



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY 8TH JUNE 2015 AT 6.00 P.M.

THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors M. T. Buxton, B. T. Cooper, J. M. L. A. Griffiths, P. Lammas, K.J. May, C. M. McDonald, S. R. Peters, S. P. Shannon, P.L. Thomas, L. J. Turner and S. A. Webb

AGENDA

1. Election of Chairman
2. Election of Vice-Chairman
3. To receive apologies for absence and notification of substitutes
4. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
5. To confirm the accuracy of the minutes of the meeting of the Licensing Committee held on 23rd March 2015 (Pages 1 - 4)
6. Gambling Act 2005 - Review of Statement of Principles - Approval for Consultation (Pages 5 - 24)
7. Deregulation Act 2015 - Update on Licensing Implications (Pages 25 - 30)
8. Licensing Annual Report (Pages 31 - 34)
9. Licensing Committee Work Programme 2015/2016 (Pages 35 - 36)

10. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

27th May 2015

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY 23RD MARCH 2015 AT 6.00 P.M.

PRESENT: Councillors C. J. Spencer (Chairman), M. T. Buxton, S. J. Dudley, J. M. L. A. Griffiths, P. A. Harrison, B. Lewis, C. R. Scurrall (substituting for Councillor K. A. Grant-Pearce), R. J. Shannon, S. P. Shannon and L. J. Turner

Officers: Mrs V. Brown, Mr D. Etheridge and Ms R. Cole

34/14 **APOLOGIES**

Apologies for absence were received from Councillors K. A. Grant-Pearce and H. J. Jones.

35/14 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

36/14 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 12th January 2015 were received.

RESOLVED that the minutes of the meeting of the Licensing Committee held on 12th January 2015 be approved as a correct record.

Councillor R. J. Shannon requested whether he could raise an item on Worcester Road Taxi Rank under item 6 of the Agenda.

The Chairman responded that she did not consider that the matter constituted an urgent item, but that following the close of the meeting, officers would be able to give further information and any Member who wished to stay to hear the update was welcome to do so.

37/14 **APPROVAL OF CONSULTATION ON AMENDMENTS TO HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICIES**

The Committee considered a report which set out the results of informal consultation with Hackney Carriage and Private Hire Drivers on possible

changes to the Council's current policies and procedures in respect of the Licensing of Hackney Carriage and Private Hire vehicles.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS) reminded Members that they had previously considered a report from the Chairman of the Bromsgrove Taxi Association which raised a number of issues and proposed a number of changes to existing policies. The decision had been taken in November 2014 by the Licensing Committee to consult informally and enable discussion by way of trade forums before bringing these proposals and a draft consultation Document back to this Committee for comment .

The 2 trade forums held in February and March 2015 had been reasonably well supported with a total of 35 drivers attending. The discussion at the forums had focussed on the suggested changes to Policy and the general responses had been summarised in Appendix 1 to the report.

Members noted that in general existing licence holders had expressed concerns in respect of the changes which would have an adverse impact upon them financially and felt that this was only to be expected.

The Senior Licensing Practitioner confirmed that the next step, if Members wished to proceed with the process, was for a formal written consultation to be undertaken on the proposed amendments to policies and procedures. All existing Licence Holders and interested groups would be consulted. Therefore a wider range of views would be presented to the Committee prior to any decisions on changes to policies.

It was reported that consultation would take place over a period of at least 12 weeks and would include further open forums as well as the written consultation. It was important that any changes proposed were fully supported by evidence gathered at the consultation stage in case of any future challenge.

It was recognised that the Deregulation Bill which was going through Parliament contained 2 clauses relating to Hackney Carriage and Private Hire Vehicle Licensing but it was not felt that the proposals being considered by this Council would be materially affected by Clauses in the Deregulation Bill.

It was felt would be useful to the public to explain more fully within the documentation the meaning of the term "grandfather rights" and officers undertook to clarify this as appropriate.

there was discussion on the importance of ensuring proper provision was made to enable people with disabilities, including those using wheelchairs, to use Hackney Carriages, Members acknowledged this was likely to be a significant issue within the consultation process;

The Senior Licensing Practitioner stressed the importance of involving all relevant parties in the consultation process and requested Members to notify himself of any suggested bodies and organisations whom members felt should

be involved. This would help to ensure there was a sound evidence base to support any changes to the policies which were eventually proposed. It was likely that a report on the outcome of the consultations would be submitted to The Committee in September 2015.

RESOLVED that Worcester Regulatory Services be requested to undertake formal consultation on the proposed changes to the Council's existing policies and procedures relating to Hackney Carriage and Private Hire Licensing , set out in the draft consultation document attached as Appendix 2 to the report.

38/14

STREET AMENITY POLICY - OUTCOME OF CONSULTATION

The Committee considered a report from the Bromsgrove Town Centre Regeneration Programme Manager on the feedback received following consultation on the draft Street Amenity Policy which had been approved at the previous meeting of the Committee on 12th January 2015. The consultation had included the levels of fees proposed.

