address specific issues where concerns exist over new or existing risks. Adopting a proactive approach Licensing Authorities and licensees should be able to reduce the occasions on which a premises review is required.

PART 9: Local Area Profile

The following local area profile has been included to facilitate operators being able to understand the environment for the Oadby and Wigston Borough, therefore proactively alleviate risks to the licensing objectives.

Oadby and Wigston Borough Council have a total of 8 gambling premises licences.

The Breakdown

By Premises

Bingo	0
Adult Gaming Centres	1
Betting (on course)	1
Betting	6

By Location

Oadby Town Centre	1 Racecourse	2 Betting premises
Wigston Town Centre	3 Betting Premises	1 Adult Gaming Centre
South Wigston Town Centre	1 Betting premises	

In Oadby Town Centre there are 2 betting premises with 5 Primary Schools located within 5 miles, a figure which has remained consistent since the inception of the Act.

Betting premises can also be found in Wigston and the smaller community of South Wigston.

The district's only Adult Gaming Centre (AGC) is situated in Wigston Town centre and although it is close to several schools it is not felt that the premises pose a high risk to

underage gambling. Being situated close to the Council offices makes it a premises that can be regularly visited should the need arise.

Leicester Racecourse is situated alongside the A6 carriageway to Market Harborough and is only open for gambling activities on race days. Although the venue is on the whole marketed as a family venue it goes without saying that the premises will attract a larger proportion of gamblers. It is considered that underage gambling would be a low risk as younger people are more likely to be present with their parents.

Although the district has, at present, no bingo premises it must be expected that, with the increasing popularity of this pastime, there may be enough demand to make it commercially viable to build a local venue. Should this happen during the life time of this document arrangements will be made to ensure that it has a low impact on the life of the district.

During the short term it is deemed that Oadby and Wigston Borough is low risk for underage and problem gambling and although the population of the borough is set to rise significantly the focus of gambling as a leisure time pursuit will always be the larger Leicester City district.

In relation to the use of B2 or Fixed Odds betting terminals (FOBT), by licensing enforcement officers have highlighted a high level of compliance by the industry and this is backed up by the historically low, almost nil, complaints received about individual premises. Oadby and Wigston Borough will endeavour and continue to monitor and ensure high compliance levels are maintained

PART 10: Registers

The Licensing Authority keeps registers of the premises licences it has issued. They can be viewed online on the Council's web site or at the Council's offices during normal office hours 8.30am – 5pm. Copies of the register can be requested but a charge will be administered.

PART 11: General Statement of Principles

The Act provides for three categories of licence

- Operating Licences
- Personal Licences
- Premises licences

The Gambling commission will be responsible for issuing Operating Licences and Personal Licences. The Licensing Authority is responsible for issuing Premises Licences. In addition to Premises Licences the Licensing Authority is also responsible for granting permits, temporary and occasional use notices and registrations under the Act.

This Policy sets out principles that the Licensing Authority will apply when making decisions upon applications or notifications made for:-

1. Premises Licences
2. Temporary and Occasional Use Notices
3. Permits as required under the Act

4. Registrations as required under the Act

The Licensing Authority, when making decisions about Premises Licences, is required by Section 153 of the Act to aim to permit the use of premises for gambling in so far as it thinks it is:

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

The Licensing Authority recognises the wide variety of premises that will require a licence or a permit. These include casinos, bingo halls, betting shops, pubs, clubs and amusement arcades.

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.

This Licensing Authority will not seek to use the Act to resolve matters more readily which can be dealt with under other legislation.

The overriding principle is that each application and the circumstances prevailing at each premises will be considered on their own merits.

PART 12: Consultation

In developing this Statement the Licensing Authority has consulted with the groups set out below,

- Leicestershire Constabulary
- Representatives of the holders of the various licences for premises within the Borough who will be affected by this policy
- Persons/bodies representing the interests of persons likely to be affected by this policy
- Other responsible authorities/groups that the Licensing Authority considers appropriate.

PART 13: Period of Validity and Review

This statement of licensing policy will come into effect on 31st January 2016 and will be valid for three years.

The policy will be kept under review during the period of validity and if necessary amendments made.

Before a new policy is adopted or amendments made to the existing one the Licensing Authority will undertake consultation in accordance with Section 349 of the Gambling Act 2005.

PART 14: Conditions

The starting point in determining applications will be to grant the application without conditions. Conditions will only be considered where they are needed to meet the requirements of the licensing objectives. When considering any conditions to be attached to licences, the Licensing Authority will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned. Premises licences are already subject to mandatory and default conditions provided by regulations issued by the Secretary of State.

Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

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

- relevant to the need to make the proposed building suitable as a gambling facility
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises: and
- Reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of control measures this licensing authority will consider utilising should there be evidence of a risk to the licensing objectives, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas and betting machines in licensed betting premises. The Council will not impose further conditions relating to door supervisors at a Betting Track, as they are already required by the Licensing Act 2003 and the Private Security Industry Act 2001 to provide licensed door supervisors in some roles.

The overriding principle is that each application and the circumstances prevailing at each premises will be considered on their own merits.

PART 15: Legislation and Strategies

In undertaking its licensing function under the Gambling Act 2005, the Licensing Authority is also bound by other legislation.

However, the policy is not intended to duplicate existing legislation and regulation regimes that already place obligations on employers and operators.

