



TO COUNCILLOR:

E R Barr
G A Boulter
Mrs L M Broadley (Chair)
F S Broadley

M H Charlesworth
M L Darr (Vice-Chair)
R F Eaton
Mrs L Eaton JP

J Kaufman
Mrs L Kaufman
Mrs H E Loydall

Dear Sir or Madam

I hereby **SUMMON** you to attend a meeting of the **LICENSING AND REGULATORY COMMITTEE** to be held at the **COUNCIL OFFICES, STATION ROAD, WIGSTON** on **THURSDAY, 11 OCTOBER 2018** at **6.30 PM** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices
Wigston
03 October 2018

Mrs Anne E Court
Chief Executive

<u>ITEM NO.</u>	<u>AGENDA</u>	<u>PAGE NO'S</u>
1.	Apologies for Absence	
2.	Declarations of Interest	
	Members are reminded that any declaration of interest should be made having regard to the Members' Code of Conduct. In particular, Members must make clear the nature of the interest and whether it is 'pecuniary' or 'non-pecuniary'.	
3.	Minutes of the Previous Meeting held on 12 July 2018	
	To read, confirm and sign the minutes of the previous meeting in accordance with Rule 17 of Part 4 of the Constitution.	
4.	Action List Arising from the Meeting held on 12 July 2018	1 - 2
	To read, confirm and note the Action List arising from the previous meeting.	
5.	Petitions and Deputations	
	To receive any Petitions and, or, Deputations in accordance with Rule 24 of Part 4 of the Constitution.	
6.	Review of Scale of Fees & Charges (2019/20)	3 - 9
	Report of the Head of Finance, Revenues and Benefits	



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|---|----------------|
| 7. Environmental Health Update (Q2 2018/19) | 10 - 13 |
| Joint Report of the Environmental Health & Licensing Team Leader and Environmental Health Officer | |
| 8. Licensing Update (Q2 2018/19) | 14 - 20 |
| Report of the Interim Licensing Officer | |
| 9. National Register of Taxi and Private Hire Licence Revocations & Refusals (NR3) | 21 - 39 |
| Report of the Senior Democratic Services Officer / Legal Officer | |
| 10. Review of the Gambling Act 2005 Statement of Licensing Principles (2019-2021) | 40 - 72 |
| Report of the Interim Licensing Officer | |
| 11. Licensing and Regulatory Policies (October 2018) (Verbal Update) | |
| Verbal Update of the Head of Law & Governance / Monitoring Officer | |

For more information, please contact:

Licensing, Environmental Health or Building Control

Oadby and Wigston Borough Council
Council Offices
Station Road, Wigston
Leicestershire
LE18 2DR

t: (0116) 257 2642 (Licensing)

e: licensing@oadby-wigston.gov.uk

t: (0116) 257 2590 (Environmental Health)

e: environmental.health@oadby-wigston.gov.uk

t: (0116) 257 2593 (Building Control)

e: building.control@oadby-wigston.gov.uk

LICENSING AND REGULATORY COMMITTEE

ACTION LIST

Arising from the Meeting held on Thursday, 12 July 2018

No.	Minute Reference / Item of Business	*Details of Action <i>Action Due Date</i>	Responsible Officer(s)' Initials	Status / Update
1.	4. - Action List Arising from the Meeting held on 05 April 2018	An amendment be made to the Council's Constitution to exclude those Members who have not completed basic training from being eligible to sit on a Licensing Sub-Committee or Panel only and not from the parent Committee. <i>Due by Jul-18</i>	DaGi	Complete (Verbal Update)
2.	4. - Action List Arising from the Meeting held on 05 April 2018	By endorsing the 'Sam Says' campaign, that safety stickers be displayed in Council vehicles and taxi drivers be encouraged to display the same in their vehicles. <i>Due by Ongoing</i>	PaSa	Report Update (Agenda Item 8, para. 7)

* | All actions listed are those which are informally raised by Members during the course of debate upon a given item of business which do not form part of - but may be additional, incidental or ancillary to - any motion(s) carried. These actions are for the attention of the responsible Officer(s).

POLICY, FINANCE AND DEVELOPMENT COMMITTEE

ACTION LIST (EXTRACT)

Arising from the Meeting held on Tuesday, 18 September 2018

No.	Minute Ref. / Item of Business	*Action Details / Action Due Date	Responsible Officer(s)' Initials	Action Status
2.	19. - Internal Audit Progress Report (Q1 2018/19)	A report be provided to a future Licensing Committee meeting detailing the reasons why Limited Assurance rating was given by Internal Auditors to Taxi Licensing function, and steps taken to address the issues since. <i>Due by Jan-19</i>	DaGi	On Target to Complete (Verbal Update)

* | All actions listed are those which are informally raised by Members during the course of debate upon a given item of business which do not form part of - but may be additional, incidental or ancillary to - any motion(s) carried. These actions are for the attention of the responsible Officer(s).

Agenda Item 6



Licensing and Regulatory Committee	Thursday, 11 October 2018	Matter for Information and Decision
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Report Title: **Review of Scale of Fees & Charges (2019/20)**

Report Author(s): **Chris Raymakers (Head of Finance, Revenues and Benefits)**

Purpose of Report:	This report is to allow Members to consider, review and recommend to the Policy, Finance and Development Committee the proposed scale fees and charges for the financial year 2019/20 relating to the Licensing and Regulatory Committee.
Report Summary:	Charges consist of both those set by statute and those set by this Council. It is recommended that Council set charges are increased in line with the Retail Price Index (i.e. 3.4% as at June 2018).
Recommendation(s):	That the proposed Scale of Fees and Charges for 2019/20 (as set out in Appendix 1) be recommended to the Policy, Finance and Development Committee for approval.
Responsible Strategic Director, Head of Service and Officer Contact(s):	<p>Stephen Hinds (Director of Finance & Transformation) (0116) 257 2681 stephen.hinds@oadby-wigston.gov.uk</p> <p>Chris Raymakers (Head of Finance, Revenues and Benefits) (0116) 257 2891 chris.raymakers@oadby-wigston.gov.uk</p> <p>Paulette Samuels (Environmental Health & Licensing Team Leader) (0116) 257 2692 paulette.samuels@oadby-wigston.gov.uk</p>
Corporate Priorities:	<p>Effective Service Provision (CP2)</p> <p>Green & Safe Places (CP4)</p> <p>Wellbeing for All (CP5)</p>
Vision and Values:	<p>Accountability (V1)</p> <p>Customer Focus (V5)</p>
Report Implications:-	
Legal:	There are no implications arising from the report.
Financial:	Licenses provide an important income stream for the Council which should cover the cost of providing and administering the varying licencing regimes.
Corporate Risk Management:	<p>Decreasing Financial Resources (CR1)</p> <p>Reputation Damage (CR4)</p> <p>Regulatory Governance (CR6)</p> <p>Economy/Regeneration (CR9)</p>
Equalities and Equalities	There are no implications arising from the report.

Assessment (EA):	EA not applicable.
Human Rights:	There are no implications arising from the report.
Health and Safety:	A strong licencing function is an important part of maintaining public safety within the Borough.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	None.
Background Papers:	Fees and Charges Working Papers (2019/20)
Appendices:	1. Proposed Scale of Fees & Charges (2019/20)

1. Introduction

- 1.1 The Council charges for a number of its services that are provided to the public. All fees and charges are reviewed on an annual basis as part of the budget setting process.
- 1.2 When setting fees and charges, the following factors are taken into consideration:
- Statutory obligations;
 - Policies and objectives of the Council;
 - Inflation and relevant indices;
 - Local market research and competition (where relevant);
 - The impact of price changes on activity level or demand;
 - Changes in taxation;
 - Budget position and any associated gap; and
 - The cost of providing the service.
- 1.3 As at June 2018 the Retail Price Index, which is a measure of inflation, stood at 3.4%. This has been used as a guide for Heads of Service when considering any increases for 2019/20.

2. Information

- 2.1 The Council is responsible for administering a number of statutory and discretionary licensing regimes, such as hackney carriages and private hire vehicles, street trading consents, pavement licences, various business licences, and authorisations under the Licensing Act 2003 and Gambling Act 2005.
- 2.2 As a general principal licence fees cannot be used to generate profit and as a result are set on a cost and administration recovery basis subject to the following restrictions:
- Licensing Act 2003 – centrally set in regulations by Parliament;
 - Gambling Act 2005 – decided by the Council subject to statutory limits; and
 - Hackney carriage and private hire vehicle licensing - reasonable charges may be made for the cost of administering and enforcing the regime in relation to licensed drivers and vehicles, and providing taxi ranks.

- 2.3 For 2019/20, it is proposed that licenses are increased by the inflationary amount of 3.4% and rounded to the nearest five pence. This is to reflect the increases in the cost of provision and administering the service over the next financial year.
- 2.4 A full list of the proposed licencing charges is contained in **Appendix 1** to this report.
- 2.5 The Committee will note that fees have been introduced for newly licensable activities following the implementation of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 from 1 October as set out at 2.2 of **Appendix 1**.

LICENSING AND REGULATORY COMMITTEE										
	DESCRIPTION OF CHARGE	VAT	GL ACCOUNT CODE	UNIT	DATE OF LAST CHANGE	(Pre 1-Oct-18) 2018/19 £	*(Post 1-Oct-18) 2018/19 £	2019/20 £	Externally Set	Explanation regarding the recommended level of charge
2	LICENCES									
2.1	HACKNEY CARRIAGE AND PRIVATE HIRE CARS									
(a)	Driver's Licence - Private Hire and Hackney Carriage*									
i)	One Year	N	42001 9333	Each	1-Apr-18	80.00	-	83.00		RPI 3.4% increase, round up from £82.72. Equivalent to 3.75%
ii)	Two Year	N	42001 9333	Each	1-Apr-18	148.00	-	153.00		RPI 3.4% increase, round down from £153.03
iii)	Three Year	N	42001 9333	Each	1-Apr-18	206.00	-	213.00		RPI 3.4% increase
(b)	Competence Test	N	42001 9389	Each	1-Apr-18	41.50	-	42.90		RPI 3.4% increase, round down from £42.91
(c)	Drivers Badge - Replacement	N	42001 9333	Each	1-Apr-18	22.00	-	22.75		RPI 3.4% increase
(d)	Private Hire Operator's Licence									
i)	One Year	N	42001 9331	Each	1-Apr-18	275.00	-	284.35		RPI 3.4% increase
ii)	Two Year	N	42001 9331	Each	1-Apr-18	508.00	-	525.30		RPI 3.4% increase, round up from £525.27
iii)	Three Year	N	42001 9331	Each	1-Apr-18	710.00	-	735.00		RPI 3.4% increase, round up from £734.14. Equivalent to 3.52%
iv)	Four Year	N	42001 9331	Each	1-Apr-18	860.00	-	890.00		RPI 3.4% increase, round up from £889.24. Equivalent to 3.49%
v)	Five Year	N	42001 9331	Each	1-Apr-18	974.00	-	1010.00		RPI 3.4% increase, round up from £1007.12. Equivalent to 3.70%
vi)	Operators Licence Competency Test*	N	42001 9389	Each	1-Apr-18	41.50	-	42.90		RPI 3.4% increase, round down from £42.91
(e)	Private Hire Vehicle Licence	N	42001 9332	Each	1-Apr-18	238.00	-	246.00		RPI 3.4% increase, round down from £246.09
(f)	Private Hire Vehicle Licence - Age Exempt	N	42001 9332	Each	1-Apr-18	275.00	-	284.35		RPI 3.4% increase
(g)	Hackney Carriage Vehicle Licence	N	42001 9335	Each	1-Apr-18	254.00	-	262.65		RPI 3.4% increase, round up from £262.64
(h)	Hackney Carriage Licence - Age Exempt	N	42001 9335	Each	1-Apr-18	290.00	-	300.00		RPI 3.4% increase, round up from £299.86. Equivalent to 3.45%
(i)	Replacement of Vehicle Licence Plate	N	42001 9332	Each	1-Apr-18	27.00	-	27.95		RPI 3.4% increase, round up from £27.92
(j)	Transfer of Vehicle Licence to Another Licensee	N	42001 9332	Each	1-Apr-18	48.00	-	49.65		RPI 3.4% increase, round up from £49.63
(k)	Transfer of Licence from Private Hire Vehicle to Hackney Carriage (vice-versa)			Each	1-Apr-14	N/A	-	N/A		
(l)	Sale of Vehicle Licence Bracket	N	42001 9332	Each	1-Apr-18	24.00	-	24.85		RPI 3.4% increase, round up from £24.82. Equivalent to 3.54%
(m)	Certificate of Compliance	N	42001 9201	Each	1-Apr-18	6.00	-	6.25		RPI 3.4% increase, round up from £6.20. Equivalent to 4.17%
(n)	Replacement of Vehicle Licence (paper)	N	42001 9332	Each	1-Apr-18	6.00	-	6.25		RPI 3.4% increase, round up from £6.20. Equivalent to 4.17%
(o)	Replacement docu-dash	N	42001 9201	Each	1-Apr-18	4.00	-	4.15		RPI 3.4% increase, round up from £4.14
(p)	Replacement Front Windscreen pouch	N	42001 9332	Each	1-Apr-18	6.00	-	6.25		RPI 3.4% increase, round up from £6.20. Equivalent to 4.17%
	* Excludes DBS fee £44.00 payable on application and £5.00 DVLA mandate fee									
(q)	HPI checks (new applicants)	N	42001 9383	Each	1-Apr-18	5.00	-	5.20		RPI 3.4% increase, round up from £5.17. Equivalent to 4%
(r)	Vehicle checks for 6 month inspections	N	42001 9384	Each	1-Apr-18	N/A	-	N/A		
(s)	Child Sexual Exploitation (CSE) Training (for new applicants & renewals)	N	42001 9385	Each	1-Apr-18	20.00	-	20.70		RPI 3.4% increase, round up from £20.68. Equivalent to 3.5%
2.2	LICENCE FEES									
(a)	Animal Boarding Establishment (new)	N	42002 9323	Each	1-Apr-18	150.00	120.00	124.08	X	*Under Review subject to new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
(b)	Animal Boarding Establishment (renewal)	N	42002 9323	Each	1-Apr-18	109.00	120.00	124.08	X	*Under Review subject to new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
i)	One Year (Up to 6 animals)	N	42002 9323	Each	New	-	68.00	70.31	X	*Under Review subject to new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
ii)	Two Year (Up to 6 animals)	N	42002 9323	Each	New	-	89.00	92.03	X	*Under Review subject to new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
iii)	Three Year (Up to 6 animals)	N	42002 9323	Each	New	-	110.00	113.74	X	*Under Review subject to new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
iv)	One Year (7 or more animals)	N	42002 9323	Each	New	-	88.00	90.99	X	*Under Review subject to new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
v)	Two Year (7 or more animals)	N	42002 9323	Each	New	-	109.00	112.71	X	*Under Review subject to new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
vi)	Three Year (7 or more animals)	N	42002 9323	Each	New	-	130.00	134.42	X	*Under Review subject to new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
(c)	Breeding of Dogs (new)	N	42002 9326	Each	1-Apr-18	150.00	120.00	124.08	X	*Under Review subject to new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
(d)	Breeding of Dogs (renewal)	N	42002 9326	Each	1-Apr-18	109.00	120.00	124.08	X	*Under Review subject to new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
i)	One Year	N	42002 9326	Each	New	-	68.00	70.31	X	*Under Review subject to new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
ii)	Two Year	N	42002 9326	Each	New	-	89.00	92.03	X	*Under Review subject to new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
iii)	Three Year	N	42002 9326	Each	New	-	110.00	113.74	X	*Under Review subject to new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
(e)	Dangerous Wild Animals (new)	N	42002 9334	Each	1-Apr-18	150.00	-	155.00		RPI 3.4% increase
(f)	Dangerous Wild Animals (renewal)	N	42002 9334	Each	1-Apr-18	109.00	-	112.70		RPI 3.4% increase
(g)	Pet Animal Shop (new)	N	42002 9327	Each	1-Apr-18	150.00	-	155.00		RPI 3.4% increase
(h)	Pet Animal Shop (renewal)	N	42002 9327	Each	1-Apr-18	109.00	-	112.70		RPI 3.4% increase
(i)	Riding Establishment (new)	N	42002 9325	Each	1-Apr-18	150.00	-	155.00		RPI 3.4% increase
(j)	Riding Establishment (renewal)	N	42002 9325	Each	1-Apr-18	109.00	-	112.70		RPI 3.4% increase
(k)	Hiring out horses (new)	N	42002 93XX	Each	New	-	120.00	124.08	X	*Under Review subject to new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
(l)	Hiring out horses (renewal)	N	42002 93XX	Each	New	-	120.00	124.08	X	*Under Review subject to new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
i)	One Year	N	42002 93XX	Each	New	-	68.00	70.31	X	*Under Review subject to new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
ii)	Two Year	N	42002 93XX	Each	New	-	109.00	112.71	X	*Under Review subject to new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
iii)	Three Year	N	42002 93XX	Each	New	-	150.00	155.10	X	*Under Review subject to new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
(m)	Selling animals as pets (new)	N	42002 93XX	Each	New	-	120.00	124.08	X	*Under Review subject to new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
(n)	Selling animals as pets (renewal)	N	42002 93XX	Each	New	-	120.00	124.08	X	*Under Review subject to new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
i)	One Year	N	42002 93XX	Each	New	-	68.00	70.31	X	*Under Review subject to new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
ii)	Two Year	N	42002 93XX	Each	New	-	89.00	92.03	X	*Under Review subject to new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
iii)	Three Year	N	42002 93XX	Each	New	-	110.00	113.74	X	*Under Review subject to new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
(o)	Exhibiting animals (new)	N	42002 93XX	Each	New	-	120.00	124.08	X	*Under Review subject to new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
(p)	Exhibiting animals (renewal)	N	42002 93XX	Each	New	-	120.00	124.08	X	*Under Review subject to new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
i)	Three Year (Only)	N	42002 93XX	Each	New	-	89.00	92.03	X	*Under Review subject to new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
(q)	Variation of licence (no visit)	N	42002 93XX	Each	New	-	68.00	70.31	X	*Under Review subject to new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