It was reported that 7 responses had been received to the consultation and that these had generally been in support of the Policy. A small number of changes to the Policy had been made by officers as a result of the feedback from the consultation and these were set out or referred to in sections 3.14 and 3.15 of the report.

Members felt that the introduction of the Policy would result in an improvement to the appearance of the High Street.

RESOLVED:

- (a) that the responses received during the consultation period be noted;
- (b) that the draft Street Amenity Policy as attached at Appendix 1 to the report be approved and the Policy introduced with effect from 1st May 2015;
- (c) that it be recommended to the Cabinet that the fees set out in paragraph 3.2 of the report be adopted and added to the Fees and Charges Schedule as follows:
 - Street Amenity Policy (First Application) - £200
 - Street Amenity Policy (Annual Renewal) - £55
- (d) that it be recommended to Council that delegated authority be granted to the Head of Legal, Equalities and Democratic Services to update the Scheme of Delegations to make provision for the officer decisions required under Section 115 of the Highways Act 1980 as set out in the report, together with the amendment of the terms of reference for the Licensing Committee to enable the Committee to determine Street Amenity Consents.

The meeting closed at 7.10 p.m.

Chairman

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LICENSING COMMITTEE

8th June 2015

GAMBLING ACT 2005 – REVIEW OF STATEMENT OF PRINCIPLES

Relevant Portfolio Holder	Councillor P. Whittaker
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ivor Pumfrey – Acting Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

The Council's current Statement of Principles under the Gambling Act 2005 took effect on 31st January 2013. In accordance with the provisions of the Act, the Council is required to prepare and publish a Statement of Principles every three years. Therefore a new Statement of Principles must be published by 31st January 2016.

As part of the process of preparing a Statement of Principles for the three year period beginning on 31st January 2016, the Licensing Committee are asked to approve a draft revised Statement of Principles for the purpose of consultation with relevant parties.

2. RECOMMENDATIONS

Members are asked to RESOLVE;

To approve the revised draft Statement of Principles at Appendix 1 for the purpose of consultation with relevant parties.

3. KEY ISSUES

Financial Implications

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

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8th June 2015

Legal Implications

- 3.2 Section 349 of the Gambling Act 2005 requires that the licensing authority produce, consult on and publish a Statement of the Principles that it proposes to apply when exercising its functions under the Act.
- 3.3 The Act also requires that the Statement of Principles should be kept under review and must be re-published at least every three years.
- 3.4 When revising its Statement of Principles, the Council is required to consult with:-
- the Chief Officer of Police for the Authority's area;
 - one or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
 - one or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under this Act.

Service / Operational Implications

- 3.5 Bromsgrove District Council is a licensing authority in accordance with the provision of the Gambling Act 2005.
- 3.6 Each licensing authority is required before each successive three year period, to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during that period. This document is commonly referred to as the authority's Statement of Principles.
- 3.7 The Council's current Statement of Principles took effect on 31st January 2013 and therefore a new Statement of Principles must now be prepared and published ready to take effect on 31st January 2016.
- 3.8 There have been no significant changes to the provisions of the Gambling Act 2005 since the last Statement of Principles took effect.
- 3.9 The Gambling Commission is currently carrying out consultation on revised guidance to licensing authorities, but it is not clear when the revised version of this guidance will be published. Given the requirement to prepare and publish a new Statement of Principles by 31st January 2016, the Council cannot wait for publication of the revised guidance before proceeding with this consultation.

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- 3.10 The following minor amendments have been included in the revised draft Statement of Principles.
- 3.11 The population figure for the district has been updated in the introduction. The new figure is taken from the latest census information released by the Office for National Statistics.
- 3.12 Reference to the HM Government Code of Practise on Consultation has been replaced with reference to the Government's published Consultation Principles, which has replaced the former document.
- 3.13 The policy has been updated so it now refers to the Council's strategic purposes as set out in the Council plan rather than the previously identified "key objectives" of the Council.
- 3.14 A section has been included to set out the principles the Council has applied in designating a body which is competent to advise the authority about the protection of children from harm. This is a requirement of current regulations.
- 3.15 A section has been included to explain how the Council would decide whether to pass a resolution not to issue casino premises licences. This is recommended in the Gambling Commission's current guidance to licensing authorities.
- 3.16 The section on enforcement now makes reference to the Regulators' Code, which came into effect in April 2014 and to which the Council must have regard when carrying out its regulatory functions.
- 3.17 The list of consultees has been revised and updated.
- 3.18 Consultation on the revised draft Statement of Principles will take place with all relevant parties including:
- The Chief Officer of West Mercia Police
 - The Gambling Commission
 - All other responsible authorities identified under the Act
 - Relevant Trade Associations
 - Organisations working with people who are problem gamblers
 - Parish Councils
 - The general public

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- 3.19 The consultation will also be made available for comment via the Council's website and publicised via social media and also through the local press. Given the modest number of changes being proposed to the Council's existing Statement of Principles, it is proposed that consultation take place over a period of 8 weeks.
- 3.20 Any responses received during the consultation exercise will be reported back to the Licensing Committee later this year.