The Licensing Authority will seek to discharge its responsibilities identified by other national and local strategies and policies, in so far as they impact on the objectives of the licensing function. The licensing authority also recognises the importance of co-ordination and integration of the Gambling Policy with these strategies and policies.

The Licensing Authority, in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination and to promote equality and good relations between persons of different racial groups.

PART 16: Promotion of Equality

In developing this strategy, the Licensing Authority has recognised its responsibility under the Race Relations Act 1976 (as amended), to consider the need to eliminate unlawful discrimination and to promote equal opportunity and good race relations between persons of different racial groups. This Licensing Policy therefore supports and is supported by the Licensing Authority's Multi-Cultural Aims.

The Licensing Authority also recognises that this policy should promote equality in a wider sense and has therefore assessed the potential impact on disadvantaged groups in general, as well as from a race equality perspective. It has considered and consulted with this in mind.

The following actions, which have been identified as being necessary to promote equality, and within the scope of the Act and supporting guidance, will be implemented by the Licensing Authority:

- The Licensing Policy and associated documents will be available on the internet, and in other formats upon request.
- The licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling will be promoted.
- Support will be offered to licence applicants, licence holders and potential objectors who are socially excluded.
- Account will be taken of the effect of specific applications on community cohesion, including the need to balance the benefits of cultural and community activities with limited local disturbance.
- Action will be taken to endeavour to ensure the safety of vulnerable people in licensed premises.
- Action will be taken to ensure that all applications, particularly those for disadvantaged groups, are dealt with fairly.

The Licensing Authority is aware that there may be particular sensitivities of certain buildings, for example religious buildings, to certain gambling activities taking place in close proximity. Where this proximity has an impact on the promotion of one of the licensing objectives this is a matter for the Licensing Authority. Where the impact does not affect the promotion of the licensing objectives, there may be other control mechanisms, such as the planning system, that could be applicable.

PART 17: Disabled Access

The guidance supporting the Act advises that conditions relating to disabled access should not be attached to licences, as this would duplicate existing statutory requirements. The Licensing Authority therefore takes this opportunity to remind operators of premises of their duties under the Disability Discrimination Act 1995. This includes a duty that any person who provides a service to the public must make reasonable adjustments to any physical feature that makes it impossible or unreasonably difficult for a disabled person to access a service, or to provide the service by a reasonable alternative means.

PART 18: Relationship with Planning

When considering applications for premises licences the Licensing Authority cannot take into consideration “irrelevant matters” such as the expected ‘demand’ for facilities, the likelihood of planning permission being granted or building control approval.

An applicant can apply for a “provisional statement” if the building is not complete or if he does not yet have a right to occupy it. Such an application is however a separate and distinct process to the granting of planning permission or building control approval.

The lack of planning permission does not prevent an applicant from applying for a premises licence and does not preclude an application for a premises licence being granted. The Licensing Authority is required to consider each application on its merits.

The Gambling Commissions guidance to Licensing Authorities advises that when granting a licence the licensing authority must be satisfied that the premises are going to be ready to be used for gambling in the near future.

Where planning permission has not been obtained to use the premises for gambling the Licensing Authority must be satisfied as a matter of fact and degree in the particular circumstances of that case that the premises is not ready to be used for gaming. In such instances the Licensing Authority may feel that granting the licence would not promote the licensing objectives.

The Licensing Authority therefore recommends that when planning permission has not been obtained applicants apply for a provisional licence.

PART 19: Decision Making

The Council’s Licensing Officers will deal with all licensing applications where either no representations have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.

A Licensing Sub-Committee of three Councillors will sit to hear applications where representations have been received from interested parties and/or Responsible Authorities. Ward Councillors will not sit on a Sub-Committee involving an application within their ward.

Where a Councillor who is a member of the Licensing Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the licence in questions.

Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by Council Officers, who will make the decision on whether representations or applications for licence review should be referred to the Licensing Sub-Committee. Where representations are rejected, the person making that representation will be given written reasons as to why that are the case. There is no right of appeal against a determination that representations are not admissible.

The table shown at Appendix B sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committee and Officers.

PART 20: Promotion of Licensing Objectives

Preventing gambling from being a source of crime and disorder

The Gambling Commission will play a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling.

The Council places a considerable importance on the prevention of crime and disorder, and will fulfil its duty under s17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the borough. A high standard of control is therefore expected to be exercised over licensed premises.

The Council will, when determining applications, consider whether the grant of a Premises Licence will result in an increase in crime and disorder.

Applicants are encouraged to discuss the crime prevention procedures in their premises with the Council's Licensing Officers and Leicestershire Constabulary before making a formal application.

Applicants for a premises licence will have to be granted an Operating Licence by the Gambling Commission before a premises licence can be issued. Operators will already have satisfied the Gambling Commission that they have policies in place that promote the licensing objectives.

The Licensing Authority would not intend to duplicate these policies as conditions on the premises licence, but they and the responsible authorities, may wish to know how such policies will be put in place at the premises.

Where concerns about a person's suitability arise the Council will bring those concerns to the attention of the Commission.

As far as disorder is concerned, there are already powers in existing anti-social behaviour and licensing legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. The Council does not therefore intend to use the Act to deal with general nuisance issues

The Council will only seek to address issues of disorder under the Act if the disorder amounts to activity which is more serious and disruptive than mere nuisance. A disturbance could be serious enough to constitute disorder if police assistance was required to deal with it. Another factor the Council is likely to take into account is how threatening the behaviour was to those who could see or hear it, whether those people live sufficiently close to be affected or have business interests that might be affected.