LICENSING AND REGULATORY COMMITTEE										
	DESCRIPTION OF CHARGE	VAT	GL ACCOUNT CODE	UNIT	DATE OF LAST CHANGE	(Pre 1-Oct-18) 2018/19 £	*(Post 1-Oct-18) 2018/19 £	2019/20 £	Externally Set	Explanation regarding the recommended level of charge
	(r) Variation of licence (visit)	N	42002 93XX	Each	New	-	27.00	27.92	X	*Under Review subject to new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
	(s) Re-evaluation of rating	N	42002 93XX	Each	New	-	109.00	112.71	X	*Under Review subject to new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
	(t) Additional activity Fee (50% of fee)	N	42002 93XX	Each	New	-	60.00	62.04	X	*Under Review subject to new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
	i) One Year		42002 93XX	Each	New	-	34.00	35.16	X	*Under Review subject to new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
	ii) Two Year		42002 93XX	Each	New	-	45.00	46.53	X	*Under Review subject to new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
	iii) Three Year		42002 93XX	Each	New	-	55.00	56.87	X	*Under Review subject to new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
	NB For licences (a) - (j), vets fees incurred by the Council will be charged to the applicant. POA = Price on application.	N	420022410	Each		POA	POA	POA		All of the above have had the RPI 3.4% increase applied, but may well be amended at the conclusion of the Regional Fee setting exercise.
	(u) Acupuncture, Tattooing, Ear piercing, Electrolysis - Registration of									
	i) Premises	N	42002 9329	Each	1-Apr-18	78.00	-	80.65		RPI 3.4% increase
	ii) Person	N	42002 9329	Each	1-Apr-18	78.00	-	80.65		RPI 3.4% increase
	iii) Person and premises combined	N	42002 9329	Each	1-Apr-18	119.00	-	123.00		RPI 3.4% increase, round down from £123.05
	(v) Hairdresser - Registration of Premises and Persons									
	i) Premises	N	42002 9336	Each	1-Apr-18	78.00	-	80.65		RPI 3.4% increase
	ii) Person	N	42002 9336	Each	1-Apr-18	78.00	-	80.65		RPI 3.4% increase
	iii) Person and premises combined	N	42002 9336	Each	1-Apr-18	119.00	-	123.00		RPI 3.4% increase, round down from £123.05
	(w) Scrap Metal Dealers Act 2013									
	i) Site Licence	N	42002 9337	Each	1-Apr-18	362.00	-	374.30		RPI of 3.4% increase, round down from £374.31
	ii) Renewal of Site Licence	N	42002 9337	Each	1-Apr-18	362.00	-	374.30		RPI of 3.4% increase, round down from £374.31
	iii) Collectors Licence	N	42002 9337	Each	1-Apr-18	321.00	-	332.00		RPI 3.4% increase, round up from £331.91. Equivalent to 3.43%
	iv) Collectors Renewal of Licence	N	42002 9337	Each	1-Apr-18	321.00	-	332.00		RPI 3.4% increase, round up from £331.91. Equivalent to 3.43%
	v) Variation to Licence (inc change of site manager)	N	42002 9337	Each	1-Apr-18	67.00	-	69.30		RPI 3.4% increase, round up from £69.28
	vi) Change of Circumstance	N	42002 9337	Each	1-Apr-18	36.00	-	37.25		RPI 3.4% increase, round up from £37.22
	(x) Street Trading (fixed) per outlet									
	i) 1 day a week Annual Licence	N	42002 9440	Each	1-Apr-18	98.00	-	101.35		RPI 3.4% increase, round up from £101.33
	ii) 1 month licence	N	42002 9440	Each	1-Apr-18	119.00	-	123.00		RPI 3.4% increase, round down from £123.05
	iii) 3 month licence	N	42002 9440	Each	1-Apr-18	171.00	-	176.85		RPI 3.4% increase, round up from £176.81
	iv) 6 month licence	N	42002 9440	Each	1-Apr-18	275.00	-	284.35		RPI 3.4% increase
	v) 12 month licence	N	42002 9440	Each	1-Apr-18	435.00	-	450.00		RPI 3.4% increase, round up from £449.79. Equivalent to 3.45%
	vi) Transfer of Consent (fixed or mobile)	N	42002 9440	Each	1-Apr-18	67.00	-	69.30		RPI 3.4% increase, round up from £69.28
	(y) Street Trading (mobile) per outlet									
	i) 1 day a week Annual Licence	N	42002 9440	Each	1-Apr-18	67.00	-	69.30		RPI 3.4% increase, round up from £69.28
	ii) 1 month licence	N	42002 9440	Each	1-Apr-18	88.00	-	91.00		RPI 3.4% increase, round up from £90.99
	iii) 3 month licence	N	42002 9440	Each	1-Apr-18	119.00	-	123.00		RPI 3.4% increase, round down from £123.05
	iv) 6 month licence	N	42002 9440	Each	1-Apr-18	192.00	-	198.55		RPI 3.4% increase, round up from £198.53
	v) 12 month licence	N	42002 9440	Each	1-Apr-18	332.00	-	343.30		RPI 3.4% increase, round up from £343.29
	vi) One off Event Licence	N	42002 9440	Each	1-Apr-18	83.00	-	85.85		RPI 3.4% increase, round up from £85.82
	(z) Sex Establishments	N	42002 9323	Each	1-Apr-18	2440.00	-	2523.00		RPI 3.4% increase, round up from £2522.96
	2.3 LICENSING ACT 2003									
	(a) Personal Licence									
	Grant or Renewal of a Personal Licence (valid for 10 years)	N	42003 9371	Each	1-Apr-11	37.00	-	37.00	X	LA 2003 Schedule 6
	(b) Premises Licences / Club Premises Certificates									
	Annual Fees Rateable Value Bands :-									
	A (no rateable value to £4,300)	N	42003 9364	Each	1-Feb-05	70.00	-	70.00	X	LA 2003 Schedule 5
	B (£4,301 to £33,000)	N	42003 9364	Each	1-Feb-05	180.00	-	180.00	X	LA 2003 Schedule 5
	C (£33,001 to £87,000)	N	42003 9364	Each	1-Feb-05	295.00	-	295.00	X	LA 2003 Schedule 5
	D (£87,001 to £125,000)	N	42003 9364	Each	1-Feb-05	320.00	-	320.00	X	LA 2003 Schedule 5
	E (£125,001 and above)	N	42003 9364	Each	1-Feb-05	350.00	-	350.00	X	LA 2003 Schedule 5
	A multiplier is applied to premises in band D and E where they are exclusively or primarily in the business of selling alcohol									
	D (x2)	N	42003 9364	Each	1-Feb-05	640.00	-	640.00	X	LA 2003 Schedule 5
	E (x3)	N	42003 9364	Each	1-Feb-05	1050.00	-	1050.00	X	LA 2003 Schedule 5
	(c) New or Variation of Premises Licences / Club Premises Certificates									
	Application fees Rateable Value Bands :-									
	A (no rateable value to £4,300)	42003 9364	Each	1-Feb-05	100.00	-	100.00	X	LA 2003 Schedule 2 (wrt Reg 4 (2), (3) and 6 (1))	
	B (£4,301 to £33,000)	42003 9364	Each	1-Feb-05	190.00	-	190.00	X	LA 2003 Schedule 2 (wrt Reg 4 (2), (3) and 6 (1))	
	C (£33,001 to £87,000)	42003 9364	Each	1-Feb-05	315.00	-	315.00	X	LA 2003 Schedule 2 (wrt Reg 4 (2), (3) and 6 (1))	
	D (£87,001 to £125,000)	42003 9364	Each	1-Feb-05	450.00	-	450.00	X	LA 2003 Schedule 2 (wrt Reg 4 (2), (3) and 6 (1))	
	E (£125,001 and above)	42003 9364	Each	1-Feb-05	635.00	-	635.00	X	LA 2003 Schedule 2 (wrt Reg 4 (2), (3) and 6 (1))	
	A multiplier is applied to premises in band D and E where they are exclusively or primarily in the business of selling alcohol									
	D (x2)	42003 9364	Each	1-Feb-05	900.00	-	900.00	X	LA 2003 Schedule 2 (wrt Reg 4 (2), (3) and 6 (1))	
	E (x3)	42003 9364	Each	1-Feb-05	1905.00	-	1905.00	X	LA 2003 Schedule 2 (wrt Reg 4 (2), (3) and 6 (1))	
	(d) Application / Notice									
	i) Temporary Event notice	N	42003 9372	Each	1-Feb-05	21.00	-	21.00	X	LA 2003 Schedule 6