4. RISK MANAGEMENT

- 4.1 Failing to prepare and publish a new Statement of Principles by 31st January 2016 would leave the Council in a position where it was failing to comply with its duties as a licensing authority under the provisions of the Gambling Act 2005.

5. APPENDICES

Appendix 1 – Revised Draft Statement of Principles

AUTHOR OF REPORT

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Bromsgrove
District Council

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REVISED STATEMENT OF PRINCIPLES

GAMBLING ACT 2005



2016 - 2019

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Statement of Principles – Gambling Act 2005

1.0 Introduction

- 1.1 Bromsgrove District Council is situated in the County of Worcestershire, which contains six District Councils in total. The Council area has a population of approximately 93,600 and in terms of area it covers approximately 84 square miles. The Council area is mainly rural in character (90% of the area is classed as Green Belt) with two central urban areas of Bromsgrove Town and Rubery. Whilst it is only 14 miles from central Birmingham, the Clent and Lickey Hills provide an important dividing line between the industrial Midlands and the rural landscape of North Worcestershire.
- 1.2 Bromsgrove District Council's overall vision is "working together to build a district where people are proud to live and work, through community leadership and excellent services." This statement accords with that vision in seeking to promote the licensing objectives set out in the Act, which are central to the regulatory regime created by the Act. These are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way, and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.3 We have produced this statement as required by Section 349 of the Gambling Act 2005 (referred to in this statement as "the Act") and having had regard to the Gambling Commission's formal guidance issued under Section 25 of the Act, the licensing objectives and to the views of those that we have consulted. We consulted widely upon this statement before finalising and publishing. The list of those persons and organisations consulted is appended. The consultation took place between July and September 2015 in line with current published Government consultation principles. Should you have any comments as regards this policy statement please send them via email or letter to:
wrsenquiries@worcsregservices.gov.uk
- This statement must be published at least every three years. The statement may also be reviewed from 'time to time' and any amended parts re-consulted upon.
- 1.4 We intend that this document should provide information and guidance on the general approach that we will take to licensing. A series of advice sheets with more specific guidance is available from our web site or will be sent on request; advice tailored to individuals is available by phone or to personal callers.
- 1.5 Nothing in this policy takes away the right of any person to make an application under the Act and to have that application considered on its merits; nor does it undermine the right of any person to object to an application or to seek a review of a licence where the law provides that they may do so. Applications will be considered in line with our statement of general principles, below.

2.0 Gambling Act 2005

2.1 This policy reflects and aims to support our strategic purposes, as set out in the Council Plan.

2.2 The Act provides for gambling to be authorised in a number of different ways. Our main functions are to:

- licence premises for gambling activities, including the issue of provisional statements,
- regulate and grant permits for gambling and gaming machines in clubs, including commercial clubs,
- regulate gaming and gaming machines in alcohol licensed premises,
- grant permits to family entertainment centres for the use of certain lower stake gaming machines,
- grant permits for prize gaming,
- receive and endorse notices given for the temporary use notices,
- receive occasional use notices for betting at tracks,
- register small societies lotteries,
- Maintain public registers, and
- Provide information to the Gambling Commission on issued licences.

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

3.0 Authorised Activities

3.1 ‘Gambling’ is defined in the Act as gaming, betting, or taking part in a lottery.

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

4.0 General Statement of Principles

4.1 In carrying out our licensing functions in accordance with the Act, particularly with regard to premises licences, we will generally aim to permit the use of premises for gambling as long as it is considered to be :-

- in accordance with any relevant Codes of Practice issued by the Gambling Commission
- in accordance with any relevant Guidance issued by the Gambling Commission
- in accordance with this Statement of Principles, and

- reasonably consistent with the licensing objectives.
- 4.2 We will not seek to use the Act to resolve matters that are better dealt with by other legislation. Licensing is not the primary mechanism for general control of nuisance and the antisocial behaviour of people once they are away from licensed premises.
- 4.3 We will ensure that in dealing with applications under the Act we follow the required procedures, and only take into account issues that are relevant. Specifically we will not have regard to “demand” when considering applications for gambling premises; nor will we consider the suitability of applicants for premises licences (which is a matter for the Gambling Commission). We will not reject an application on moral grounds. If we do decide to reject an application, we will make known our reasons for doing so.
- 4.4 Our current Council Constitution (including the scheme of delegation) details the way that we will discharge our functions under this Act. Details are available from the Licensing Department.
- 4.5 Where an application is for a new premises licence, the responsible authorities may visit to check that gambling facilities meet all necessary legal requirements.
- 4.6 Where there are no representations (objections), licences and permissions will be granted subject only to any appropriate mandatory conditions (Section 167 of the Act) and any conditions having at least the effect of appropriate default conditions made under Section 168.
- 4.7 If there are objections that can't be resolved informally, or we intend to impose extra conditions, we will hold a public hearing at which our licensing sub-committee will hear evidence and make a decision in accordance with the Act.
- 4.8 This statement is not intended to override the right of any person to make an application under the Act, and to have that application considered on its merits. Equally, this Statement of Principles is not intended to undermine the right of any person to make representations about an application or to seek a review of a licence where provision has been made for them to do so.