When making decisions in this regard the Licensing Authority will give due weight to any comments made by the police.

Ensuring gambling is conducted in a fair and open way

The Gambling Commission does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way. This will be a matter for either the management of the gambling business or will be in relation to the suitability and actions of an individual. Both issues will be addressed by the Commission through the operating and personal licensing regime.

Because betting track operators do not need an operating licence from the Commission the Licensing Authority may, in certain circumstances require conditions of licence to ensure that the environment in which betting takes place is suitable.

Protecting children and other vulnerable people from gambling

The access of children and young person's to those gambling premises which are adult only environments will not be permitted. The Gambling Commission has issued a number of Codes of Practices for each sector of the gaming industry in ensuring that children and young person's do not access adult only environments.

The Licensing Authority will consider whether any measures are necessary to protect children when considering whether to grant a premises licence or permit. The Licensing Authority may also wish to see evidence from the operator of how any code of practice will be complied with in respect of the premises in question.

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.

The Council will consult with the Leicestershire Police on any application that indicates there may be concerns over access for children or vulnerable persons

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 its considerations against the overall principle of aiming to permit the use of premises for gambling.

Applicants for premises licences are required to hold an operators licence granted by the Gambling Commission before trading under a premises licence. All applicants for Premises Licences will be required to set out how they will promote the licensing objectives and what measures they intend to employ to ensure compliance with them.

PART 21: Types of Licence

Casinos

There are currently no casinos operating within the Borough.

The Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so.

Should the licensing authority decide in the future to pass such a resolution, this will be a resolution of Full Council following a considered debate, and the reasons for making this resolution will be given.

There is no right of appeal against this resolution.

Adult Gaming Centres

Premises licensed as an Adult Gaming Centre are permitted to provide an unlimited amount of category D and C machines and up to 20 percent of the total machines can be category B machines. Persons under the age of 18 years old are not permitted to enter an Adult Gaming Centre. The need to protect children and vulnerable persons from harm and/or being exploited by gambling is a an important licensing objective. Before granting a

premises licence the Licensing Authority will need to be satisfied that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises.

The Licensing Authority recommends that any premises licensed for gambling purposes adopts a policy of requiring proof of age from any person where there is any doubt as to whether they are over 18. The authority would suggest as best practice, that proof of age could be in the form of a passport, photographic driving licence, or a proof of age card complying with the Proof of Age Standards Scheme (PASS) launched in January 2003 by the British Retail Consortium.

As regards the protection of vulnerable persons, the licensing authority will consider measures such as the use of self-barring schemes, provision of information leaflets / helpline numbers for organisations such as GamCare.

Betting Premises (off-course)

Off course betting premises are any premises licensed to accept bets that are not situated at a track.

Children and Young persons are not permitted to enter a Betting Premises, and the Authority would need to see appropriate measures in place to be satisfied that children and young persons will not gain access to the premises.

The Licensing Authority is aware of its power to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino)

In the event that the Authority considers whether to impose such a condition on any particular licence it may, among other things, take into account the size of the premises, the number of counter positions available for person to person transactions, and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.

As regards the protection of vulnerable persons, this licensing authority will consider measures such as the use of self-barring schemes, provision of information leaflets / helpline numbers for organisations such as GamCare.

Family Entertainment Centres (licensed)

A family entertainment centre is permitted to provide any number of category C and category D machines. Category D machines can be played by children and young persons but not category C machines.

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. It is a requirement that category C machines are segregated from D machines so that there is no access to them by children.

As regards the protection of vulnerable persons, this licensing authority will consider measures such as the use of self-barring schemes, provision of information leaflets / helpline numbers for organisations such as GamCare.

This licensing authority will, refer to the Commission's website to see any conditions that apply to operator licences covering the way in which certain areas of the premises should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

Bingo Premises

The primary purpose of a Bingo premises licence is to permit the premises to be used for the playing of Bingo. Bingo premises are permitted to make any number of C and D machines available for use and up to 20 percent of the total machines can be category B machines.

Where children and young persons are allowed to enter premises licensed for bingo the operator must ensure that they do not participate in any gambling other than on category D machines. Where category C or above machines are available in premises to which children and young person are admitted the Licensing Authority will require that

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

The Licensing Authority will take into account guidance issued about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises.

Tracks

Tracks are defined under the Act as “a horse race course, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place”. Examples of tracks include:

- A horse racecourse
- A greyhound track
- A point to point horse race meeting
- Football, cricket and rugby grounds
- An athletics stadium
- A golf course
- Venues hosting darts, bowls or snooker tournaments
- Premises staging boxing matches
- Sections of river hosting a fishing competition
- A motor racing event

This list is not exhaustive, but gives an example of the types of venue which could accommodate the provision of betting facilities.

There are three types of authorisation under which betting facilities may be made available at a sporting event:

- An occasional use notice
- A temporary use notice and
- A track premises licence.

Betting in relation to tracks may be provided either as on course, or off course betting. The different types of betting are explained in detail in the Guidance issued by the Gambling

Commission, and an up to date excerpt of this guidance is published at www.gamblingcommission.gov.uk.

A betting premises licence permits premises to be used for the provision of facilities for betting, whether by:

- Making or accepting bets
- Acting as a betting intermediary; or
- Providing other facilities for the making or accepting of bets.