LICENSING AND REGULATORY COMMITTEE										
	DESCRIPTION OF CHARGE	VAT	GL ACCOUNT CODE	UNIT	DATE OF LAST CHANGE	(Pre 1-Oct-18) 2018/19 £	*(Post 1-Oct-18) 2018/19 £	2019/20 £	Externally Set	Explanation regarding the recommended level of charge
	ii) Theft, loss, etc of premises licence or summary	N	42003 9373	Each	1-Feb-05	10.50	-	10.50	X	LA 2003 Schedule 6
	iii) Application for a provisional statement where premises being built etc	N	42003 9374	Each	1-Apr-17	315.00	-	315.00	X	Increase under s29 of LA 2003, (Schedule 6)
	iv) Notification of change of name or address	N	42003 9375	Each	1-Feb-05	10.50	-	10.50	X	LA 2003 Schedule 6
	v) Application to vary licence to specify individual as premises supervisor	N	42003 9376	Each	1-Feb-05	23.00	-	23.00	X	LA 2003 Schedule 6
	vi) Application for transfer of premises licence	N	42003 9377	Each	1-Feb-05	23.00	-	23.00	X	LA 2003 Schedule 6
	vii) Interim authority notice following death etc of licence holder	N	42003 9378	Each	1-Feb-05	23.00	-	23.00	X	LA 2003 Schedule 6
	viii) Theft, loss, etc of certificate or summary	N	42003 9379	Each	1-Feb-05	10.50	-	10.50	X	LA 2003 Schedule 6
	ix) Notification of change of name or alteration of rules of club	N	42003 9380	Each	1-Feb-05	10.50	-	10.50	X	LA 2003 Schedule 6
	x) Change of relevant registered address of club	N	42003 9375	Each	1-Feb-05	10.50	-	10.50	X	LA 2003 Schedule 6
	xi) Theft, loss, etc of temporary event notice	N	42003 9379	Each	1-Feb-05	10.50	-	10.50	X	LA 2003 Schedule 6
	xii) Theft, loss, etc of personal licence	N	42003 9379	Each	1-Feb-05	10.50	-	10.50	X	LA 2003 Schedule 6
	xiii) Notification of change of name or address of premises licence holder	N	42003 9375	Each	1-Feb-05	10.50	-	10.50	X	LA 2003 Schedule 6
	xiv) Right to freeholder etc to be notified of licensing matters	N	49901 9356	Each	1-Feb-05	21.00	-	21.00	X	LA 2003 Schedule 6
						-	-	-		
	2.4 GAMBLING ACT 2005					-	-	-		
	(a) Small Society Lotteries					-	-	-		
	i) Initial Application Fee	N	42004 9420	Each	1-Sep-07	40.00	-	40.00	X	The Small society Lotteries (Registration of Non-Commercial Societies) Regulations 2007. Section 3 (b)
	ii) Renewal Fee	N	42004 9420	Each	1-Sep-07	20.00	-	20.00	X	The Small society Lotteries (Registration of Non-Commercial Societies) Regulations 2007. Section 5 (a)
	(b) Bingo Premises					-	-	-		
	i) Premises Licence	N	42004 9410	Each	1-Apr-18	1270.00	-	1313.20		RPI 3.4% increase, round up from £1313.18
	ii) Annual Fee	N	42004 9412	Each	1-Apr-18	534.00	-	552.15		RPI 3.4% increase, round down from £552.16
	iii) Variation of Licence	N	42004 9410	Each	1-Apr-18	1270.00	-	1313.20		RPI 3.4% increase, round up from £1313.18
	iv) Change of Circumstances	N	42004 9410	Each	1-Apr-18	47.00	-	48.60		RPI 3.4% increase
	v) Transfer of Licence	N	42004 9410	Each	1-Apr-18	534.00	-	552.15		RPI 3.4% increase, round down from £552.16
	vi) Re-instatement Fee	N	42004 9410	Each	1-Apr-18	534.00	-	552.15		RPI 3.4% increase, round down from £552.16
	vii) Provisional Statement	N	42004 9410	Each	1-Apr-18	1270.00	-	1313.20		RPI 3.4% increase, round up from £1313.18
	viii) Copy of Licence	N	42004 9411	Each	1-Apr-17	30.00	-	30.00	X	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 Regulation 13 (2)
	(c) Betting Premises (Track)					-	-	-		
	i) Premises Licence	N	42004 9404	Each	1-Apr-18	1270.00	-	1313.20		RPI 3.4% increase, round up from £1313.18
	ii) Annual Fee	N	42004 9406	Each	1-Apr-18	534.00	-	552.15		RPI 3.4% increase, round down from £552.16
	iii) Variation of Licence	N	42004 9404	Each	1-Apr-18	1270.00	-	1313.20		RPI 3.4% increase, round up from £1313.18
	iv) Change of Circumstances	N	42004 9404	Each	1-Apr-18	57.00	-	58.95		RPI 3.4% increase, round up from £58.94
	v) Transfer of Licence	N	42004 9404	Each	1-Apr-18	534.00	-	552.15		RPI 3.4% increase, round down from £552.16
	vi) Re-instatement Fee	N	42004 9404	Each	1-Apr-18	534.00	-	552.15		RPI 3.4% increase, round down from £552.16
	vii) Provisional Statement	N	42004 9404	Each	1-Apr-18	1270.00	-	1313.20		RPI 3.4% increase, round up from £1313.18
	viii) Copy of Licence	N	42004 9405	Each	1-Apr-17	30.00	-	30.00	X	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 Regulation 13 (2)
	(d) Family Entertainment Centres					-	-	-		
	i) Premises Licence	N	42004 9323	Each	1-Apr-18	1270.00	-	1313.20		RPI 3.4% increase, round up from £1313.18
	ii) Annual Fee	N	42004 9323	Each	1-Apr-18	534.00	-	552.15		RPI 3.4% increase, round down from £552.16
	iii) Variation of Licence	N	42004 9323	Each	1-Apr-18	1270.00	-	1313.20		RPI 3.4% increase, round up from £1313.18
	iv) Change of Circumstances	N	42004 9323	Each	1-Apr-18	47.00	-	48.60		RPI 3.4% increase
	v) Transfer of Licence	N	42004 9323	Each	1-Apr-18	534.00	-	552.15		RPI 3.4% increase, round down from £552.16
	vi) Re-instatement Fee	N	42004 9323	Each	1-Apr-18	534.00	-	552.15		RPI 3.4% increase, round down from £552.16
	vii) Provisional Statement	N	42004 9323	Each	1-Apr-18	1270.00	-	1313.20		RPI 3.4% increase, round up from £1313.18
	viii) Copy of Licence	N	42004 9323	Each	1-Apr-12	25.00	-	25.00	X	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 Regulation 13 (2)
	(e) Adult Gaming Centre					-	-	-		
	i) Premises Licence	N	42004 9414	Each	1-Apr-18	1270.00	-	1313.20		RPI 3.4% increase, round up from £1313.18
	ii) Annual Fee	N	42004 9416	Each	1-Apr-18	534.00	-	552.15		RPI 3.4% increase, round down from £552.16
	iii) Variation of Licence	N	42004 9414	Each	1-Apr-18	1270.00	-	1313.20		RPI 3.4% increase, round up from £1313.18
	iv) Change of Circumstances	N	42004 9414	Each	1-Apr-18	47.00	-	48.60		RPI 3.4% increase
	v) Transfer of Licence	N	42004 9414	Each	1-Apr-18	534.00	-	552.15		RPI 3.4% increase, round down from £552.16
	vi) Re-instatement Fee	N	42004 9435	Each	1-Apr-18	534.00	-	552.15		RPI 3.4% increase, round down from £552.16
	vii) Provisional Statement	N	42004 9436	Each	1-Apr-18	1270.00	-	1313.20		RPI 3.4% increase, round up from £1313.18
	viii) Copy of Licence	N	42004 9434	Each	1-Apr-12	25.00	-	25.00	X	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 Regulation 13 (2)
	(f) Betting Premises (Other)					-	-	-		
	i) Temporary Use Notice	N	42004 9323	Each	7-Jan-07	500.00	-	500.00	X	The Gambling Act 2005 (Temporary Use Notices) Regulations 2007 Regulation 7 (1)
	ii) Replacement of Temporary Use Notice	N	42004 9323	Each	7-Jan-07	25.00	-	25.00	X	The Gambling Act 2005 (Temporary Use Notices) Regulations 2007 Regulation 7 (2) (a)
	iii) Premises Licence	N	42004 9400	Each	1-Apr-18	1270.00	-	1313.20		RPI 3.4% increase, round up from £1313.18
	iv) Annual Fee	N	42004 9402	Each	1-Apr-18	534.00	-	552.15		RPI 3.4% increase, round down from £552.16
	v) Variation of Licence	N	42004 9400	Each	1-Apr-18	1270.00	-	1313.20		RPI 3.4% increase, round up from £1313.18
	vi) Change of Circumstances	N	42004 9400	Each	1-Apr-18	47.00	-	48.60		RPI 3.4% increase
	vii) Transfer of Licence	N	42004 9400	Each	1-Apr-18	534.00	-	552.15		RPI 3.4% increase, round down from £552.16
	viii) Re-instatement Fee	N	42004 9323	Each	1-Apr-18	534.00	-	552.15		RPI 3.4% increase, round down from £552.16
	ix) Provisional Statement	N	42004 9323	Each	1-Apr-18	1270.00	-	1313.20		RPI 3.4% increase, round up from £1313.18
	x) Copy of Licence	N	42004 9401	Each	1-Apr-12	25.00	-	25.00	X	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 Regulation 13 (2)
	(g) Club Gaming Machine Permits					-	-	-		
	i) Grant of Permit	N	42004 9422	Each	1-Sep-07	200.00	-	200.00	X	The Gambling Act 2005 (Club Gaming and Club Machine Permits) Regulations 2007 Regulation 8 (1)

Agenda Item 7



Licensing and Regulatory Committee	Thursday, 11 October 2018	Matter for Information
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Report Title: **Environmental Health Update (Q2 2018/19)**

Report Author(s): **Paulette Samuels (Environmental Health
& Licensing Team Leader)
Tony Cawthorne (Environmental Health Officer)**

Purpose of Report:	To provide Members with a summary of work undertaken within Environmental Health in Q2 2018/19.
Report Summary:	This report provides information on the progress of routine work and projects within the current Project Plan relevant to Environmental Health. Matters for discussion expand on the themes and subjects previously reported to the Licensing and Regulatory Committee.
Recommendation(s):	That the contents of the report be noted.
Responsible Strategic Director, Head of Service and Officer Contact(s):	David Gill (Head of Law & Governance / Monitoring Officer) (0116) 257 2626 david.gill@oadby-wigston.gov.uk Paulette Samuels (Environmental Health & Licensing Team Leader) (0116) 257 2692 paulette.samuels@oadby-wigston.gov.uk Tony Cawthorne (Environmental Health Officer) (0116) 257 2670 tony.cawthorne@oadby-wigston.gov.uk
Corporate Priorities:	Effective Service Provision (CP2) Balanced Economic Development (CP3)
Vision and Values:	Teamwork (V3) Customer Focus (V5)
Report Implications:-	
Legal:	There are no implications directly arising from this report.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	Decreasing Financial Resources (CR1) Effective Utilisation of Assets/Buildings (CR5) Organisational/Transformational Change (CR8)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.
Human Rights:	There are no implications arising from this report.

Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	None.
Background Papers:	None.
Appendices:	None.

1. Public Space Protection Order (PSPO)

- 1.1 The PSPO for the Regulation of Dogs in the Borough was publicised in the Autumn edition Letterbox and an update thereon has been available on the Council's website since August 2018. Following the advertised consultation and the PSPO being agreed at Full Council on 22 February 2018, which formed part of the formal implementation requirements of enacting the PSPO, there have been 29 unique hits/views on the Council's website.
- 1.2 It was agreed at Full Council on 22 February 2018 to enact the PSPO across the whole Borough. The PSPO was formally brought into force on 24 September 2018 for a period of three years. New designated signage has been procured and erected in the designated areas across the Borough to highlight the key regulatory issues. The offences under the PSPO can be found on the [Council's website by following the link](#).
- 1.3 The Council will be using Officers and CCTV cameras to enforce the PSPO, as it is known that dog fouling causes distress to many residents who in turn relay their concerns to Members. Any breach of the PSPO could result in the issuing of a £100 Fixed Penalty Notice or offenders being taken to court and receiving a fine upon conviction of up to £1000.
- 1.4 There have been no Fixed Penalty Notices issued under the new PSPO to date.

2. Dog Fouling

- 2.1 As in previous quarters, Officers continue to monitor the parks and open spaces across the Borough to maintain a positive enforcement presence, however, due to the commitments in delivering the Pest Control Service and promoting its availability, this has been slightly compromised due to limited resourcing. Instead, a targeted response to problem "hot spots" and complaints received has been prioritised to manage customer expectations.

3. Abandoned Vehicles

- 3.1 The Council has received 27 notifications of abandoned vehicles (AV's) this quarter. Further analysis confirmed that of those reported as AV's following investigation, only 1 case required Officer intervention and firm enforcement.

4. Pest Control Statistics

4.1 Statistics

- 4.1.1 The table below compares the cases in quarter 2 for 2017 and 2018. A significant increase

can be found in the treatment of wasp nests and mice, and in addition the treatment of bedbugs brought in a significant amount under the revised charges of £600.

Pest Type	Q2 Cases 2017 (1/7/17 to 30/9/17)	Q2 Cases 2018 (1/7/18 to 30/9/18)
Rats	25	30
Mice	4	18
Fleas	6	2
Cockroaches	0	0
Wasps	53	150
Bedbugs	0	3
Squirrels	5	3

4.1.2 The Pest Control Service, in addition to the domestic service(s) undertaken in the Borough, has entered into three commercial contracts (i.e. one catering premise, one residential home and a hostel) and continues to quote for additional works on request.

4.1.3 Pest Control is also undertaken in the Blaby District Council (BDC) area and the 'Stronger Together Pest Control' is delivering a sewer treatment for BDC for Severn Trent Water. The roll-out of the 'Stronger Together Pest Control' across Blaby into domestic properties has resulted in four domestic treatments, including a bed bug infestation.

4.2 **Forecast**

The 'Stronger Together Pest Control Service' continues to be promoted and advertised across the Borough in Letterbox and on the Council's Website to residents, businesses and further afield into BDC. One comment from a Blaby resident who sought treatment after searching the web said *"I wanted to go to a Council as I know I could trust them and knew I wouldn't be cheated"*. A full financial appraisal will be presented to the next meeting of the Service Delivery Committee scheduled for 20 November 2018.

5. **Fly-Tipping and Littering**

5.1 Enforcement of fly-tipping cases is undergoing a positive transformation with the acquisition of portable 'wild-life cameras' to assist in crime detection and, to some extent, prevention.