5.0 Preventing gambling from being a source of crime and disorder

- 5.1 The Gambling Commission takes the leading role in preventing gambling from being a source of crime, and maintains rigorous licensing procedures aiming to prevent criminals from providing facilities for gambling. Applicants need an operating licence from the Commission before we will issue a licence to use premises for gambling.
- 5.2 In view that we will not issue a premises licence to someone who does not hold an operator's licence, we are not generally concerned with the suitability of an applicant. Where concerns about a person's suitability arise we will bring those concerns to the attention of the Commission.
- 5.3 If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, we will, in consultation with the Police and other relevant authorities, consider whether

specific controls need to be applied to prevent those premises from being a source of crime. This could include a requirement for Security Industry Authority (SIA) registered door supervisors.

5.4 Disorder will only be considered under this Act if it amounts to activity which is more serious and disruptive than mere nuisance, and where it can be shown that gambling is the source of that disorder. A disturbance might be serious enough to constitute disorder if police assistance was required to deal with it; we will then consider how threatening the behaviour was to those who could see or hear it, and whether those people live sufficiently close to be affected or have business interests that might be affected.

5.5 "Disorder" is generally a matter for the Police; we will not use this Act to deal with general nuisance issues, for example, parking problems, which can be better dealt with using alternative powers.

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

6.0 Ensuring gambling is conducted in a fair and open way

6.1 The Gambling Commission does not expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way. The Commission, through the operating and personal licensing regime, will regulate the management of the gambling business and the suitability and actions of an individual.

6.2 Because betting track operators do not need an operating licence from the Commission we may, in certain circumstances, require conditions of licence relating to the suitability of the environment in which betting takes place.

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

7.1 The intention of the Act is that children and young persons should not be allowed to gamble, and should be prevented from entering those gambling premises which are 'adult-only' environments.

7.2 Codes of Practice, including advice about access by children and young persons may be published by the Gambling Commission for specific kinds of premises. Applicants will be expected to heed this advice where applicable.

7.3 We expect steps to be taken to prevent children from taking part in, or being in close proximity to, gambling. This may include restrictions on advertising to ensure that gambling products are not aimed at children, nor advertised in such a way that makes them particularly attractive to children.

7.4 When determining a premises licence or permit we will consider whether any additional measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises like pubs, clubs and betting tracks.

7.5 In seeking to protect vulnerable people we will include people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling, perhaps due to a mental impairment, alcohol or drugs.

7.6 We will always treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable people will balance these considerations against the overall principle of aiming to permit the use of premises for gambling.

7.7 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.

These principles are:

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

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

8.0 Premises licences

8.1 A premises licence can authorise the provision of facilities at the following:

- casino premises
- bingo premises
- betting premises, including betting tracks
- adult gaming centres
- family entertainment centres

8.2 Premises can be 'any place' but the Act generally prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts can be reasonably regarded as being separate 'premises'.

8.3 This will allow large, multiple unit premises such as tracks, shopping malls or service stations to obtain discrete premises licences, with appropriate safeguards in place. We will pay particular attention if there are issues about sub-divisions of a single building or plot and mandatory conditions relating to access between premises are observed. We will not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partition, can properly be regarded as different premises. Whether

different parts of a building can properly be regarded as being separate premises will depend on the individual circumstances of the case.

- 8.4 A particular requirement might be for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of the premises is not compromised and people are not allowed to 'drift' accidentally into a gambling area. It should normally be possible to access the premises without going through another licensed premises or premises with a permit. We would also expect customers to be able to participate in the activity named on the premises licence.
- 8.5 The Secretary of State appointed an independent Casino Advisory Panel to advise the Government on the areas in which small and/or large casinos may be located. The District of Bromsgrove was not identified as a suitable location for a casino, consequently we are currently prevented from granting a Casino Premises Licence.
- 8.6 The Council has not passed a resolution under section 166(5) of the Gambling Act 2005 to not issue casino premises licences. If such a resolution were considered in the future, the Council would carry out a full public consultation and consider all responses before passing such a resolution.
- 8.7 We will not turn down applications for premises licences where relevant objections can be dealt with through the use of licence conditions.
- 8.8 Other than an application for a betting premises licence for a track, we are not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.
- 8.9 When considering applications for premises licences we will not take into account either the expected 'demand' for facilities or the likelihood of planning permission or building regulation approval being granted, as well as 'moral' objections to gambling. Equally, the grant of a premises licence would not prejudice or prevent any action that may be appropriate under the law relating to planning or building regulations.
- 8.10 We are aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to our decision-making. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated.
- 8.11 We will only issue a premises licence once we are satisfied that the premises is ready to be used for gambling in the reasonably near future. Where we have agreed to grant a licence but substantial building works or alterations are still required we will impose a condition requiring the premises to be inspected on completion of the work and prior to the issue of the licence. Where the construction of a premises is not yet complete, or if they need alteration, or the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made as having a right to occupy the premises is a pre-condition to making a Premises Licence application.