Tracks are the only class of premises that may be subject to more than one premises licence, provided that each licence relates to a specific area of the track. This allows track venues to develop leisure facilities such as a casino and apply for a (casino) premises licence for that part of the track.

There is no special class of betting Premises Licence for a track, but the Act does contain rules which apply specifically to Premises Licences granted in respect of tracks.

Special rules apply to applicants for a Premises Licence in relation to a track. Most importantly the applicant need not hold an Operator licence. That is because, unless the occupier of the track wishes to offer pool betting (or general betting) facilities himself (for which he will need a licence) the betting that is provided upon the track will not be provided by him, but will be provided by other operators who come on-course. Since those people will require the necessary Operator Licences, the Act allows the track operator to obtain a Premises Licence without also having to hold an Operator Licence. This track Premises Licence then authorises anyone upon the premises with a valid Operator Licence to offer betting facilities.

Track premises licences are distinguished from all other premises licences because children and young persons are allowed to be present on the track while betting is taking place on those licensed premises.

Track premises that safeguard the achievement of the three licensing objectives may generally be considered fit for gambling. By using the following general principles licensing authorities can establish whether a track is fit for provision of gambling facilities:-

Licensing objective	Issues to consider	Reason to consider a track premises unfit for gambling purposes?
The protection of children and other vulnerable persons from being harmed or exploited by gambling	Tracks permit access to children.	No - Children are allowed access to tracks on race days
	Bet receipt terminals in areas where there is no supervision which would allow children or young persons to use machines undetected.	No - It is a mandatory condition of the operating licence that operators ensure that bet receipt terminals are supervised. This is not an issue for the premises licence.
	Children are allowed access to areas holding category B and C gaming machines.	It is a mandatory condition of the operating licence that operators ensure that children are not allowed access to areas where Category B and C gaming machines are provided. However, section 182 of the Act also creates a premises licence

		condition that children and young persons must be excluded from areas where any gaming machines other than Category D are located.
	Betting areas adjacent to areas where children/young persons are present such as play areas.	No - Children are allowed access to tracks on race days and so will be exposed to gambling areas. It is a mandatory condition of the operating licence that operators do not accept bets from children or young persons.
	Betting areas adjacent to areas where children/young persons are present such as play areas	The Commission considers that the location of betting does not generally pose a risk to this licensing objective. Licensing authorities may impose their own local conditions there they perceive problems.
Ensure gambling is conducted in a fair and open way	The rules of betting are not displayed on the premises.	No (not an issue at application stage) - it is a mandatory condition of the premises licence that the rules of betting are displayed.
	Unlicensed betting operators are allowed to operate on tracks.	No (not an issue at application stage) - it is a mandatory condition of the premises licence that licence holders make arrangements to ensure that they only allow licensed operators on track.
	Betting takes place out of approved hours.	No (not an issue at application stage) - it is a mandatory condition of the premises licence that betting only takes place within the specified hours.
Prevent gambling from being a source of crime and disorder	Betting is allowed in all parts of a track resulting in greater difficulties for track premises licence holders to identify instances of illegal Betting.	No - the Commission's view is that this does not generally pose a risk to this objective. Licensing authorities may impose their own conditions should they perceive a problem.
	No formal exit/entry points allowing easy access for unapproved operators and customers.	No - the Commission's view is that this does not generally pose a risk to this objective. Licensing authorities may impose their own conditions should they perceive a problem.

The Licensing Authority will take any such guidance into consideration when determining an application for a track premises licence.

Access to premises and other parts of the track

Access between premises licensed for gambling and non-gambling areas is an important local licensing consideration, for reasons such as the following:

- to prevent operators from seeking to circumvent the Act by artificially subdividing a premises and securing separate premises licences for its composite parts;
- to ensure that operators do not circumvent regulations governing the maximum number of gaming machines applicable to specific premises;
- to ensure that people who have entered a premises for one type of gambling are not exposed to another, potentially harder, form of gambling;
- to ensure that there is no direct access between gambling premises to which children have access and those which they are prohibited from entering;
- to ensure that all gambling premises have publicly accessible entrances; and
- to ensure that gambling premises are not developed in the backrooms of other commercial premises.

Access by children – special dispensation for tracks

The Act forbids all persons under 18 years old to enter premises when betting facilities are being provided, other than at tracks. This dispensation allows families to attend premises such as greyhound tracks or racecourses on event days, and children to be permitted into areas where betting facilities are provided, such as the betting ring, where betting takes place. This dispensation does not, however, apply to:

- areas within a track where category C or above machines are provided; or
- other premises to which under 18 year olds are specifically not permitted access.

Licensed betting operators at tracks are bound by their operating licence conditions which prevent them from accepting bets from persons who are under 18 years old. The track premises licence holder is also required through premises licence conditions to display a notice in a prominent place at every public entrance stating that no person under the age of 18 is permitted to bet on the premises.

There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling, the need to ensure entrances to each type of premises are distinct and that children are excluded from gambling or betting areas where they are not permitted to enter.

Children and young persons will by law be permitted to enter track areas where facilities for betting are provided on days when dog racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided. The Licensing Authority will normally expect Premises Licence applicants to demonstrate suitable measures to ensure the children do not have access to adult only gambling facilities.

Appropriate measures may include:

- Proof of Age schemes
- CCTV
- Door Supervisors
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- The location of gaming machines
- Self barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare or Gamble Aware.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Betting on event and non-event days

Hours of betting on event days

Premises licence holders will be expected to comply with the mandatory and default conditions applicable to them on both event and non-event days. The licensing authority will not generally expect to re-assess a licence application as a result of a change to the dates of sporting events, but would expect applicants and licence holders to make information about sporting fixtures available as part of the application.