5.2 During this last quarter there have been 18 reports of fly tipping and following investigation by Officers no formal action was taken. There were 7 littering cases and 2 Fixed Penalty Notices issued in response to this.

6. **Food Hygiene Inspections**

6.1 The acquisition of additional resources to tackle the back-log of inspections has been identified and sourced to ensure that we are compliant with Food Standard Agency expectations by March 2019. Performance against projected outturns are regularly reviewed and adjusted to ensure the timely completion of the current inspection programme.

6.2 To date, 72 inspections have been completed in Q1 and Q2 and a further 73 will be completed by December 2018, keeping us well on course to achieving our given target.

- 6.3 The results are annotated below and can also be found on the Council's website and a full list of premises within Oadby and Wigston Borough Council and their Food Hygiene Ratings (FHR) can be found on the [Food Standard Agency's webpage](#).
- 6.4 To date, total food premises in the FHR Scheme is 322.

FHR	No. of Businesses attaining Score
5	257
4	39
3	20
2	2
1	2
0	2

Agenda Item 8



Licensing and Regulatory Committee	Thursday, 11 October 2018	Matter for Information
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Report Title: **Licensing Update (Q2 2018/19)**

Report Author(s): **Stephen Eyre (Interim Licensing Officer)**

Purpose of Report:	This information report provides an overview of the work undertaken by the Licensing Section for the second quarter of 2018/19.
Report Summary:	This report covers the standard quarterly reporting items in relation to taxi and private hire licensing, applications under the Licensing Act 2003 and Gambling Act 2005 and notable enforcement activity. An update is also provided in respect other concurrent matters.
Recommendation(s):	That the contents of the report and appendix be noted.
Responsible Strategic Director, Head of Service and Officer Contact(s):	David Gill (Head of Law & Governance / Monitoring Officer) (0116) 257 2626 david.gill@oadby-wigston.gov.uk Paulette Samuels (Environmental Health & Licensing Team Leader) (0116) 257 2692 paulette.samuels@oadby-wigston.gov.uk Stephen Eyre (Interim Licensing Officer) (0116) 257 2637 stephen.eyre@oadby-wigston.gov.uk
Corporate Priorities:	Effective Service Provision (CP2)
Vision and Values:	Accountability (V1) Customer Focus (V5)
Report Implications:-	
Legal:	There are no implications arising from this report.
Financial:	There are no implications arising from this report.
Corporate Risk Management:	No corporate risk(s) identified.
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.

Monitoring Officer:	The report is satisfactory.
Consultees:	None.
Background Papers:	None.
Appendices:	1. Licensing Application Statistics (Q2 2018/19)

1. Taxi and Private Hire Licensing

1.1 Vehicles

From 3 July to 17 September, the Licensing Section has processed 136 hackney carriage/private hire applications. The vehicle fleet remains of high quality and this in part is due to the visual checks made by officers on all prospective licensed vehicles.

1.2 Drivers

On 4 July and 1 August, around 40 applicants sat the Council competency test as part of the driver's licence application process. On 5 September, 16 applicants were booked to take the test, 4 actually attended and of those 14 the pass rate was 50%. Similar numbers attended the Child Sexual Exploitation Course on 4 July. The August 2018 course was not held. Future courses have been booked for October and November.

1.3 Driver Applications Presently Being Processed

Around 40 applicants are waiting to pass the competency test after previous failures. This reduced figure is due to the fact that applications received during 2017 and where the applicant hasn't been in touch for some while have been filed no further action. They can be activated should the applicant contact the council.

1.4 Refusal of Driver's Licences

One driver's licence application has been refused as the applicant had taken four Blue Lamp Trust driving assessments and failed all four.

2. Licensing Act 2003

2.1 Since 2 July, there have been 38 applications relating to the Licensing Act. During the period there have only been 2 premises licence applications neither of which have attracted any representations. The Borough's newest premises licence at the Lidl Store on Blaby Road, South Wigston received its first customers on 27 September.

3. Gambling Act 2005

3.1 No Gambling Act premises licence applications have been received recently. The Council's requirement to publish a new Statement of Licensing Principles under the Gambling Act has to be concluded by 31 January 2019. Most licensing authorities seem to be taking the view that due to the minor changes to the legislation since the last review date they will not be undertaking a major consultation process. Preparatory work is ongoing with Oadby and Wigston's Statement and a separate report is featured on the agenda for consideration.

4. Licensing Enforcement

4.1 Whilst the team have continued to respond to complaints received from members of the

public, there has not been any proactive enforcement activity undertaken.

5. Review of the Licensing Service

- 5.1 Recent staffing shortages in the Licensing Service have identified a need to review processes and procedures within the service which are no longer fit for purpose. A full review commenced in August 2018 which included an assessment of the current IT system (LALPAC) and how this can be better utilised to facilitate more online customer interaction and remove the need for outdated and time consuming paper processes.
- 5.2 The Project Board are monitoring the progress and delivery of this initiative under close scrutiny of the SMT. An initial scoping exercise is currently underway.

6. Implementation of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- 6.1 On the 1 October, the requirements of these regulations will focus on consolidating previous disparate animal welfare regulations into one that simplifies the administration of new licences. The introduction of a 'rating' scheme approach to reflect good levels of compliance is expected to motivate such license-holders to aspire to and maintain good standards within their facilities.
- 6.2 Officers are working together across the County to ensure a consistency in interpretation and implementation of these new requirements, at least on the subject of setting appropriate licence fees. An update is featured elsewhere on the agenda in relation to the agreed 2018/19 fees from 1 October. A further verbal update will be given at the meeting.

7. 'Sam Says Stop' Campaign Update

- 7.1 Officers have met with members of the Boulton Family and are actively seeking the best options for providing financial support in the delivery and promotion of the 'Sam Says Stop' Campaign. The primary idea is to distribute stickers to taxi drivers and operators, as well as ensuring they are displayed in Council owned vehicles. A marketing strategy is also being designed to ensure the message is advertised via the Council's website, social media and the Borough-wide distribution of Letterbox. A re-considered approach is also being taken to identify an appropriate funding allocation towards the production costs of the stickers.

8. Feedback from East Midlands Joint-Enforcement Activity

- 8.1 The enforcement initiative went ahead at East Midlands Airport on 6 September. No Oadby & Wigston BC officers were present. None of the Borough's licensed vehicles were stopped or checked.

9. Other Regulatory Updates / Miscellaneous

- 9.1 The Leicestershire & Rutland Licensing Forum went ahead on 27 July but no licensing officer was able to attend. The minutes have been received and nothing of immediate note was discussed.
- 9.2 A breakdown of licensing application statistics for quarter 2 is attached at **Appendix 1** to this report for Members' perusal.

General Licensing

Hairdressers and Barbers Registration Individual

Total Online - New Applications: 1

Total Hairdressers and Barbers Registration Individual Applications: 1

Hairdressers and Barbers Registration Premises

Total Online - New Applications: 1

Total Hairdressers and Barbers Registration Premises Applications: 1

House to House Collection Licence

Total New Applications: 1

Total House to House Collection Licence Applications: 1

Pet Shop Licence

Total Renewal Applications: 1

Total Pet Shop Licence Applications: 1

Street Collection Permit

Total New Applications: 6

Total Street Collection Permit Applications: 6

Street Trading Consent

Total New Applications: 1

Total Street Trading Consent Applications: 1

General Licensing Total Applications: 11

Taxi Licensing

Combined HC\PH Driver Licence

Total New Applications: 23

Total Renewal Applications: 25

Total Combined HC\PH Driver Licence Applications: 48

Hackney Carriage Licence

Total Cancel/Surrender Applications: 2

Total New Applications: 39

Total AMEND Applications: 1

Total Renewal Applications: 28

Total Transfer Applications: 2

Total Hackney Carriage Licence Applications: 72

Private Hire Operator Licence

Total Cancel/Surrender Applications: 1

Total New Applications: 2

Total Renewal Applications: 1

Total Private Hire Operator Licence Applications: 4

Private Hire Vehicle Licence

Total Cancel/Surrender Applications: 1

Total New Applications: 2

Total Renewal Applications: 9

Total Private Hire Vehicle Licence Applications: 12

Taxi Licensing Total Applications: 136

Licensing Act 2003

Late Temporary Event Notice - WITH Alcohol

Total Temp Event Notice Applications: 4

Total Late Temporary Event Notice - WITH Alcohol Applications: 4

Personal Alcohol Licence

Total AdminAMEND Applications: 2

Total Change N/A Holder Applications: 1

Total New Applications: 9

Total Personal Alcohol Licence Applications: 12

Premises Licence

Total Change N/A Holder Applications: 1

Total Vary DPS Applications: 9

Total AMENDMENT Applications: 1

Total Minor Variation Applications: 1

Total New Applications: 2

Total Cert Copy Applications: 1

Total Transfer/DPS Applications: 1

Total Variation Applications: 1

Total Premises Licence Applications: 17

Temporary Event Notice - NO Alcohol

Total Temp Event Notice Applications: 2

Total Temporary Event Notice - NO Alcohol Applications: 2

Temporary Event Notice - WITH Alcohol

Total Temp Event Notice Applications: 3

Total Temporary Event Notice - WITH Alcohol Applications: 3

Licensing Act 2003 Total Applications: 38

Gambling Act 2005

Small Society Lotteries

Total Change of Promoter Applications: 1

Total Small Society Lotteries Applications: 1

Gambling Act 2005 Total Applications: 1

Total Applications: 186



Licensing and Regulatory Committee	Thursday, 11 October 2018	Matter for Information and Decision
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Report Title: **National Register of Taxi and Private Hire Licence
Revocations & Refusals (NR3)**

Report Author(s): **Samuel Ball (Senior Democratic Services
Officer / Legal Officer)**

Purpose of Report:	This report details the introduction of a National Register of Taxi and Private Hire Licence Revocations and Refusals, which is to be known as the NR3 Register, as implemented by the Local Government Association (LGA) and National Anti-Fraud Network (NAFN). The Committee is requested to determine whether or not the Council should adopt the NR3 Register and Guidance.
Report Summary:	The implementation of the NR3 Register is a step towards national standards and gives licensing authorities another check as to whether any given applicant is "fit and proper" to be granted a licence. If the Committee is minded to adopt the NR3 Register, the Council's Hackney Carriage and Private Hire Licensing Policy will need to be reviewed and amended in accordance with the issued LGA/NAFN Guidance. If an applicant is on the NR3 Register, they may be referred to the Licensing Sub-Committee for a decision as to whether the applicant is "fit and proper" to be granted a licence.
Recommendation(s):	<p>A. That the National Register of Taxi Licence Revocations and Refusals (NR3) and the Guidance produced by the Local Government Association and National Anti-Fraud Network (as set out as Appendix 1) be adopted; and</p> <p>B. That the Head of Law & Governance / Monitoring Officer be given delegated authority, following consultation with the Chair and Vice-Chair of the Committee, to review the Council's Hackney Carriage and Private Hire Licensing Policy to ensure there is a consistent approach to that advocated in the Guidance.</p>
Responsible Strategic Director, Head of Service and Officer Contact(s):	<p>David Gill (Head of Law & Governance / Monitoring Officer) (0116) 257 2626 david.gill@oadby-wigston.gov.uk</p> <p>Stephen Eyre (Interim Licensing Officer) (0116) 257 2637 stephen.eyre@oadby-wigston.gov.uk</p> <p>Samuel Ball (Senior Democratic Services Officer / Legal Officer) (0116) 257 2643 samuel.ball@oadby-wigston.gov.uk</p>
Corporate Priorities:	Effective Service Provision (CP2) Wellbeing for All (CP5)
Vision and Values:	Accountability (V1)

	Teamwork (V3) Customer Focus (V5)
Report Implications:-	
Legal:	The adoption of the NR3 Register and Guidance would allow the Council to consider whether applicants have been refused a licence or had a licence revoked elsewhere and obtain information on the reasons for that decision being made. This would strengthen the Council's position to make a better informed determination on an applicant's fitness and propriety to hold a licence. All other implications are as set out in the report (see paragraph 5).
Financial:	The Council is already an existing member of NAFN, therefore there will be no additional cost associated with the adoption of the NR3 Register and LGA/NAFN Guidance. The Guidance states that the annual NAFN membership fee (£1,050 p/a) is a legitimate cost that can be reclaimed through licensing fees charged to drivers. There are no other implications directly arising from this report.
Corporate Risk Management:	Reputation Damage (CR4) Regulatory Governance (CR6) Increased Fraud (CR10) Other Corporate Risk(s) (See paragraph 4)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.
Human Rights:	A decision to revoke or refuse a licence will engage the licensee's rights under the Human Rights Act 1998 and consideration of Article 8 of the European Convention of Human Rights. This right can be limited in accordance with public law where it is necessary and proportionate to share information in the interests of public safety and the protection of the rights and freedoms of others.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	No consultations have taken place. However, if minded to adopt the same, applicants will be informed of the existence of the NR3 Register and that it will be consulted in connection with their application (and subsequent applications to renew licences).
Background Papers:	Hackney Carriage and Private Hire Licensing Policy (July 2013) Town Police Clauses Act 1847 Local Government (Miscellaneous Provisions) 1976 Human Rights Act 1998 European Convention of Human Rights, Article 8 Deregulation Act 2015

Appendices:	1. Guidance on Adopting the National Register of Taxi Licence Revocations & Refusals (NR3)
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1. Introduction

- 1.1 When considering applications for hackney carriage / private hire drivers licences, the Council must be satisfied that the applicant is a “fit and proper person” to be granted a licence.
- 1.2 At the previous meeting of this Committee held on 12 July 2018, Members adopted the guidance produced by the Institute of Licensing (IoL) on determining the suitability of applicants and licensees in the hackney and private hire trades and granted delegated authority to the Head of Law & Governance to review the Council’s Hackney Carriage and Private Hire Licensing Policy and the Guidelines on Relevant Convictions contained therein to ensure there is a consistent approach to that advocated in the IoL’s guidance.
- 1.3 In addition to the IoL’s guidance, the Local Government Association (LGA) and National Anti-Fraud Network (NAFN) have implemented a National Register of Taxi (also incorporating Private Hire) Revocations and Refusals, to be known as the NR3, and the Committee is requested to consider adopting the NR3 Register and associated Guidance.