8.12 We will apply a two stage consideration process if there is outstanding construction or alteration works at the premises:

- should the premises be permitted to be used for gambling;
- can appropriate conditions be imposed to cater for the situation that the premises is not yet in the state in which they should be before gambling takes place.

8.13 We are entitled to decide whether or not it is appropriate to grant a licence subject to conditions.

8.14 Applicants for premises licences are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.

8.15 We will maintain a public register of Premises Licence applications received which may be viewed at the Council Offices during normal office hours which are generally Monday – Friday 9am until 5pm.

9.0 Responsible authorities

9.1 Responsible authorities are identified in the legislation, and have to be notified about licence applications so that they can identify any risks. The responsible authorities that we recognise are listed below, contact details for each of the responsible authorities identified are available on our website www.bromsgrove.gov.uk, and will be sent on request.

- The Gambling Commission
- The Chief of Police for the area
- Fire & Rescue Service
- Bromsgrove District Council Planning Department
- Bromsgrove District Council Licensing Department
- Any other bodies identified in Regulation by the Secretary of State,
- For vessels, the Environment Agency, British Waterways Board, Secretary of State.
- Worcestershire Regulatory Services Environmental Services Department
- Worcestershire Safeguarding Children Board
- HM Revenue and Customs

9.2 Any concerns expressed by a Responsible Authority cannot be taken into account unless they are relevant to the application itself and the licensing objectives. However, each representation will be considered on its own individual merits.

10.0 Interested Parties

10.1 An interested party is someone who:

- lives sufficiently close to the premises to be likely to be affected by the authorised activities, or
- has business interests that might be affected by the authorised activities, or
- represents persons in either of the two groups above.

10.2 We will generally require written evidence that a person/body 'represents' someone who either lives sufficiently close to the premises to be likely to be

affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representations is sufficient. Whilst this may not apply to those elected ward members or MP or Parish Councillors, those persons should be aware of the need to represent the whole of the community that they represent and not just the vocal 'minority'.

10.3 In determining whether someone lives sufficiently close to a particular premises so as to be affected, we will take into account, among other things :

- the size of the premises
- the nature of the premises
- the distance of the premises from the person making the representation
- the nature of the complainant
- the potential impact of the premises

10.4 In determining whether a person has a business interest which could be affected the Council will consider, among other things:

- the size of the premises
- the catchment area of the premises, and
- whether the person making the representation has business interests in the catchment area that might be affected

10.5 If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, we would not consider this, in the absence of other evidence, as a relevant representation as it does not relate to the licensing objectives and instead relates to demand or competition.

10.6 We may consider a representation to be either frivolous or vexatious, and reject it. This will generally be a matter of fact given the circumstances of each individual case but, before coming to a decision we will normally consider:

- who is making the representation and whether there is a history of making representations that are not relevant,
- whether it raises an issue relevant to the licensing objectives, or
- whether it raises issues specifically to do with the premises which are the subject of the application.

11.0 Licence conditions

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

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

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

11.4 We will not seek to control those matters specified in the Act with conditions:

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

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

12.0 Gaming Machines

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

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

12.3 Subject to the provisions of the Act, gaming machines can be made available in a wide variety of premises, including :

- casinos
- bingo premises
- betting premises, (including tracks)
- adult gaming centres
- family entertainment centres
- clubs
- pubs and other alcohol licensed premises
- travelling fairs

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

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

13.0 Temporary Use Notices

13.1 These allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. We would object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises. Premises that might be suitable for a temporary use notice would include hotels, conference centres and sporting

venues. A temporary use notice may only be granted to a person or company holding a relevant operating licence.

13.2 Temporary use notices may only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. Equal chance gaming is gaming which does not involve playing or staking against a bank and gives equally favourable chances to all participants. Examples of equal chance gaming include games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

14.0 Occasional Use Notices

14.1 We have very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. Whilst tracks are normally thought of as permanent racecourses, this can also include land which has a number of uses for example agricultural land upon which a point-to-point meeting takes place. Land used temporarily as a track can qualify, provided races or sporting events take place or will take place there. The track need not be a permanent fixture.

15.0 Lotteries

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

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

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

16.0 Exchange of Information

16.1 To ensure the licensing objectives are met, we will establish a close working relationship with the police, the Gambling Commission and, where appropriate, other responsible authorities.

16.2 Subject to the provisions of the Data Protection Act 1998, we will share any information we receive through the application process with the Gambling Commission and any relevant responsible authority. In doing so we will have regard to the Act itself, any guidance issued by the Commission and to any Regulations issued by the Secretary of State. People can access personal information that we hold about them by contacting our Information Management Officer.