Significant changes to the fixture/events listing have a bearing on the licence conditions in that track premises licence holders will be expected to comply with the mandatory and default conditions applicable to them on both event and non-event days.

On days when no public sporting event is taking place on a track, gambling facilities may only be provided on the track between the hours of 7am and 10pm. Where the premises user intends to continue to offer facilities for gambling outside the proposed gambling hours on non-event days these facilities should be provided by virtue of an occasional use notice.

On non-event days, tracks become similar to licensed betting offices on the high street. Tracks may achieve this requirement by:

- locating all betting areas inside an area of the premises that is separated from the remainder of the premises by a physical barrier, thereby preventing access other than through a designated entrance;
- only admitting adults to the part of the track where betting areas are located, by establishing procedures for verifying customer ages and refusing entry to adult-only areas for those unable to produce an acceptable form of identification (and taking action where there are unlawful attempts to enter adult-only areas); and
- placing prominent notices in front of and inside each entrance stating that access to the area is prohibited to persons under 18. The Licensing authority may consider reducing the default gambling hours, providing any reduction is in line with the principles set out in section 153 of the Act.

Bet receipt terminals

Licensed operators may install bet receipt terminals on tracks. There is no restriction on the number of bet receipt terminals that may be in use but operators must, by virtue of their operating licence conditions, supervise such terminals to prevent them being used by those under 18 years of age.

There is no formal requirement on track premises licence holders to involve themselves in the procedures used by betting operators to supervise their bet receipt terminals unless specific local conditions specifying supervisory arrangements are added to the track premises licence by the licensing authority terminals.

Gaming machines

A track premises licence does not of itself entitle the holder to provide gaming machines, as this type of premises licence can be held without any corresponding operating licence. Where a track owner holds both a track premises licence and a pool betting operating licence issued by the Commission (in effect, greyhound tracks only), they may site up to four gaming machines within categories B2 to D on the track.

Some tracks may also hold a premises licence under the Licensing Act 2003. As such they will be automatically entitled under section 282 of the Act to two gaming machines of category C or D.

In such scenarios the operating licence entitlement does not take precedence, and each licence has its own requirements that must be complied with.

Applications for permits to allow additional gaming machines are not permitted where the premises is already covered by a track premises licence.

It is a condition of section 282 of the Act that alcohol-licensed premises licence holders (not necessarily the owners) must comply with any relevant provision of a code of practice under section 24 about the location and operation of a gaming machine. The gaming machine permits code of practice can be found on the Commission's website.

Where track premises licence holders possess a pool betting operating licence, the Commission places a mandatory licence condition on such operators that they must:

- have and put into effect documented policies and procedures to
- prevent underage gambling; and
- monitor the effectiveness of these.

Track administration

Administration of betting

Administrative and quasi-regulatory arrangements in place to ensure that activities held on tracks run smoothly for paying customers, track operators and betting operators are considered to be outside the remit of the Act unless they affect the licensing objectives.

The role of track premises licence holders

The responsibilities of track premises licence holders are established by the mandatory and default licence conditions attaching to their premises licence.

The licensed betting operators authorised by track owners to provide betting facilities at tracks must comply with their operating licence conditions and codes of practice issued by the Commission.

Track premises licence holders have a responsibility to report regulatory breaches or potential breaches relating to the premises itself or to betting operators.

Acceptance of bets

Track premises licences for greyhound tracks and racecourses are subject to mandatory licence conditions requiring access to be offered at the track-side to betting operators generally. This prevents track premises licence holders who are also pool betting operators from becoming a monopoly supplier of betting on tracks.

While this does not mean that there must be independent betting operators on tracks on event days, track premises licence holders cannot hold events days without at least making places available to licensed operators. This matter is the responsibility of the Gambling Commission and not the Licensing Authority.

Pool betting

Under the Act, holders of track premises licences on licensed greyhound tracks are given exclusivity to offer pool betting facilities on greyhound racing.

They may also authorise other people to conduct such pool betting on their behalf, although in all cases a relevant operating licence will be required to license this activity.

A totalisator on a licensed greyhound track will only be permitted while the public are admitted to the track for the purpose of attending greyhound races, and no other sporting

events are taking place. A mandatory condition is attached to the premises licence to this effect.

Admission of betting operators

It is a mandatory premises licence condition of track premises licences that the licence holder makes arrangements to ensure that the betting operators they admit to their track operate under valid operating licences.

Track premises licence holders are responsible for determining their own arrangements for the verification of betting operators. As part of this process, the track premises licence holder should make arrangements for ensuring that the betting operator holds an operating licence. Additionally, both parties should agree a procedure for assessing that persons accepting bets on behalf of a betting operator either themselves hold operating licences in their own right, or are employed by the operator under a written contract of employment.

Removal of illegal betting operators

Track premises licence holders are required by a mandatory licence condition to take reasonable steps to remove from the racecourse anybody found to be providing facilities for gambling without authorisation. Failure to uphold this requirement could result in action being taken against the premises licence holder.

Track premises licence holders are not expected to have proactive policies and procedures for identifying illegal gambling other than the mandatory requirement to verify that betting operators offering betting facilities on their track hold suitable operating licences.