2. Background and Information

- 2.1 All applicants for taxi and private hire licences are asked, on the application form, if they have ever had a licence application refused or revoked by a local authority. If an applicant answers “yes” to this question, they also have to give the name of the local authority concerned and Officers can ask that authority for information. However, if an applicant states “no”, there is no way to check or otherwise verify that this information is correct. Therefore, there is the potential for an applicant to have had a licence application refused or revoked by another local authority to obtain a licence elsewhere.
- 2.2 Similarly, there is the potential for a person who had their licence refused or revoked by Oadby & Wigston Borough Council to obtain a licence elsewhere. Recently, an individual who had their licence application refused by this Council on the grounds of fitness and propriety was found to have retained a licence with another local authority on review.
- 2.3 Regulators within the licensing trade have been advocating for a very long time for there to be a national register of licence revocations/refusals in order that adequate checks could be made against licence applicants, and the LGA, in conjunction with the NAFN, has now implemented such a database from August 2018.
- 2.4 Attached to this report at **Appendix 1** is guidance on adopting the NR3 Register produced by the LGA and NAFN. The Guidance stipulates the procedure a local authority would need to follow in order to provide data for the NR3 Register and for the Council to access the data.
- 2.5 If the Committee is minded to adopt the NR3 Register, it will involve the Council providing information for the database on revoked or refused licences and responding to information requests on these data subjects in the event that the person applies to another Local Authority for a licence. When a person applies for a licence, the database will be checked by a Licensing Officer, and if an applicant appears on the database, an information request will be sent to the appropriate Local Authority.
- 2.6 With particular reference to the LGA/NAFN Guidance:
 - 2.6.1 Section 4.1 refers to membership of the NAFN and the need to sign-up to data sharing and data processing agreements with NAFN. The Council is already a member of NAFN, therefore there will be no additional cost associated with this.

2.6.2 Section 4.3 refers to historic data migration and refers to data being retained for 25 years on the NR3 Register. The Council only holds data for the previous 7 years and therefore may not hold data on individuals whose driver's licence/application was revoked or refused before 2011. Enquiries will have to be made to ascertain how many applicants have had their licence/application revoked or refused and it will be necessary to write to each previously revoked or refused applicant and advise them that their information will be uploaded to the NR3 Register and the reasons for this. An individual may request that the information is not uploaded and any requests of this nature will be fully considered before a final decision is made.

2.6.3 Section 5.3 refers to the disclosure of information relating to refusals/revocations and the need for the Council to have a policy which governs its approach to the circumstances in which it will share, receive and use information of data from the NRS Register. A suggested template policy is attached at Annex D to the Guidance. A separate record will be made of all requests for information.

2.7 The Committee is requested to consider the adoption of the National Register for Taxi Licence Revocations & Refusals together with the Guidance produced by the LGA and NAFN.

3. Options Considered / Under Consideration

3.1 **Option 1** – Do not adopt the NR3 Register

3.1.1 The potential for an applicant who has previously had a licence revoked or refused by another local authority to be granted a licence will remain. Similarly, the potential for a person who has had their taxi/private hire licence revoked/refused by the Council to be granted a licence with another local authority remains.

3.2 **Option 2** – Adopt the NR3 Register

3.2.1 This is the preferred option as it will give local authorities an extra check of an applicant's background to protect the public.

4. Risk Management , Policy and Performance Considerations

4.1	Risk Description	Risk Consequence	Risk Controls	Mitigating Actions
	The Council's Requirements for a person to be "fit and proper" do not meet the required standard.	New applicants could potentially lie to the Council about a previous licence revocation/refusal which results in a risk to the public.	Ensure that all drivers are fit and proper people to hold a licence.	Regular review of requirements for new applicants to obtain a licence.

4.2 Failure to adopt the NR3 Register may lead to a reputational risk to the authority for not following the LGA practice, however this can be off-set by the checks that we already have in place in regards to the suitability of an applicant with reference to the IoL Guidance.

4.3 There is also the reputational risk that this Council may grant a licence to a driver whom another authority has deemed as being unsuitable. Due to the Deregulation Act 2015, that applicant may then still be able to offer some taxi services in the Borough.

4.4 If the Committee is minded to adopt the adopt the NR3 Register, the Council's Hackney Carriage and Private Hire Licensing Policy and associated guidance will be reviewed and amended and the revised requirements implemented for any new applicants applying for a

licence. Application forms for licences will be amended to refer to the NR3 Register.

- 4.5 New applicants will be made aware of the NR3 Register by changes to the application form which will inform applicants of the NR3 Register and that their information may be uploaded to it if their application is refused or any subsequent granted licence being revoked. Existing licence holders will be made aware of the NR3 Register when they come to renew their licence, via changes to application forms.
- 4.6 Where there are doubts as to an applicant's suitability to be granted a licence being on the NR3 Register, the applicant may be referred to the Licensing Sub-Committee for it to determine if the applicant is "fit and proper" to be granted a licence. A decision to refer an application to the Licensing Sub-Committee would ultimately be taken by the Head of Law & Governance, following consultation with Chair of the Licensing and Regulatory Committee.
- 4.7 The amended Policy will be brought back to Committee for approval at a later date.

5. Other Legal Considerations

- 5.1 Hackney Carriage and Private Hire Licensing is a function of the District Council. The statutory powers are contained within the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- 5.2 The Council is required to issue a hackney carriage or private hire vehicle driver's licence provided it is satisfied that the applicant is "fit and proper" to hold such a licence. Each local authority can determine the criteria by which it can 'measure' if an applicant is "fit and proper" to hold a licence.
- 5.3 As the NR3 Register will involve the processing of personal data, the General Data Protection Regulation and Data Protection Act 2018 principles will need to be followed.



Guidance on adopting the National Register of Taxi Licence Revocations & Refusals (NR3)

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 - 6.1. Updating the licensing policy, application forms and guidance
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Annex B – suggested notification to existing licensees of NR3

Annex C - suggested notification to former licence holders or applicants whose details will be entered onto NR3

Annex D – Suggested template policy relating to requests for information, disclosure of information, and use of information as a result of an entry on NR3, including template disclosure form

1. Background

Licensing Authorities are required to satisfy themselves that those holding hackney carriage and Private Hire Vehicle (PHV) driver licences¹ are 'fit and proper' to do so. This is done firstly during the determination of an application for a licence, and then at any time during the currency of a licence. For example when evidence is obtained that suggests that a licensed individual is not a fit and proper person the licensing authority is entitled to suspend, revoke or refuse to renew a licence.

The process of assessing whether an applicant or licensee is 'fit and proper' may vary between authorities but there is widespread consensus on the need to increase consistency and set national minimum standards for the fit and proper test at a suitably high level. This would help prevent individuals who have had a licence revoked by one authority from simply going to another area and securing a licence - assuming the second authority was aware of the earlier revocation.

At the moment, if drivers do not disclose information about a previous revocation or refusal of a licence, there is often no way for a licensing authority to find this information out. This means that vital intelligence about an applicant's past behaviour is being missed and an individual might be able to get a new licence in another area, despite having their licence revoked elsewhere. High profile instances of this happening have undermined public confidence in the safety of hackney carriages and PHVs, and left licensing authorities open to criticism for something that is currently very difficult for them to control.

In response to this issue, the Local Government Association (LGA) has commissioned the development of a national register of hackney carriage and PHV driver licence refusals and revocations, the 'National Register of Refusals and Revocations' or NR3. The new register will allow licensing authorities to record details of where a hackney carriage or PHV drivers' licence has been refused or revoked, and allow licensing authorities to check new applicants against the register. This should help to prevent people found to be not fit and proper in one area from securing a licence somewhere else through deception and non-disclosure. For the avoidance of doubt, NR3 does not extend to vehicle or operator licensing decisions.

This guidance note provides information on the steps that licensing authorities should take to ensure that they have the necessary supporting procedures in place to make use of the register. Specific user guidance and training materials on using the register will be published separately.

Important

Licensing authorities will be data controllers in relation to their processing of personal data in connection with NR3, including in relation to uploading information to NR3, consulting NR3, and disclosing or receiving information about individuals who appear on NR3. Licensing authorities are therefore strongly advised to work closely with their information governance and legal teams to assure themselves that they are taking the necessary steps to comply with data protection and other laws in regard to NR3.

¹ Throughout this document, this term includes dual or combined Hackney / PHV licences.

2. Objective of NR3

The simple objective of the national register is to ensure that authorities are able to take properly informed decisions on whether an applicant is fit and proper, in the knowledge that another authority has previously reached a negative view on the same applicant. This will be achieved by providing a mechanism for licensing authorities to be able to check whether an individual has had a licence refused or revoked. Whenever a licensing authority processes a new application for a hackney carriage/PHV driver's licence, or for a renewal, it should check the register at a suitably early stage of the process to confirm whether the applicant was subject to a previous licensing decision that they should be aware of.

Every application must always be considered on its own merits. A licensing authority must not fetter its decision-making, or appear to have simply relied upon the previous decision of another authority. The purpose of the register is not to mean that an applicant who has been refused a licence on one occasion will always be refused.

However, it will always be relevant for an authority to consider a previous refusal or revocation, and the reasons for that decision. That previous decision may in many cases warrant significant weight to be given to it. Licensing authorities will wish to think carefully about taking a different view to an earlier decision. Depending on the nature and context of the earlier decision, they may require strong and new evidence to support a different view, having regard to the representations of the applicant. Any authority will wish to have proper respect for the decision of a previous authority, having regard to the fact that a driver had the right of appeal to the Magistrates' Court against a decision which was wrong or flawed. Without this approach, the objectives of safeguarding and consistency – and the reputation of local government – will be undermined.

The register will not record suspensions of drivers' licences. This is for the following reasons:

- i. any suspension that was later lifted because the original information was false or unsubstantiated would have to be removed from the register, but any search during the period that the information remained in the register might prejudice a subsequent application
- ii. suspension should not be used as an interim step pending revocation. If the matter is serious enough to warrant a driver being prevented from driving, revocation should be the action taken²; and
- iii. where a suspension period is imposed as a short-term punishment for minor transgression, this should not influence a subsequent decision, as further serious non-compliance should lead to revocation³. Accordingly any pattern of unacceptable behaviour should be identified by revocations or refusals to renew, rather than by a recurring pattern of suspensions.

For these reasons, no records of suspension should be included, including migration of historic records relating to suspension.

² See *R (on the application of Singh) v Cardiff City Council* (Admin), [2013] LLR 108 and *Reigate & Banstead Borough Council v Pawlowski* [2018] R.T.R. 10

³ Suspension as a punishment is permissible – see *R (on the application of Singh) v Cardiff City Council* [2013] LLR 108

3. Voluntary disclosure of previous licensing history

NR3 provides a mechanism for sharing information about an individual's previous licensing history if they have had a licence revoked or an application for one refused. Most licensing authorities already ask applicants to indicate on their application forms whether they have previously had a licence revoked or refused. With the introduction of NR3, authorities should ensure that the request for this information is clearly set out on the application form and accompanying guidance notes. Where an applicant fails to volunteer information that has been clearly requested but which is subsequently identified through NR3, this may in itself raise questions about the applicant's integrity and status as a fit and proper person.

4. NR3 - an overview

4.1. Accessing the register

The national register is hosted by the National Anti-Fraud Network (NAFN). Access to the register is only available to members of NAFN. Licensing authorities are encouraged to join up to NAFN and recover the cost of this through their taxi licence fees. NAFN can be contacted by email on general@nafn.gov.uk.

NAFN members will need to sign up specifically to the NR3 element of the NAFN database, which will allow access to the dedicated portal. This is a relatively straightforward process and can be done by contacting NAFN.

A relevant officer will need to be designated as a single point of contact (SPOC) as part of the registration process. Authorities which already use the NAFN system will already have an existing SPOC in place (or potentially multiple SPOCs for different areas of functionality), so consideration will need to be given to the interaction between existing NAFN contacts and the new NR3 functionality.

Once set up on the register, other officers will be able to create user accounts which will allow them to submit data or search the register, but these accounts will need to be verified/ approved by the SPOC. Consideration should be given to the number of officers that need to be set up with user accounts to enable them to use the register to search / input information.

Subscribing to the national register will require local authorities to sign up to data sharing and data processing agreements with NAFN. These agreements outline the necessary steps the authority will need to take to ensure compliance and will cover requirements under both the General Data Protection Regulation (GDPR) and Data Protection Act 2018 (DPA).

4.2. Register functionality

The register has two basic elements of functionality; it enables authorities to record details of relevant drivers, and it enables them to undertake searches of the data held in the register.

Licensing authorities will be responsible for adding basic details of drivers who have had a licence revoked or an application for one refused. The intention is that when a licensing authority receives an application for a licence or a renewal, the applicant's details will be checked on the register to confirm that there is no record of them having being revoked or refused elsewhere.

Details contained on the register will be limited to information that will help to identify an individual to a certain degree of accuracy, but will not give a reason or explanation of why an action was taken. It will be up to individual authorities to follow up on any searches which come back with a match with the appropriate licensing authority, whose contact details will be included in the search result.

Details will be kept on the register for a period of 25 years, and local authorities will therefore need to ensure that their own information governance policies reflect this. The register has been developed to support public safety through the potential sharing of information that is relevant to consideration of whether an individual is a fit and proper person to hold a taxi licence. There will be instances where the basis for an individual's licence being revoked or refused is sufficiently serious as to remain relevant to a future taxi licence application however far in advance it is submitted; for example, where it concerns an issue of sexual misconduct in relation to a passenger. The data retention period for the register has therefore been set to reflect the potential gravity of some revocations and refusals, and the need for this information to be shared. However, as set out later in this document and in the supporting policy at Annex D, any information to be shared between authorities outside of the register must be shared on a proportionate and time limited basis, in accordance with the authority's policy for doing so. If an authority did not take a case specific approach but chose to share all data over the full retention period, this would be likely to be disproportionate and therefore unlawful.