16.3 We are committed to being open about what we do and how we come to our decisions, in accordance with the spirit of the Freedom of Information Act 2000 (FOIA). An important feature of the FOIA is the requirement for each public authority to produce a publication scheme setting out what information it will

publish as a matter of course, how and when it will be published, and whether this information will be free of charge or on payment. Copies of our FOI publication scheme are available on request from our Information Management Officer or via the Council's website www.bromsgrove.gov.uk.

16.4 FOIA also provides the public with a general right of access to information held by public authorities, and subject to exemptions, be supplied with a copy of that information. Individual requests should be made in writing to the Information Management Officer or via the Council's website.

16.5 Unless restricted by the Gambling Act, details about applications, licences and representations will be made available in our public register. Representations that we accept will be copied in their entirety to applicants, to provide an opportunity for mediation and to ensure that the rights of the applicant are not compromised.

17.0 Enforcement Protocols

17.1 The main enforcement and compliance role for us in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the Operator and Personal Licences and will also take the lead role on the investigation and where appropriate, the prosecution of illegal gambling. Any concerns about manufacture, supply or repair of gaming machines will not be dealt with by us but will be notified to the Gambling Commission.

17.2 We will work with the Commission, the Police and other enforcing authorities, having regard to any specific guidance produced by the Gambling Commission, relevant codes of practice, the licensing objectives and this statement of principles, to provide for the targeting of agreed problem or high-risk premises. A lighter touch will be applied to those premises which are shown to be well managed and maintained.

17.3 The overall aim is to permit the use of premises for gambling. With that in mind it is intended that action will generally be taken against 'problem' premises through the licence review process.

17.4 We will also have regard to the Regulators' Code whilst carrying out our regulatory functions.

17.5 We will endeavour to be proportionate; accountable; consistent; transparent and targeted, as well as avoiding duplication with other regulatory regimes so far as possible.

18.0 Reviews

18.1 A review of a premises licence can be made by interested parties or responsible authorities, however, we will decide if the review is to be carried out on the basis of the following:

- In accordance with any relevant Code of Practice and/or guidance issued by the Gambling Commission
- Consistent with the licensing objectives
- In accordance with our statement of principles.

18.2 We will also consider whether or not the request for a review is frivolous, vexatious, or repetitious or whether we would wish to alter/revoke or suspend the licence.

18.3 We can also initiate a review of a premises licence on the basis of any reason which we think is appropriate, including if a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

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

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

List of Consultees

Chief Officer of West Mercia Police

Gambling Commission

All Other Responsible Authorities Identified in the Gambling Act 2005

District Councillors

Parish Councils

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

Gambling Trade Associations:

Association of British Bookmakers

British Amusement Catering Trade Association

Bingo Association

National Casino Forum

Lotteries Council

Hospice Lotteries Association

Organisations working with those who have a gambling problem:

GamCare

Gamblers Anonymous

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LICENSING COMMITTEE

8th June 2015

DEREGULATION ACT 2015 **UPDATE ON LICENSING IMPLICATIONS**

Relevant Portfolio Holder	Councillor P. Whittaker
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ivor Pumfrey – Acting Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. **SUMMARY OF PROPOSALS**

To provide an update to Members on the Deregulation Act 2015 and to set out the licensing implications contained within this legislation.

2. **RECOMMENDATIONS**

Members are asked to RESOLVE;

That the contents of the report and Appendix 1 be noted.

3. **KEY ISSUES**

Financial Implications

- 3.1 Some of the amendments to existing legislation may have an impact on the licence fee income that the Council receives from applicants. The full financial implications of the changes will be set out in future reports dealing with specific provisions contained in the Deregulation Act 2015.

Legal Implications

- 3.2 The Council is required to respond to and implement the provisions of the Deregulation Act 2015 in order to meet its legal obligations.

Service / Operational Implications

- 3.3 The Deregulation Act 2015 is described in its preamble as *“an Act to make provision for the reduction of burdens resulting from legislation for businesses or other organisations or for individuals; make provision for the repeal of legislation which no longer has practical use; make provision about the exercise of regulatory functions; and for connected purposes”*

LICENSING COMMITTEE

8th June 2015

- 3.3 The Deregulation Act 2015 contains some provisions that relate to the deregulation of licensing functions carried out by Worcestershire Regulatory Services on behalf of the Council. The functions affected are those carried out under the Licensing Act 2003 (alcohol, entertainment and late night refreshment licensing) and taxi and private hire licensing.
- 3.4 The Act received Royal Assent on 26th March 2015 and a number of commencement dates have been confirmed for various provisions contained in the Act.
- 3.5 The table at Appendix 1 provides a summary of the relevant provisions contained in the Act along with information on commencement dates and a commentary on the actions required by the Council as a result.
- 3.6 Further reports will be brought before the Committee in due course in order to consider any decisions required by the Council as the various provisions are commenced and require implementation.
- 3.7 The Committee are asked to note the contents of this report and Appendix 1.