Display of rules

It is a mandatory condition of premises licences that clear and accessible information about the terms on which a bet may be placed must be displayed at betting premises, including tracks.

The track premises licence holder should make the necessary arrangements to ensure that betting rules are accessible to all customers, regardless of which area of the track they are in. If certain areas are restricted to certain customers (such as different stands within a football ground) then rules could be displayed at various parts of the track. Other measures could be taken to ensure that they are made available to the public, such as printing them in the race-card or programme. The requirement could also be met by making a copy of the rules available in leaflet form from the main track office, and customers could be given a copy if they request one.

Betting operators offering betting facilities on racecourses and at greyhound tracks are required through the conditions of their operating licence to clearly display any of their own rules that differ from those that the track premises licence holder elects to display, and their rules concerning voids, late bets, and maximum payouts. For racecourses and greyhound tracks, the maximum payout will vary according to the rules of individual on-course operators.

Approved betting areas

Betting areas

In considering applications, the licensing authority will take into account the licensing objectives and assess whether these objectives are compromised by proposed betting arrangements. The location of betting areas (other than those for gaming machines and bet receipt terminals) is not considered a threat to the licensing objectives and therefore no additional conditions would normally be imposed by licensing authorities, unless the

circumstances are such that the Licensing Authority considers that the licensing objectives would be undermined.

Multiple licences

The Act permits a Licensing Authority to issue more than one premises licence for a track provided that each licence relates to a distinct specified area of the track (although there cannot be more than one premises licence covering the same area of the track).

This enables track owners to extend existing facilities to provide other gambling facilities such as a casino on their existing tracks, whereby these additional gambling activities are covered by separate premises licences.

Where an application is made for an additional premises licence, the Licensing Authority will consider the following matters when determining an application:

- access issues in particular whether access to the desired premises will be allowed directly from the track. Direct access between a track and other betting premises (other than a track betting shop) is not permitted. The track owner would need to make arrangements so that access to a casino or bingo hall would be via a street, not via the track itself.

Where a particular area of a track is already subject to a premises licence, and a person wishes to apply for a licence to offer another type of activity in that area, an application must be made to the licensing authority to vary the original premises licence. The new track premises licence can only be granted at the same time as, or after, the original licence has been varied.

Where the Licensing authority receives an application indicating separate betting areas that may not necessarily have clear physical boundaries, such as walls or fencing, it may grant the licence where it is satisfied that the area is clearly delineated, both in terms of making it clear to the public that they are entering a 'betting office', and to keep out persons aged under 18.

Where the licensing authority is not satisfied that a new activity in an existing area is clearly delineated, it may consider refusing the application.

Social responsibility considerations for tracks

The Act places a condition on the track premises licence that the licensee shall ensure that children and young persons are excluded from any area where facilities for betting are provided (unless on race days at racetracks and at greyhound tracks).

Travelling Fairs

A travelling fair is defined under the Act as a "fair consisting wholly or principally of the provision of amusements" and is provided "wholly or principally by persons who travel from place to place for the purpose of providing fairs".

A travelling fair meeting the statutory definition will be permitted to make one or more category D gaming machines available for use as no more than an ancillary amusement at the fair. A travelling fair can only be sited on a piece of land that has not been used for the purposes of a fair, for more than 27 days per calendar year.

The Licensing Authority will monitor pieces of land within the borough to ensure that 27 day statutory period is not exceeded in any one calendar year regardless as to whether it is the same or different travelling fairs occupying the land.

This Licensing Authority will ensure that the provision of category D machines, which are made available for use at a travelling fair, amount to no more than an ancillary amusement at the fair.

Premises Licences

In carrying out the licensing function under the Act 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 Gaming Commission
- In accordance with any relevant Guidance issued by the Gambling Commission
- In accordance with this Statement of Gambling Policy
- Consistent with the licensing objectives.

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

Section 152 of the Gambling Act 2005 defines “Premises” to be “any place” but prevents more than one premises licence applying to any one place. A single building can be subject to more than one premises licence provided that the licences are for different parts of the building and those parts can be genuinely regarded as being different ‘premises’.

Due to concerns by the Gambling Commission that some operators may try to circumvent legislation by artificially sub-dividing premises in order to be granted separate premises licences for the same place, and thus be able to provide extra high payout machines, further guidance has been issued.

In order to ensure that operators do not attempt to circumvent the spirit of the Gambling Act the Licensing Authority will look carefully at any proposed breakdown of premises and consider the suitability of any such separation, its locations and whether it can comply with mandatory codes of practice.

The Gambling Act distinguishes between different types of premises, by doing so the intention is that the gambling activity authorised by that premises licence is the primary activity. A new operating licence conditions are now in place requiring that Casino, Bingo and Betting operators can only provide machines as an ancillary to the primary activity they are licensed for.

The Licensing Authority will consider very carefully whether applications for premises licence in respect of certain gambling premises located very close to a school, or a centre for gambling addicts should be granted in light of the third licensing objective. If an applicant for a premises licence can show how licensing objective concerns can be overcome, that will have to be taken into account. Each case will be decided on its merits, and will depend to a large extent on the type of gambling that it is proposed will be offered on the premises.