Authorities will need to ensure that their information governance policies are updated to make reference to the NR3 retention period, the associated retention period for supporting taxi licence data, and the rationale for it.

4.3. Historic data migration

The first step once subscription to the register has been completed is to populate the register with historic data of licence revocations and refusals. To do this, licensing authorities will need to submit historic data via CSV file to NAFN. NAFN have provided a standard template to use to submit data.

The majority of licensing authorities will use an electronic licensing system, and therefore will be able to obtain extracts from their licensing systems which can then be cut and pasted into the spreadsheet. However, if authorities use a manual system to issue licenses, they will need to manually fill out the spreadsheet.

In order to comply with data protection law, there must be a point beyond which historic data will not be uploaded. It is difficult to determine what that should be. However as the retention period for data on the register is 25 years, this appears to an appropriate period. Accordingly no historic data more than 25 years old should be uploaded to the register. It is important to note here that the 25-year data retention period begins at the point at which a licence was refused or revoked, rather than the date when the data was uploaded to the register.

Crucially, it is vital to ensure that any historic data which is uploaded by a licensing authority has not been retained in contravention of that authority's own retention policy. It is accepted that this may lead to differing ages of historic data being uploaded, but that is unavoidable to ensure compliance with data protection law.

Before any historic data is uploaded, the authority must write to those individuals who the data concerns stating that the data will be uploaded at a future date, which should be a

period of not less than 28 days. Individuals should be informed about the purposes of the data processing, the legal basis for it, and their various rights to object in regard to this.

Although the letters do not specifically need to invite representations about the proposal, any representations that are made in that period should be considered by the authority and data should only be uploaded where the authority feels that it is fair and appropriate to do so. This will not prevent historic data being uploaded, but will ensure that where data is held which may be uploaded, there is an opportunity for the authority to reconsider whether that is the correct action to take. A template letter for contacting former licence holders is attached at Annex C.

Once historic data has been submitted, any new revocations or refusals will need to be entered onto the NAFN register portal by a licensing officer as and when decisions are taken.

5. Updating licensing processes and procedures

Using the register will necessitate some key changes to the way applications and renewals are processed and information recorded.

5.1. Informing applicants of the NR3 register

Applicants must be informed of the existence of the NR3 register and that it will be consulted in connection with their application (and subsequent applications to renew licences).

They must also be informed that their personal data will be placed on the register if at any time their licence is revoked or renewal is refused.

Licensing authorities in receipt of applications must ensure that applicants are given the contact details of the data protection officer for the licensing authority, contact details for NAFN, and are advised of the fact that the information can be retained for up to 25 years (which is the retention period) and the fact they have a right to lodge a complaint with the Information Commissioner, together with the contact details for the Information Commissioner. It is suggested that this information is included in the privacy information provided to individuals when they apply for a licence. This is discussed further in 6.1.

5.2. Adding details of a refusal or revocation

When an application for a licence is refused, or an existing licence is revoked, authorities will need to enter this information onto NR3. It will be important to ensure that authorities only enter refusals that have genuinely been considered and refused; NR3 is not intended to capture details of incomplete applications which an authority does not process. The key point is that a decision has been taken because there is evidence that an individual is not a fit and proper person to hold a licence.

Entering this information will be a simple and quick step, as only a limited amount of information will be added to the register: the individual's details; the date of the decision; the date it takes effect; and the decision taken – but not the reason for the decision.

Several authorities have reported that individuals who have had a licence revoked have previously moved very quickly to try to gain a licence elsewhere. It will therefore be important that authorities are prompt in adding the details of refusals or revocations to the register, so

that the information is available in the event that an individual does seek to secure a licence from another authority.

Authorities should ensure that they include the entries onto NR3 in their authority wide records of their data processing activities.

5.3. Checking the register as part of the application and renewal process

The second process change will relate to applications for hackney carriage/ PHV driver licences. Licensing authorities will also wish to check the register when they undertake licence renewals; firstly to confirm any historic information that may have been added in respect of one of their licensees, but also because it is possible that some drivers may hold more than one licence, and could therefore have one revoked in another area.⁴

This in itself is a two-stage process: stage one is the checking of the register; stage two is making a request to the authority that uploaded the information to the register for details of the revocation or refusal.

Once signed up to the register, licensing authorities will need to ensure that they check the details of new applicants on the register, to identify whether they have a previous licensing history (which may or may not have been disclosed on an application). Individual authorities will need to determine the appropriate point in their application process at which to check the register; however, it is suggested that this is done at a very early stage so that the authority can process the application with the knowledge of any previous history, if the applicant has one.

Guidance on using the register will set out the search parameters that authorities can use. It has been recognised throughout the process that individuals may use different names or provide different details to different authorities – perhaps in an attempt to avoid association with any previous issues – and searches should therefore take this into account.

If a search of the register does not indicate that an applicant has any previous history the authority should be aware of, then the authority should continue to process the application as normal. A negative search result will not, of course, mean that the applicant is a fit and proper person; that will be for the authority to assess in the usual way.

If a search does indicate a possible match on the register, then the authority will need to move on to stage two and seek further information. The register will indicate which authority has entered a possible match, and provide contact details for that authority.

It is suggested that an authority seeking information from another authority about an entry on the register should make a request in writing for the information on which the decision recorded in the register was based (a suggested form is included at the end of Annex D). Authorities are encouraged to respond to such requests as soon as possible, and ideally within 10 working days of receiving a request.

⁴ The growth of app-based models and sub-contracting changes introduced by the Deregulation Act have both facilitated increased 'out of area' working, and may therefore make it less likely that in the future, under the existing framework, a driver would hold more than one licence.

The sharing between licensing authorities of this more detailed data - which may often involve the processing of special category personal data⁵ - is not included within the data processing and data sharing agreements governing use of the register itself. Any authority which shares information in response to a request, and any authority which receives information having made a request, must have in place a clear and published policy which governs its approach to the circumstances in which it will share, receive and use information of this type. It must be recognised that information will not be shared following every request. The authority that receives the request must consider whether it is actually proportionate to share this information, and ensure that disclosures are not arbitrary. This must also be detailed in their policy document. Having such a policy is a requirement of data protection law, Article 8 of the European Convention on Human Rights and of public law.

If such a policy is in place which properly differentiates between circumstances, both authorities will be entitled to rely on processing conditions under Article 6(1)(e) and, in cases of special category data, Articles 9 and 10 GDPR⁶. Licensing authorities will need to satisfy themselves that they have followed the appropriate processes in sharing this more detailed data.

The authority that receives the request must consider what information, if any, to reveal to the requesting authority. This is not intended to undermine the effects of the register: it is essential to ensure that disclosures are compatible with the Data Protection Act, the General Data Protection Regulations, and the Human Rights Act. In making its decision the authority must consider the nature and seriousness of the conduct which led to the revocation or refusal to renew, and the time that has elapsed since the decision was made.

This will require not only a clear published policy, but also a decision-maker who has sufficient training and knowledge of the requirements to enable him/her to make an informed decision regarding disclosure.

It is suggested that where the time that has elapsed since the revocation or failure to renew exceeds the time limits relating to the particular conduct that are contained in the Institute of Licensing's "Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades"⁷, serious consideration should be given as to whether or not the information should be revealed.

A suggested template policy is attached at Annex D.

To ensure compliance with article 30 of the GDPR, the authority must maintain a clear written record of every disclosure made following a search of the register. This should be a separate document, and it is not sufficient to simply mark an existing register of licences.

⁵ Special category personal data is sensitive data that could reveal someone's racial or ethnic origin, political opinions, religious beliefs, trade union membership, and data concerning health or sex life.

⁶ Found in Parts 1, 2 and 3 of the DPA 2018.

⁷

[https://cplresourcestorage.blob.core.windows.net/documents/226798_Guidance%20on%20Suitability%20ONLINE%20PDF%20\(2\).pdf?sv=2013-08-15&sr=b&sig=sLMffzDNvtMihhMQ2xu1vOIUeQbD1n05TTY%2BrDTv9UM%3D&st=2018-07-17T14%3A28%3A32Z&se=2018-07-17T14%3A34%3A32Z&sp=r](https://cplresourcestorage.blob.core.windows.net/documents/226798_Guidance%20on%20Suitability%20ONLINE%20PDF%20(2).pdf?sv=2013-08-15&sr=b&sig=sLMffzDNvtMihhMQ2xu1vOIUeQbD1n05TTY%2BrDTv9UM%3D&st=2018-07-17T14%3A28%3A32Z&se=2018-07-17T14%3A34%3A32Z&sp=r)

The document must include the fact that disclosure was made, but not specify the contents of that disclosure.

5.4. Acting on detailed disclosures

The licensing authority that receives a disclosure under stage two must then act upon it. As detailed above, the information may warrant significant weight being attached to it, but it is vital authorities do not use evidence of a previous refusal or revocation as the sole basis for their current decision.

To ensure compliance with article 30 of the GDPR, the authority must maintain a clear written record of the action that is taken following the receipt of information from the register. This should be a separate document, and it is not sufficient to simply mark an existing register of licences.

6. Complying with data protection requirements

Licensing authorities will need to ensure that any individuals whose data is uploaded or entered onto NR3 is made aware of this: it is a legal requirement that data subjects must be made aware of the collection, storage and use of their personal data via a privacy notice.

In relation to NR3, the following details must be included in a privacy notice:

- The name and contact details of the licensing authority.
- The contact details of the authority's data protection officer.
- The purpose of the processing.
- The lawful basis for the processing.
- The recipients or categories of recipients of the personal data.
- The retention periods for the personal data.
- The rights available to individuals in respect of the processing.
- The right to lodge a complaint with a supervisory authority.

For current licensees or applicants, authorities should ensure that information about NR3 is included in:

- licensing policies
- application forms
- correspondence to named individuals that confirms that a licence has been revoked, or that an application for a licence has been refused.

These should fulfil the requirements for privacy notices, and suggested wording is provided in Annexes A and B.

Authorities will also need to ensure that they inform individuals in respect of whom a historic decision has been entered onto the register. Again, this correspondence should fulfil the legal requirements for privacy notices, and the LGA has developed a template letter that licensing authorities may wish to use for this purpose (Annex C).

Individuals whose details are contained on the register may submit a 'subject access request' (SAR) seeking copies of their details from the register at any point. **Full details of the process, mechanism and suggested point of contact for submitting a SAR must therefore be included within each local authority's policy, and also contained within application forms and supporting documentation when a licence is issued.** Should a SAR be received by an individual licensing authority, it should be dealt with as per the relevant authority's process. Licensing authorities, as the data controller, will need to liaise with NAFN, as the data processor, to fulfil SARs.

Licensing authorities will need to ensure that anyone whose details are included on NR3 is aware of their rights in relation to their data. In addition to the right to being informed, under the Data Protection Act, data subjects may have other rights in relation to the processing of their data. Various of these rights will apply in relation to the NR3, including: the right to object, the right to request access to data; the right to rectification or erasure of data, and the right to restrict processing of data.

It is important to note that although data subjects have the right to make these requests, the licensing authority does not have to agree to them. The fact that NR3 has been deemed necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller makes it very unlikely that an authority would agree to these rights, other than the rights to access individual data on the NR3 and the rectification of data where an error has been made. However, authorities will need to respond to these requests within thirty days, setting out their decision.

6.1. Updating the licensing policy, application forms and guidance

Licensing authorities will therefore need to update their hackney carriage / PHV licensing policies to reflect the use of the register and the new processes arising from it, including that relevant information on the register will in future be part of the process for assessing licence applications and whether an individual is a fit and proper person.

Authorities will similarly need to update their application forms and related paperwork (such as guidance notes) to make it clear that:

- all applicants will have their details checked against the register, and any relevant information taken into account in assessing the application
- where an application is refused, or where a licence is granted but subsequently revoked, this information will be entered into the register.

These statements should provide assurance that this information will be processed in accordance with the DPA and GDPR. Suggested forms of words are included at Annex A.

Where an authority decides to refuse or revoke a hackney carriage / PHV licence (the first authority), the decision notice should refer to the authority's earlier notification in guidance and on application forms that the decision will be entered onto NR3. It should also make clear that if the individual makes an application to another licensing authority (the second authority) for a drivers' licence at a later date, the second authority will check the register, and the details of the refusal or revocation may be provided to them by the first authority, in line with their policy for disclosing information.

6.2. Making existing licensees aware

As well as new applicants, you will also need to make existing licensees aware of the fact that the authority has signed up to the register, and that if their licence is subsequently revoked or not renewed, this will be recorded. A suggested form of words is included at Annex B.

Annex A – guidance on amendments to policies and forms

Authorities will need to update their application forms and related paperwork (such as guidance notes) to make it clear that:

- all applicants will have their details checked against the register, and any relevant information taken into account in assessing the application
- where an application is refused, or where a licence is granted but subsequently revoked, this information will be entered into the register.

The statements included in forms and guidance should provide assurance that this information will be processed in accordance with the DPA and GDPR. Critically, it should also make clear that there is a lawful basis for processing the data, which is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence.

Where an authority decides to refuse or revoke a hackney carriage / PHV licence, the decision notice should refer to the authority's earlier notification in guidance and on application forms that the decision will now be entered onto the national register.

I. Suggested form of additional wording for licensing policy document and application paperwork

The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence

Therefore:

- Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.
- All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

The information recorded on NR3 itself will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken

- date of decision
- date decision effective

Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of [applying for] [being granted], a hackney carriage / PHV driver licence. The authority has a published policy on the approach it will take to requests by other authorities for further information about entries on NR3, and about the use it will make of any further information provided to it. You can read that policy at [link / set out separately].