4. RISK MANAGEMENT

- 4.1 None

5. APPENDICES

- 5.1 Appendix 1 – Summary of Licensing Related Provisions in the Act

AUTHOR OF REPORT

Name: Dave Etheridge – Senior Licensing Practitioner
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Deregulation Act 2015 – Licensing Related Provisions

Provision	Commencement Date	Action Required by the Council
<p>Section 10 – taxi and private hire – duration of licences</p> <p>Provides that the standard duration of licences to drive hackney carriage and private hire vehicles be three years and that the standard duration of licences to operate private hire vehicles be five years.</p>	<p>1st October 2015</p>	<p>The Council currently issues driver licences and operator licences for a period of one year. The Council will need to amend its policies and procedures in this regard and review its licence fees in order to move to issuing licences for the new standard durations.</p>
<p>Section 11 – private hire vehicles – sub-contracting</p> <p>Private hire operators will be allowed to sub-contract work to an operator licensed by a different local authority. This has not previously been lawful.</p>	<p>1st October 2015</p>	<p>Awareness needs to be raised amongst officers and the private hire trade about this change.</p>
<p>Section 67 – Community and ancillary sellers notices</p> <p>Provides the statutory framework to the Secretary of State to create a new form of authorisation process for people selling alcohol at community events and as an ancillary part of a wider business.</p>	<p>Unknown – requires secondary legislation that has yet to be produced and consulted upon</p>	<p>Awaiting secondary legislation. Once this is in place as assessment of the actions required by the Council can be made.</p>
<p>Section 68 – Temporary Event Notices – Increase in Maximum Number of Events Per Year</p> <p>This will increase the number of TENs that can be served in respect of each premise from 12 to 15 per calendar year from 2016.</p>	<p>26th May 2015 (comes into effect for the calendar year 2016)</p>	<p>Any relevant guidance notes and web-based information needs to be updated and awareness raised amongst officers and those that serve Temporary Event Notices.</p>

<p>Section 69 – Personal licences – no requirement to renew</p> <p>Personal licences issued under the Licensing Act 2003 will last indefinitely any person holding a valid personal licence on 1st April 2015 will no longer need to renew it. Previously personal licences lasted for 10 years and then expired and required renewal.</p>	1 st April 2015	<p>Licences issued on or after 1st April 2015 no longer show an expiry date.</p> <p>Awareness raised amongst those that hold existing valid personal licences that their licences no longer need to be renewed.</p> <p>Database updated to remove expiry dates from existing personal licences on record.</p>
<p>Section 70 - Sale of liqueur confectionery to children under 16: abolition of offence</p> <p>The offence of selling liqueur confectionery to children under the age of 16 to be removed from the Licensing Act 2003</p>	26 th May 2015	Awareness raised amongst officers with responsibility for enforcement of Licensing Act 2003 offences.
<p>Section 71 – Late night refreshment</p> <p>Provides the statutory framework for the Secretary of State to pass regulations allowing licensing authorities to exempt certain supplies of late night refreshment from licensing requirements.</p>	Unknown – requires secondary legislation that has yet to be produced and consulted upon	Awaiting secondary legislation. Once this is in place as assessment of the actions required by the Council can be made.
<p>Section 72 - Removal of requirement to report loss or theft of licence etc to police</p> <p>The requirement for a licence holder under the Licensing Act 2003 to report the loss or theft of a licence to the police before a copy could be issued to them has been removed.</p>	26 th May 2015	Any relevant guidance notes and web-based information updated and awareness raised amongst officers dealing with requests for copies of licences.

<p>Section 76 - Exhibition of films in community premises</p> <p>Removes the exhibition of films in community premises from licensing requirements subject to the following conditions:</p> <ul style="list-style-type: none">• The person arranging the exhibition has the written consent of the person(s) responsible for managing the community premises• The exhibition is not made with a view to profit• The exhibition takes place between 8am and 11pm• The audience is no more than 500• Film classification rules are followed	<p>6th April 2015</p>	<p>Guidance notes and web-based information needs to be updated and awareness raised amongst officers.</p>
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LICENSING COMMITTEE

8th June 2015

LICENSING ANNUAL REPORT

Relevant Portfolio Holder	Councillor P. Whittaker
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ivor Pumfrey – Acting Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

To provide a report on the activities under the Licensing Act 2003, Gambling Act 2005 and other aspects of Licensing and to inform the Committee on any issues anticipated in the ensuing year as required under the Council's Licensing Act 2003 and Gambling Act 2005 Policies.

2. RECOMMENDATIONS

Members are asked to RESOLVE;

The contents of the licensing Annual Report 2014/2015 be noted.

3. KEY ISSUES

Financial Implications

3.1 None.

Legal Implications

3.3 None

Service / Operational Implications

3.5 Since 1st June 2010 Worcestershire Regulatory Services Licensing Team has taken over operational delivery of the statutory functions of licensing and enforcement of regulated activities and businesses operating under the Licensing Act 2003 on behalf of Bromsgrove District Council. These functions cover premises which sell and supply alcohol, provide regulated entertainment and late night refreshment, gambling premises, gaming machines and lotteries. The Licensing Team also deals with the operation and administration of Hackney Carriage/Private Hire vehicles, drivers and Operator's licenses, Street

LICENSING COMMITTEE

8th June 2015

and House to House Collections. The Council retains full policy and statutory responsibility for all licensing functions.