PART 22: Reviews

Once granted a premises licence may still be subject to Review proceedings if there are concerns that a premises is not promoting the licensing objectives. The Licensing Authority will carry out a review of a Premises Licence where it has received a formal application for

review in accordance with the Act. Requests for a review of a premises licence can be made by interested parties or responsible authorities,

Due consideration will be given to all relevant representations, a representation will be relevant unless they fit the following:-

- a) The grounds are frivolous;
- b) The grounds are vexatious;
- c) The grounds will not cause the Licensing Authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;
- d) The grounds are substantially the same as the grounds cited in a previous application relating to the same premises; or
- e) The grounds are substantially the same as representations made at the time the application for a premises licence was considered.

The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

PART 23: Permits and Registrations

Prize Gaming Permits

An application can be made by anyone who occupies or plans to occupy relevant premises for a Prize Gaming Permit. In the case of an individual applicant the individual must be aged over 18 years of age.

There are a number of conditions within the Act that will apply to a prize gaming permit, but the licensing authority cannot attach any further conditions.

The conditions in the Act are:

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

A permit can only be granted if the Licensing Authority has consulted with the chief officer of police. Any rejection will have to give the applicant an opportunity to respond both orally and in writing.

Unlicensed Family Entertainment Centres

An unlicensed family entertainment centre can provide category D machines only by virtue of a permit issued by the Licensing Authority. Children are permitted to play category D machines and such premises may need to have stringent measures in place.

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

include CRB checks for staff, training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.

Club Gaming Permits & Club Machine Permits

A Members' Club or Miners Welfare Institute may apply to the Licensing Authority for either a Club Gaming Permit or a Club Machine Permit. A commercial members club may apply for a Club Machine Permit only.

This Licensing Authority is aware that it may only refuse an application on the grounds that:

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

Both permits allow for the premises to provide up to three gaming machines of either category B, C or D to be made available and a Club Gaming permit also permits the club to provide certain types of Gaming at the premises as may be prescribed by the Secretary of State. Currently this is Bridge and Whist.

Licensed Premises Gaming Machine Permits

Premises licensed to sell alcohol for consumption on the premises without any conditions restricting the sale as an ancillary to food, are automatically entitled to have 2 gaming machines. Provided they notify the licensing authority in writing and pay the prescribed fee.

If a premises wishes to have more than 2 machines a Licensed Premises Gaming Machine Permit must be applied for. The licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission and any relevant matters.

This licensing authority considers that "matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

As regards to the protection of vulnerable persons the applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

Temporary Use Notices

Part 9 of the Gambling Act 2005 allows gambling to be carried out in specified circumstances on a temporary basis, subject to a temporary use notice being served on the Licensing Authority, the Gambling Commission, the Police and HM Revenue & Customs. All these persons can raise objections having regard to the licensing objectives.

A Temporary Use Notice can only be given by the holder of an operating licence and can only authorise gambling for which that operating licence authorises. A set of premises can not be authorised for more than 21 days under Temporary Use Notices. A notice must be served not less than three months and one day before the day on which the event may begin.

The licensing authority will consider each application and the objections on their own individual merits.

Small Society Lotteries Registration

The Licensing Authority is responsible for registering small society lotteries. To be eligible to register the society must be established and conducted for charitable purposes, for the purpose of enabling participation in, or of supporting sport, athletics or a cultural activity or for any other non-commercial purpose other than that of private gain.

When receiving an application for a small lottery registration, as soon as practical it must:

- Enter the details on the register
- Notify the applicant of the registration and
- Notify the Gambling Commission of the registration

The Licensing Authority will exercise its functions under this Act in relation to lotteries in accordance with the guidance issued by the Gambling Commission, particularly the need to be satisfied that the organisation falls within the definition of a small society and may request a signed declaration from the organisation that they are bona fide non-commercial society.

PART 24: Enforcement

The Gambling Commission will take the lead role in investigation and, where appropriate, the prosecution of illegal gambling.

The Licensing Authority intends to use appropriate enforcement to promote the licensing objectives. Once licensed, it is essential that premises are monitored to ensure that they are run in accordance with the provisions of the Gambling Act, codes of practice and in compliance with any licence conditions. It will also be important to monitor the Borough for unlicensed premises.

The Licensing Authority will seek to work actively with the Gambling Commission, Leicestershire Police and other responsible authorities where appropriate in enforcing licensing legislation and intends to establish a protocol with Leicestershire Constabulary on enforcement issues to ensure an efficient deployment of police and council officers.

Enforcement activities will be targeted in terms of risk and so as best to promote the licensing objectives. In addition account will be taken of the general enforcement policy of the licensing authority, which aims to ensure that enforcement is open, fair, reasonable and proportionate.

PART 25: Complaints against Licensed Premises

The Licensing Authority will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, the Licensing Authority may initially arrange a conciliation meeting to address and clarify the issues of concern.

This process will not override the right of any interested party to ask that the licensing committee consider their valid objections or for any licence holder to decline to participate in a conciliation meeting.