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at [contact details]. This includes submitting a subject access request.

You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint/>

II. Suggested form of additional wording for decision letter concerning refusal of an application

In accordance with [insert appropriate reference to policy document or application paperwork explaining membership and implications of NR3], the decision to refuse your application will be entered onto the National Register of Taxi Licence Refusals and Revocations (NR3). The information entered onto NR3 will be limited to your:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken (but not the reason for it)
- date of decision
- the date the decision took effect.

This information will be processed and shared in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR), and is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence.

Recording this information on NR3 does not mean that you will be automatically prevented from securing a licence in future, but is intended simply to ensure that licensing authorities

are able to access your full licensing history should you make further licence applications elsewhere. Information will be held on the register for 25 years. If during that time another authority requests further details relating to this decision because you have applied to it for a licence, we may provide our reasons for the refusal of this application, in accordance with our policy at [details/link].

You have various rights in relation to your data: the right to request access to your data; the right to rectification or erasure of your data; the right to restrict processing of your data, and the right to object to the processing of your data for this purpose. The authority will consider any such requests and respond within one month.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at [contact details]. This includes submitting a subject access request.

You always have the right to make a complaint to the Information Commissioner's Office.

III. Suggested form of additional wording for decision letter concerning revocation

In accordance with [insert appropriate reference to policy document / application paperwork / letter to existing licence holders explaining membership and implications of NR3], the decision to revoke your licence will be entered onto the National Register of Refusals and Revocations (NR3). The information entered onto NR3 will be limited to your:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken (but not the reason for it)
- date of decision
- the date the decision took effect.

This information will be processed and shared in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR), and is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence.

Recording this information on NR3 does not mean that you will be automatically prevented from securing a licence, but is intended simply to ensure that licensing authorities are able to access your full licensing history should you make further licence applications elsewhere. Information will be held on the register for 25 years. If during that time another authority requests further details relating to this decision because you have applied to it for a licence, we will provide our reasons for the revocation of this licence in accordance with our policy at [details/link].

You have various rights in relation to your data: the right to request access to your data; the right to rectification or erasure of your data; the right to restrict processing of your data, and

the right to object to the processing of your data for this purpose. The authority will consider any such requests and respond within one month.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at [contact details]. This includes submitting a subject access request.

You always have the right to make a complaint to the Information Commissioner's Office.

Annex B – suggested notification to existing licensees of NR3

To all hackney carriage / PHV / dual [combined] licence holders

Dear licensee

National Register of Taxi Licence Refusals and Revocations

I am writing to make you aware of a new initiative which X authority is involved in to help strengthen hackney carriage/ Private Hire Vehicle (PHV) licensing for the benefit of both passengers and responsible hackney carriage and PHV drivers.

As you may be aware, the Local Government Association (LGA), the representative body for local councils, has commissioned a new National Register of Taxi Licence Refusals and Revocations (NR3). The register will be hosted by the National Anti-Fraud Network (NAFN). The intention of this is to prevent drivers who have had a hackney carriage or PHV licence revoked or an application for one refused, going to another authority to dishonestly secure a licence by failing to disclose their previous licensing history.

Instances of drivers doing this in the past have undermined public confidence in the hackney carriage and PHV trade and licensing authorities. The purpose of the NR3 initiative is therefore to provide a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or PHV licence revoked or an application for one refused. The development of NR3 has been welcomed by all sections of the taxi trade, safety groups and charities, the Department for Transport and by licensing authorities.

From [insert date], this authority will begin using the NR3. This means that from that point:

- Applications for new hackney carriage/PHV licences and for renewals will be checked on the NR3.
- Where an existing licence is revoked or an application for renewal or a new licence is refused, this will be recorded on NR3.

This authority, and other licensing authorities, will also be adding historic information on refusals and revocations of licences to the register. Historic data will not go back beyond the retention period of 25 years. Any relevant data entered onto NR3 which relates to existing licence holders may be considered as part of future renewal processes.

The information recorded on NR3 will be limited to your:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- the date of the decision
- the date decision was effective

Information will be retained on NR3 for 25 years.

Where an applicant's details are flagged on NR3 during a search, this will be followed up separately between the authorities. Any such request in relation to your record will be responded to in accordance with the authority's published policy at [details/link]. Licensing authorities will still be required to consider each application on its own merits, but the introduction of NR3 will help ensure that they are able to do so on the basis of all the information that is relevant to an application.

All data processing and sharing undertaken by this authority on the NR3, and with individual authorities in regard to entries on the NR3 will be undertaken in accordance with the Data Protection Act (DPA) and the General Data Protection Regulations (GDPR). The legal basis for processing this information is that it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at [contact details].

You always have the right to make a complaint to the Information Commissioner's Office.

Yours sincerely

Licensing authority

Frequently asked questions

Why has the register been set up?

NR3 has been developed to improve public safety and confidence in hackney carriage and PHV licensing. There have been numerous high profile cases where drivers who have been refused licences or had a licence revoked in one area have gone to another area and received a licence in that area by failing to disclose their previous history. This undermines public safety, if there are legitimate reasons why a licence was refused or revoked, and damages confidence in the hackney carriage / PHV licensing regime and trade. This is why the initiative has been widely supported by reputable drivers and firms, as it will provide a mechanism for ensuring information about refusals and revocations can be shared between all licensing authorities in a safe and secure way, removing this potential loophole.

How will the register work – what information will be recorded?

When an authority revokes a licence, or refuses an application for one, it will record this information on NR3. The information recorded will be limited to:

- name
- date of birth
- address and contact details
- national insurance number

- driving licence number
- decision taken
- date of decision
- date decision effective

Licensing authorities will then search the register when they are processing new applications or renewals. Where an authority finds a match for their applicant on NR3, it will contact the licensing authority that recorded the entry to seek more information, which, if shared, will then be used to help reach a decision on the application.

Will I automatically be refused a licence if I am on the register?

No. Licensing authorities are legally required to consider each licence application on its own merits, and cannot refuse an application simply because an applicant may be recorded on NR3. The purpose of NR3 is to ensure that authorities have the full information necessary to help them reach a decision on whether an individual is fit and proper. If circumstances have materially changed since the decision that has been recorded on NR3, it may be appropriate for another authority to award a licence.

What if my licence is suspended?

Suspensions of licences will not be recorded on NR3. This is because suspension should be used as either a short-term punishment or to overcome a short-term situation (e.g. driving or medical issues). Where a driver is no longer considered to be a fit and proper person to hold a licence, the licence should be revoked.

Can I find out if my details are on the NR3?

Individuals whose details are added to NR3 will be notified of this at the point at which they are advised of the decision to refuse or revoke a licence.

Outside of these times, an individual can make a subject access request (SAR) for any of their personal data held on NR3. The 'data controller' in respect of this data is this licensing authority, to whom a SAR should be submitted in the first instance. As the 'data processor', that is the organisation storing the data, the National Anti-Fraud Network will fulfil this request. Similarly, the exercise of any other rights provided under data protection legislation should be made to this authority in the first instance.

How long will details be held on NR3 for?

Data will be retained on the register to help licensing authorities fulfil their statutory duty to be satisfied that a person is a fit and proper person to hold a taxi or PHV licence. These duties are set out under sections 51, 59 and 61 of the Local Government (Miscellaneous Provisions) Act 1976; sections 13, 16 and 17 of the Private Hire Vehicles (London) Act 1998; section 3 of the Private Hire Vehicles (London PHV Driver's Licences) Regulations 2003; sections 25 and 30 of the London Cab Order 1934; sections 9 and 19 of the Plymouth City Council Act 1975 and section 46 of the Town Police Clauses Act 1847. In accordance with this purpose, data will remain on NR3 for 25 years.

Annex C - suggested notification to former licence holders or applicants whose details will be entered onto NR3

Dear XXX

National Register of Refusals and Revocations

I am writing to make you aware of a new initiative which X authority is involved in to help strengthen hackney carriage / Private Hire Vehicle (PHV) licensing for the benefit of both passengers and responsible hackney carriage and PHV drivers.

The Local Government Association (LGA), the representative body for local councils, has commissioned a new National Register of Refusals and Revocations (NR3). The register will be hosted by the National Anti-Fraud Network (NAFN). The intention of this is to prevent drivers who have had a hackney carriage or PHV licence revoked or an application for one refused, going to another authority to dishonestly secure a licence by failing to disclose their previous licensing history.

Instances of drivers doing this in the past have undermined public confidence in both the hackney carriage and PHV trade and licensing authorities. The purpose of the NR3 initiative is therefore to provide a mechanism for licensing authorities to share details of individuals who have had a taxi or PHV licence revoked or an application for one refused. The development of NR3 has been welcomed by all sections of the hackney carriage and PHV trade, safety groups and charities, the Department for Transport and by licensing authorities.

From [insert date], this authority will begin using the NR3. This means that from that point:

- applications for new hackney carriage/PHV licences and for renewals will be checked on the NR3
- where an existing licence is revoked, or an application for renewal or a new licence is refused, this will be recorded on NR3.

This authority, and other licensing authorities, will also be adding historic information on refusals and revocations of licences to the register. Historic data will not go back beyond the retention period of [25 years / the authority's own data retention period]. As part of this process, it is intended that the details of your previous [licence revocation / refusal] will be added to the register in 28 days' time.

The information recorded on NR3 in respect of your case is limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective.

Information will be retained on NR3 for 25 years.

Where an applicant's details are flagged on NR3 during a search, this will be followed up separately between the authorities. Any such request in relation to your record will be responded to in accordance with the authority's published policy at [details/link].

Licensing authorities will still be required to consider each application on its own merits, but the introduction of NR3 will help ensure that they are able to do so on the basis of all the information that is relevant to an application.

All data processing and sharing undertaken by this authority on the NR3, and with individual authorities in regard to entries on the NR3 will be undertaken in accordance with the Data Protection Act (DPA) and the General Data Protection Regulations (GDPR). The legal basis for processing this information is that it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

You have various rights in relation to your data: the right to request access to your data; the right to rectification or erasure of your data; the right to restrict processing of your data, and the right to object to the processing of your data for this purpose. The authority will consider any such requests and respond within one month.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at [contact details]. This includes submitting a subject access request.

You always have the right to make a complaint to the Information Commissioner's Office.

Yours sincerely

Licensing authority

Frequently asked questions

Why has the register been set up?

NR3 has been developed to improve public safety and confidence in taxi and PHV licensing. There have been numerous high profile cases where drivers who have been refused licences or had a licence revoked in one area have gone to another area and received a licence in another area by failing to disclose their previous history. This undermines public safety, if there are legitimate reasons why a licence was refused or revoked, and damages confidence in the hackney carriage / PHV licensing regime and trade. This is why the initiative has been widely supported by reputable drivers and firms, as it will provide a mechanism for ensuring information about refusals and revocations can be shared between all licensing authorities in a safe and secure way, removing this potential loophole.

How will the register work – what information will be recorded?

When an authority revokes a licence, or refuses an application for one, it will record this information on NR3. The information recorded will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective.

Licensing authorities will then search the register when they are processing new applications or renewals. Where an authority finds a match for their applicant on NR3, it will contact the licensing authority that recorded the entry to seek more information, which, if shared, will then be used to help reach a decision on the application.

Will I automatically be refused a licence if I am on the register?

No. Licensing authorities are legally required to consider each licence application on its own merits, and cannot refuse an application simply because an applicant may be recorded on NR3. The purpose of NR3 is to ensure that authorities have the full information necessary to help them reach a decision on whether an individual is fit and proper. If circumstances have materially changed since the decision that has been recorded on NR3, it may be appropriate for another authority to award a licence.

Can I find out if my details are on the NR3?

Individuals whose details are added to NR3 will be notified of this at the point at which they are advised of the decision to refuse or revoke a licence.

Outside of these times, an individual can make a subject access request (SAR) for any of their personal data held on NR3. The 'data controller' in respect of this data is this licensing authority, to whom a SAR should be submitted in the first instance. As the 'data processor', that is the organization storing the data, the National Anti-Fraud Network will fulfil this request. Similarly, the exercise of any other rights provided under data protection legislation should be made to this authority in writing in the first instance.

How long will details be held on NR3 for?

Data will be retained on the register to help licensing authorities fulfil their statutory duty to be satisfied that a person is a fit and proper person to hold a taxi or PHV licence. These duties are set out under sections 51, 59 and 61 of the Local Government (Miscellaneous Provisions) Act 1976; sections 13, 16 and 17 of the Private Hire Vehicles (London) Act 1998; section 3 of the Private Hire Vehicles (London PHV Driver's Licences) Regulations 2003; sections 25 and 30 of the London Cab Order 1934; sections 9 and 19 of the Plymouth City Council Act 1975 and section 46 of the Town Police Clauses Act 1847. In accordance with this purpose, data will remain on NR3 for 25 years.

Annex D – Suggested template policy relating to requests for information, disclosure of information, and use of information as a result of an entry on NR3

Once an authority has signed up to the NR3, it is able to search the register when an application is received for a new drivers licence, or to renew an existing drivers licence. In this annex, the searching authority is referred to as ‘the second authority.’

If a match is found, then a request can be made to the authority that entered the information onto the NR3 (in this annex, this authority is referred to as ‘the first authority’) asking for more details of the revocation or refusal of a drivers’ licence by the first authority.

The first authority can then provide information to the second authority, enabling the second authority to take the earlier action into account and make an informed decision as to whether or not the licence should be granted or renewed.

To comply with the Data Protection Act, the General Data Protection Regulations, and the Human Rights Act, it is essential that the first authority which provides information about entries on the NR3 register, and the second authority that requests and receives such information, have a clear policy detailing how and when such information will be requested, provided, and how any information provided can then be used.

This is a suggested policy to address those situations. As each authority that signs up to the NR3 may at some point be both the first authority and the second authority for the purposes of this policy, the policy is drafted as a chronological progression through the process an authority may work through as either the first or second authority.