- 3.6 Under the terms of the Licensing Act 2003 and the Gambling Act 2005, each local authority is required to prepare and publish a licensing policy which has to be reviewed periodically.

In April 2014 a new Statement of Licensing Policy under the Licensing Act 2003 was published by Council following consultation. The new policy was completely rewritten based on a template provided by the Local Government Association and took effect on 1st May 2014.

The Gambling Act 2005 Statement of Principles was last published with effect from 31st January 2013 and is therefore now due to be reviewed and a new Statement of Principles prepared and published.

Licensing Act 2003

- 3.6 The Licensing Act 2003 transferred the liquor licensing functions from the Magistrate's Court to the Local Authority and consolidated these activities with entertainment licensing legislation, the provision of late night refreshment, cinemas and theatres.

- 3.6 The number of new licenses issued and granted by Bromsgrove District Council in the year 2014/2015 are:

Personal Licenses	New	69		Total	892
Premises Licenses	New	7		Total	290
Club Premises Certificates	New	0		Total	41
Temporary Event Notices				Total	225

(NB: Premises licenses were surrendered by licence holders and subsequently cancelled)

- 3.7 The Licensing Sub-Committee created by the Licensing Act 2003 to deal with applications, variations and reviews of licensed premises, determined one application during the year 2014/15. This was an application for variation of a premises licence to which the Police had objected. The Sub-Committee granted the application in the terms set out in the applicant's operating schedule.

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Gambling Act 2005

3.8 Last year saw the Council continue its functions under the Gambling Act 2005. This legislation replaced most of the existing law relating to gambling in Great Britain and much like the Licensing Act 2003 aimed to put in place an improved, more comprehensive structure of gambling regulation. Once implemented the Act transferred the licensing of gambling premises from the local Magistrates Court to the Council. The Licensing Team now issue premises licenses for the following; bingo halls, betting shops, adult gaming centres, family entertainment centres and casinos.

3.9 The numbers of premises which have continued to be licensed by this Authority under the Gambling Act are:

Betting Premises	5
Bingo Premises	0
Adult Gaming Centres	8
Family Entertainment Centres	2
Casinos	0

3.9 Again all yearly maintenance fees as set out in the Gambling Act 2003 which have been set by the Local Authority for the year ending 2014/15 have been received by the Authority.

Taxi Licensing

3.10 The Licensing Team is also responsible for the operational function of the licensing and enforcement of Hackney Carriage and Private Hire Vehicles, drivers and Operators.

3.12 The number of licensed vehicles and drivers has remained relatively steady this year.

	<u>13/14</u>	<u>14/15</u>
Hackney Carriage Vehicles	116	120
Private Hire Vehicles	38	38
Dual Hackney Carriage/Private Hire Drivers	163	165
Private Hire Operators	14	14

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- 3.14 Licensing Officers keep in regular contact with the appointed taxi trade representatives – by phone and one to one meetings when necessary. A consultation on taxi licensing policies in Bromsgrove is currently ongoing and two trade forums were held earlier this year to explain the proposals being considered to the trade.
- 3.15 Worcestershire Regulatory Services Licensing Team members regularly attend and represent Bromsgrove District Council at a number of local and regional meetings, such as the Institute of Licensing meetings, the Regional Taxi Licensing Forums and other neighbouring authority groups, which continue to prove to be invaluable, on providing information on national and regional licensing matters inclusive of upcoming changes in any licensing legislation.

Scrap Metal Dealers

- 3.16 In October 2013 the Scrap Metal Dealers Act 2013 came into force in the District. Under this new legislation the Council is responsible for issuing mobile scrap metal collector licences and scrap metal site licences. The Council has issued the following number of licences to date:

Site Licences	5
Mobile Collector Licences	9

- 3.17 The Licensing Team is responsible for enforcing the legislation in partnership with the Police and Environment Agency.

4. RISK MANAGEMENT

- 4.1 None

5. APPENDICES

- 5.1 None

AUTHOR OF REPORT

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LICENSING COMMITTEE

23rd March 2015

8th June 2015

Gambling Act 2005 – Review of Statement of Principles – Approval for Consultation

Licensing Annual Report

Deregulation Act 2015 – Update on Licensing Implications

14th September 2015

Gambling Act 2005 – Review of Statement of Principles – Consultation Results

Hackney Carriage and Private Hire Licensing Policies Consultation Responses Considered

Standard Licence Duration – Hackney Carriage and Private Hire Drivers

9th November 2015

Draft Sex Establishment Licensing Policy – Approval for Consultation

Draft Scrap Metal Licensing Policy – Approval for Consultation

14th March 2016

To Be Allocated To Suitable Available Dates

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