PART 26: Further Information

Further information about the Gambling Act 2005, this Statement of Licensing Policy, the application process, and fees, can be obtained from:-

Licensing Section
Oadby & Wigston Borough Council
Station Road
Wigston
Leicestershire
LE18 2DR

Tel: 0116 257 2637
E-Mail: licensing@oadby-wigston.gov.uk

Information is also available at

Gambling Commission
Berkshire House
168-173 High Holborn
London
WC1V 7AA

Tel: 020 7306 6219
Website: www.gamblingcommission.gov.uk

Appendix 1:
Map of the Borough of Oadby and Wigston



Appendix 2: **List of Bodies Consulted**

- Leicestershire Constabulary
- Association of British Bookmakers
- British Amusement Catering Trades Association
- Bingo Association
- British Horse Racing Board
- Working Men's Club and Institute Union
- British Beer and Pub Association
- Gamcare
- Racecourse Association
- Salvation Army
- The local Citizens Advice Bureau
- Leicestershire Partnership NHS
- Leicestershire Fire Service
- Gambling Commission
- Betfred
- Gala Leisure
- Ladbrokes
- All Betting Premises within the Borough of Oadby and Wigston
- Oadby and Wigston Borough Council Environmental Health Department
- Oadby and Wigston Borough Council Planning Department
- All Oadby and Wigston Borough Council Councillors



**Licensing and
Regulatory Committee**

1 October 2015

**Matter for
Information**

Title: **Change to Private Hire Operator Bookings**

Author: **James Mortell, Licensing Officer**

1 Introduction

The purpose of this report is to advise on changes to the Local Government (Miscellaneous Provisions) Act 1976 being brought about by the Deregulation Act 2015 which will impact on the way Private Hire Operators accept, and pass on, customer bookings. These changes become effective on 01 October 2015.

2 Recommendations

Members are asked to note the changes to the legislation

3 Information

The Deregulation Act 2015, Section 11, “inserts new sections 55A and 55B into the 1976 Act the effect of which is to allow private hire operators, based outside London, to sub-contract bookings to other operators based in different districts or in London or Scotland; and to make it an offence for such a private hire operator to sub-contract a booking knowing that the operator to whom it is subcontracted would operate a private hire vehicle where either the vehicle or the driver was not licensed under the 1976 Act.”

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Implications	
Equalities	No significant implications.
Financial	No significant implications.
Legal	No significant implications.
Risk	CR6 – Regulatory governance.

Agenda Item 8



**Licensing and
Regulatory Committee**

**1 October
2015**

**Matter for Information
and Decision**

Title: **Additional Licence Periods for Private Hire Operators and
Combined Hackney Carriage/Private Hire Drivers Licences**

Author: **James Mortell, Licensing Officer**

1 Introduction

The purpose of this report is to advise Members of changes in the Deregulation Act 2015 (The Act) which affects the Local Government (Miscellaneous Provisions) Act 1976 and impacts on the licence periods that combined hackney carriage/private hire drivers' licences and private hire operators' licences will be valid.

2 Recommendations

Members are asked to approve the changes to both fees and operational licence periods as follows:

PRIVATE HIRE OPERATORS LICENCE

Licence Period	Licence Fee	Discount from Annual fee	Cost over 5 years
1 year	£260.00	0%	£1,300.00
2 year	£483.00	7.2%	£1,207.50
3 year	£670.00	14.1%	£1,116.66
4 year	£820.00	21.2%	£1,025.00
<u>5 year</u>	<u>£932.00</u>	<u>28.4%</u>	<u>£932.00</u>

COMBINED HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE

Licence Period	Licence Fee	% increase on 3 year fee	Cost over 3 years
1 year	£75.00	15.4%	£225.00
2 year	£140.00	7.7%	£210.00
<u>3 year</u>	<u>£195.00</u>	<u>0%</u>	<u>£195.00</u>

Members are also asked to approve:

1. That the Interim Team Leader, the Legal and Licensing Assistant, and the Licensing Officer be granted delegated authority to consider written requests submitted for licences to be granted for a shorter period.

2. That the default position for the issue of licences be 5 years for a private Hire Operator and 3 years for a combined drivers licence as indicated in **bold-underlined** above, with all combined drivers licence applications being subject to Disclosure and Barring Service (DBS) and Driver Vehicle Licensing Agency checks. Medicals will still be required as at present (every 6 years or annually if the applicant is over 70 years of age)
3. That the Chair, Vice Chair and a third Member be delegated to consider any objections to the proposed fee, and if appropriate, revise the proposed fees and agree an implementation date.

3 Information

The Act specifies changes which will affect the time periods for which licences will be valid. The Act states:

“Section 10 amends the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”) by standardising at three years the duration of both taxi and private hire driver licences; and at five years the licence for a private hire operator. A shorter duration may be specified depending on the circumstances of the case”

Any change in licence fees for a private hire operator licence must be advertised in a local newspaper circulating in the area, and 28 days allowed from the date of the advertisement for any objections to be received to the proposed fee. If any objections are received these must be considered before any fee can be implemented. The Council must decide whether to implement the original proposed fee, or implement a revised fee, within 2 months of the end of the objection period. There is no legal requirement to advertise any change to the combined drivers licence fees and these may be implemented with immediate effect upon agreement by this Committee.

Currently all applications for a combined hackney carriage/private hire drivers' licence are accompanied by a driver licence and criminal record check. It is possible that an applicant requests, and is approved for a 1 year licence, but, at the next renewal, for whatever reason, requests a 3 years. The Disclosure and Barring Service (DBS) and Driver Vehicle Licensing Agency (DVLA) checks would then not fall within the three year checking regime. For this reason it is recommended that a DBS and DVLA checks are submitted for every combined drivers' licence application whatever the period of the licence applied for.

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Implications	
Equalities	No significant implications.
Financial	The Council should always try and maximise its income while bearing in mind that the Council should cover its costs for producing the licence.

Legal	There is a legal requirement to advertise any change in licence fees for a private hire operator licence and to consider and implement the proposed or revised fee within the prescribed objection period (if any).
Risk	CR6 – Regulatory governance.