Policy for [Council/TfL] in respect of requests for information, disclosure of information, and use of information as a result of an entry on NR3

In this policy, the ‘first authority’ refers to a licensing authority which made a specific entry onto the National Register of Refusals and Revocations; the ‘second authority’ refers to a licensing authority which is seeking more detailed information about the entry.

I. Overarching principles

This policy covers the use that this authority [Council/TfL] will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3). The NR3 contains information relating to any refusal to grant, or revocation of, a taxi drivers’ licence⁹. This information is important in the context of a subsequent application to another authority for a drivers’ licence by a person who has had their licence refused or revoked in the past.

This authority [Council/TfL] has signed up to the NR3. This means that when an application for a taxi drivers’ licence is refused, or when an existing taxi drivers’ licence is revoked, that information will be placed upon the register.

⁹ Throughout this policy reference is made to ‘taxi drivers licence.’ This generic term covers a hackney carriage drivers licence, a private hire drivers licence and a combined/dual licence.

When an application for a new drivers’ licence, or renewal of an existing drivers’ licence is received, this authority [Council/TfL] will make a search of the NR3. The search will only be made by an officer who has been trained in the use of the NR3 and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details.

Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing that application, making a decision, notifying the applicant of the outcome of that decision, and the appeal processes.

For the avoidance of doubt, any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application⁹.

Where an appeal to the magistrates’ court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates’ court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a period of no more than 35 days from the date of the decision of the magistrates’ court. If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates’ court or the Crown Court, it is possible to appeal the decision by way of case stated¹⁰. Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the magistrates’ court, the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all court proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined¹¹.

The data will be held securely in accordance with this authority’s [Council/TfL] general policy on the secure retention of personal data [which is available at...]. At the end of the retention period, the data will be erased and/or destroyed in accordance with this authority’s [Council/TfL] general policy on the erasure and destruction of personal data [which is available at...].

⁹ The appeal period is 21 days from the date on which the written notification of the decision was received by the applicant/licensee. An appeal must be lodged within that time period, and no extension of that period is permissible (see *Stockton-on-Tees Borough Council v Latif* [2009] LLR 374). However, to ensure that the information is available if an appeal is lodged and there is a dispute over time periods, a period of 35 days is specified.

¹⁰ Any appeal by way of case stated must be lodged within 21 days of the decision of either the magistrates court all the Crown Court (see The Criminal Procedure Rules R35.2). To ensure that the information is available if an appeal is lodged by way of case stated and there is a dispute over time periods, a period of 35 days is specified.

¹¹ Decisions of the local authority, magistrates’ Court and Crown Court are also susceptible to judicial review. Generally any right of appeal should be exercised in preference to judicial review, but there are occasions when leave has been granted for judicial review in the circumstances. Any application for judicial review must be made “promptly; and in any event not later than 3 months after the grounds to make the claim 1st arose” (see The Civil Procedure Rules R54.5). If an application for judicial review is made after any relevant data has been destroyed, this authority will request the information again and then retain that information until all court proceedings relating to that judicial review (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.

II. Making a request for further information regarding an entry on NR3¹²

When an application is made to this authority [Council/TfL] for the grant of a new, or renewal of, a taxi driver's licence, this authority [Council/TfL] will check the NR3.

This authority [Council/TfL] will make and then retain a clear written record¹³ of every search that is made of the register. This will detail:

- the date of the search;
- the name or names searched;
- the reason for the search (new application or renewal);
- the results of the search; and
- the use made of the results of the search (this information will be entered to the register at a later date).

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

If this authority [Council/TfL] discovers any match (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of this authority's [Council/TfL] data protection policy in relation to the use of any data that is obtained as a result of this process.

This request will be made in writing in accordance with the form at appendix 1 of this policy. It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

III. Responding to a request made for further information regarding an entry on NR3¹⁴

When this authority [Council/TfL] receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years¹⁵.

This authority [Council/TfL] will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request.

This authority [Council/TfL] will conduct a Data Protection Impact Assessment. This will consider how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that

¹² This section of the template policy relates to the submission of a request by the second authority.

¹³ This can be electronic, rather than "pen and paper" hard copy.

¹⁴ This section of the template policy relates to the handling by the first authority of a request for information by the second authority.

¹⁵ This record can be combined with the written record of the action taken as a result of the request.

if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process.

If this authority [Council/TfL] is satisfied that the other authority's (the 2nd authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed¹⁶. This will be determined by an officer who has been trained to discharge this function.

Any disclosure must be considered and proportionate, taking into account the data subjects' rights and the position and responsibilities of a taxi driver. Data is held on the NR3 register for a period of 25 years, but this authority [Council/TfL] (the 1st authority) will not disclose information relating to every entry. Each application will be considered on its own merits.

This authority [Council/TfL] will disclose information relating to a revocation or refusal to grant a drivers' licence in accordance with the timescales contained within the Institute of Licensing's "*Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades*"¹⁷ [or own policy if this differs]. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in the IoL guidance) which is within the timescales determined in those guidelines, the information will be disclosed. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in the IoL guidance) which is outside the timescales determined in those guidelines, the information will not be disclosed. However, in every case, consideration will be given to the full circumstances of the decision and there may be occasions where information is provided other than in accordance with this policy.

Any information about convictions will be shared in accordance with this policy under part 2 of scheduled 1 to the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the authority by an enactment or rule of law.

The officer will record what action was taken and why. This authority [Council/TfL] will make and then retain a clear written record¹⁸ of every decision that is made as a result of a request from another authority. This will detail:

- the date the request was received
- how the data protection impact assessment was conducted and its conclusions
- the name or names searched
- whether any information was provided
- if information was provided, why it was provided (and details of any further advice obtained before the decision was made)
- if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made) and
- how and when the decision (and any information) was communicated to the requesting authority.

¹⁶ If the 1st authority is not satisfied that the 2nd authority's data protection policy is satisfactory, no disclosure can be made. In such circumstances it is essential that discussion takes place as a matter of urgency between the data protection officers of the 1st authority and the 2nd authority.

¹⁷ Available at

<https://www.instituteoflicensing.org/NewsJobsArticle.aspx?NewsID=11318&NewsOrJob=news>

¹⁸ This can be electronic, rather than "pen and paper" hard copy.

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

IV. Using any information obtained as a result of a request to another authority

When this authority [Council/TfL] receives information as a result of a request that has been made to another authority, it will take that information into account when determining the application for the grant or renewal of a taxi drivers' licence. This will be in accordance with the usual process for determining applications [insert reference to the [Council/TfL]'s policy for determining applications].

This authority [Council/TfL] will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above).

Information that is received may warrant significant weight being attached to it, but it will not be the sole basis for any decision that this authority [Council/TfL] will make in relation to the application.

Appendix 1 - information disclosure form

This form is submitted following a search of the National Register of Refusals and Revocations (NR3).

(For completion by requestor authority)

Name of licensing authority requesting information:

Requestor authority reference number:

Name of licensing authority from which information is sought:

Name of individual in respect of whom the request is made:

Decision in respect of which the request is made: Refusal / revocation

Other details for this record:

Address:

Driving licence #:

NI #:

Reference number:

Declaration by requesting authority:

The authority hereby confirms that this information is being sought in connection with the exercising of its statutory function to ensure that holders of taxi / PHV licences are fit and

proper persons, and that the processing of this data is therefore necessary in the performance of a task carried out in the public interest.

The information provided below will only be processed, used and saved by the authority in connection with this particular application and in accordance with all relevant data and privacy requirements, as previously advised by the authority to applicants for and existing holders of taxi and PHV licences, and will be retained in accordance with the Authority's retention policy relating to the provision of such information.

To enable the authority to conduct a data protection impact assessment, details of this authority's policy in relation to the use of information obtained as a result of this request is attached to this document/can be accessed at ??.

Signed:

Name:

Position:

Date:.....

(For completion by providing authority)

Further information to support the decision recorded on NR3 in respect of the above named individual

Declaration by providing authority

The authority hereby confirms that it has conducted a data protection impact assessment.

It also confirms that the information above is accurate, and has been provided after thorough consideration by the authority as to the proportionality and lawfulness of making this disclosure. The information reflects the basis on which the decision recorded in the National Register of Refusals and Revocations was made. In the event that the authority becomes aware that this information is no longer accurate, we will advise the above named authority accordingly.

The authority also confirms that, as part of the basis for securing, retaining or applying for a taxi / PHV licence, the above named individual has been made aware of to the fact that this information will be shared, in accordance with all relevant data and privacy requirements

Signed:

Name:

Position:

Date:

Agenda Item 10



Licensing and Regulatory Committee	Thursday, 11 October 2018	Matter for Information and Decision
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Report Title: **Review of Gambling Act 2005 Statement of Licensing Principles (2019-2021)**

Report Author(s): **Stephen Eyre (Interim Licensing Officer)**

Purpose of Report:	The purpose of this report is for Members to consider the draft Gambling Act 2005 Statement of Licensing Principles prior to consultation and to agree a Scheme of Delegation so that the final document can be considered at Council on 11 December 2018.
Report Summary:	Oadby & Wigston Borough Council's Statement of Licensing Principles issued under the Gambling Act 2005 requires renewing every three years. The Policy gives a framework that applicants can use when formulating an application as well as giving an overview of how the Council will determine those applications.
Recommendation(s):	<p>A. That the draft Gambling Act 2005 Statement of Licensing Principles be approved and its adoption recommended to Full Council subject to any amendments arising from the consultation process;</p> <p>B. That the consultation process to commence from 12 October 2018 be agreed; and</p> <p>C. That delegated authority be granted to the Head of Law and Governance / Monitoring Officer to consider any representations made during the consultation process and make any other amendments as may be necessary following consultation with the Chair and Vice-Chair of the Licensing and Regulatory Committee.</p>
Responsible Strategic Director, Head of Service and Officer Contact(s):	<p>David Gill (Head of Law & Governance / Monitoring Officer) (0116) 257 2626 david.gill@oadby-wigston.gov.uk</p> <p>Stephen Eyre (Interim Licensing Officer) (0116) 257 2637 stephen.eyre@oadby-wigston.gov.uk</p>
Corporate Priorities:	Effective Service Provision (CP2)
Vision and Values:	Customer Focus (V5)
Report Implications:-	
Legal:	The Statement of Licensing Principles is a statutory requirement.
Financial:	There are no implications directly arising from the report.
Corporate Risk Management:	Regulatory Governance (CR6) Reputation Damage (CR4)

Equalities and Equalities Assessment (EA):	There are no implications directly arising from the report. EA not applicable.
Human Rights:	There are no implications directly arising from the report.
Health and Safety:	There are no implications directly arising from the report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	Public consultation will follow adoption of the draft Statement of Licensing Principles.
Background Papers:	Gambling Act 2005
Appendices:	1. Gambling Act 2005 Statement of Licensing Principles (2019-2021) (Consultation Draft)

1. Background

- 1.1 Under section 349 of the Gambling Act 2005 ("the Act"), Licensing Authorities are required to prepare and publish a policy which they intend to apply when exercising their functions under the Act.
- 1.2 Section 349 also requires Licensing Authorities to review their policy every three years. The revised policy must be in place on or before 31 January 2019.

2. Review of Statement of Licensing Policy

- 2.1 The current policy has been reviewed and a draft of that document is attached at **Appendix 1**.
- 2.2 There has been very little in the way of major reviews of the legislation since the start of the current policy and consequently the draft policy is fundamentally unchanged.

3. Consultation

- 3.1 The Act requires that the proposed Policy is subject to wide consultation. It is intended to commence a 6 week consultation period commencing on 12 October and ending on 23 November 2018.
- 3.2 Should any representations be received, it is proposed that they are resolved by delegated authority granted to the Head of Law and Governance / Monitoring Officer in consultation with the Chair and Vice-Chair of the Licensing and Regulatory Committee.

4. Approval Process

- 4.1 The final draft of the Policy will be taken to Full Council on 11 December 2018 for approval. Once approved it must be published 4 weeks prior to it coming into force on 31 January 2019.

OADBY & WIGSTON BOROUGH COUNCIL STATEMENT OF GAMBLING POLICY 2019-2021

Consultation Draft

TU approval	Not Applicable
Committee approval	Full Council 11 December 2018
Author	Stephen Eyre (Licensing Officer)
EIA	
Policy Version Number	1.0
Date of Policy Review	2021



Oadby & Wigston Borough Council Statement of Gambling Policy – 2019-21

Foreword

The Gambling Act has been in force since 2006 and this is 5th 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 the 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.

The Policy was adopted by Full Council during December 2018 following consultation with stakeholders. If the policy is reviewed in the intervening period, the Statement of Licensing Policy will remain in force until January 2021.

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PART 1: Introduction

Oadby & Wigston Borough Council 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 area.

'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. Leicester University has various Halls of Residence and other educational facilities within the district.

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
- The Leicestershire and Rutland Safeguarding Children Board

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
- provide information to the Gambling Commission and HM Revenue and Customs
- maintain registers of licences, permits and registrations

PART 8: Local Risk Assessments

The Gambling Commissions Licence Conditions and Codes of Practice (LCCP issued February 2018) 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 number, and make-up, of current licences remains the same since the last policy edition.

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 under age gambling would be a low risk as younger people are more likely to be present with their parents.

The district remains without any bingo premises and as there are only two bingo premises in the whole of greater Leicester it could be assumed that there is insufficient demand for further expansion in this form of gambling.. Should a bingo hall be developed in the area 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 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

In general terms, the Gambling Commission is responsible for issuing Operating Licences and Personal Licences. The local 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. Oadby & Wigston Borough Council is the local Licensing Authority for the administrative area of the Borough.

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 2019 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 current scheme of delegations in relation to the Gambling Act can be found in the Council's Constitution.

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 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 affective 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. As discussed previously Oadby & Wigston Borough Council is home to Leicester Racecourse which makes the provisions in the section of the policy more relevant.

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
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Tel: 0121 230 6666
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