



East Suffolk House, Riduna Park, Station Road,
Melton, Woodbridge, Suffolk, IP12 1RT

Licensing Committee

Members:

Councillor Colin Hedgley (Chairman)
Councillor Mark Newton (Vice-Chairman)
Councillor Paul Ashdown
Councillor Edward Back
Councillor Linda Coulam
Councillor Janet Craig
Councillor John Fisher
Councillor Tony Goldson
Councillor Frank Mortimer
Councillor Trish Mortimer
Councillor Keith Patience
Councillor Keith Robinson
Councillor Rachel Smith-Lyte
Councillor Steve Wiles

Members are invited to a **Meeting** of the **Licensing Committee**
to be held in the Deben Conference Room, East Suffolk House,
on **Monday 19 July 2021** at **6.30pm**

This meeting is being held in person in order to comply with the Local Government Act 1972. In order to comply with coronavirus regulations and guidance, the number of people at this meeting will have to be restricted to only those whose attendance is reasonably necessary.

Ordinarily, East Suffolk Council encourages members of the public to attend its meetings but on this occasion would encourage the public to watch the livestream, via the East Suffolk Council YouTube channel instead at <https://youtu.be/0twxO-LyBm0>

If you do believe it is necessary for you to be in attendance we encourage you to notify Democratic Services, by email to democraticservices@eastsuffolk.gov.uk, of your intention to do so no later than 12 noon on the working day before the

meeting so that the meeting can be managed in a COVID secure way and the Team can endeavour to accommodate you and advise of the necessary health and safety precautions.

However, we are not able to guarantee you a space/seat and you are advised that it may be that, regrettably, we are not able to admit you to the meeting room.

An Agenda is set out below.

Part One – Open to the Public

Pages

- | | | |
|----------|---|------------------|
| 1 | Apologies for Absence and Substitutions | |
| 2 | Declarations of Interest
Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered. | |
| 3 | Minutes
To confirm as a correct record the Minutes of the meeting held on 19 April 2021. | 1 - 5 |
| 4 | Department for Transport Statutory Taxi and Private Hire Vehicle Standards and Review of Existing Policy ES/0845
Report of the Cabinet Member with responsibility for Community Health | 6 - 46 |
| 5 | Review of Gambling Act 2005 Statement of Principles ES/0846
Report of the Cabinet Member with responsibility for Community Health | 47 - 110 |
| 6 | Issued Licenses in East Suffolk and an Overview of the Work of the Licensing Sub-Committees - April to June 2021 ES/0847
Report of the Cabinet Member with responsibility for Community Health | 111 - 120 |
| 7 | Exempt/Confidential Items
It is recommended that under Section 100A(4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act. | |

Part Two – Exempt/Confidential

Pages

Exempt Minutes

- Information relating to any individual.

Close



Stephen Baker, Chief Executive

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democraticservices@eastsuffolk.gov.uk



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 East Suffolk Council is committed to achieving excellence in elected member development
www.local.gov.uk/Community-Leadership

Unconfirmed



Minutes of a Meeting of the **Licensing Committee** held remotely via Zoom, on **Monday, 19 April 2021** at **6.30pm**

Members of the Committee present:

Councillor Paul Ashdown, Councillor Edward Back, Councillor Jocelyn Bond, Councillor Linda Coulam, Councillor Janet Craig, Councillor Colin Hedgley, Councillor Frank Mortimer, Councillor Trish Mortimer, Councillor Mark Newton, Councillor Keith Patience, Councillor Keith Robinson, Councillor Steve Wiles

Other Members present:

Councillor Mark Jepson, Councillor Mary Rudd

Officers present: Teresa Bailey (Senior Licensing Officer), Chris Bing (Legal and Licensing Services Manager), Sarah Carter (Democratic Services Officer), Karen Cook (Democratic Services Manager), Alison Woodley (Licensing Officer).

1 Minutes

RESOLVED

That the Minutes of the Meeting held on 25 January 2021 be confirmed as a correct record and signed by the Chairman.

2 Apologies for Absence and Substitutions

An apology for absence was received from Councillor T Goldson.

3 Declarations of Interest

There were no Declarations of Interest.

4 Department for Transport Statutory Taxi and Private Hire Vehicle Standards

The Cabinet Member with responsibility for Community Health introduced report ES/0727 which related to the new Department for Transport's (DfT) Statutory and Private Hire Vehicle Standards.

The Senior Licensing Officer reminded Members of their decision, at their January meeting, that a full review of the current policy and procedure should be undertaken to

determine any necessary amendments as a result of the new DfT standards. The DfT had stated that while there had been a focus on protecting children and vulnerable adults, it was important that all passengers were protected and benefitted by the recommendations in their standards. The document set out a framework of policies and stated that Licensing Authorities must have regard to the policies when exercising their functions and review as may be necessary. As a result, and in the interests of transparency, the Council needed to publish the review of its standards and also meet criteria as to how the Council dealt with its standards.

The Senior Licensing Officer drew attention to Appendix A which gave details of the assessment of the Statutory Taxi and Private Hire Vehicle Standards under three columns:

- The standards recommendations and matters raised.
- The Council's current position and if it met the recommendations.
- The proposed action to be taken, if applicable.

Appendix B contained proposed changes to the Criminal Convictions Policy and Appendix C proposed changes to the existing Taxi and Private Hire Licensing Policies and Guidance, over and above the DfT recommendations. In addition, the DfT was proposing that the information be contained in one policy document. Committee approval was being sought to go out to public consultation on the proposed changes.

The Chairman congratulated the Licensing Team on their hard work for putting together such detailed information and invited questions.

In response to a question relating to the sharing of information and signing up to the NR3, the Senior Licensing Officer advised that the Council was now signed up to the National Register. The Licensing Team would need to write to all drivers, past and present, and give them 28 days for any appeal before being put on the register.

Members discussed the raised standards for all taxis and passengers and commented on any possible financial implications for the taxi drivers as a result of some of the changes. It was noted that the consultation period would be at least four weeks and by various methods including via the Council's website, direct email and via mail shots. The proposed requirement for operators to provide a register of all staff involved with taking bookings and dispatching vehicles was welcomed.

The Committee welcomed the thorough report and the need to look after the interests of the customers with high standards and good policies. Both the consultation and the content of the report were supported and there being no further discussion, it was

RESOLVED

That, having considered the assessment of the new statutory standards and the changes to the existing policies and procedures, the proposed consultation for the new statutory standards and the changes to the existing policies and procedures be approved.

Review of the Structure and Setting of Hackney Carriage Fares in East Suffolk

The Cabinet Member with responsibility for Community Health reminded the Committee that, at its last meeting, it was agreed to consult with the trade on the current tariffs and agree future arrangements following that consultation. Report ES/0728 now before Members for consideration gave details of the outcome of that consultation exercise on the options available for the structuring and setting of hackney carriage tariffs in East Suffolk.

The Legal and Licensing Services Manager explained that East Suffolk currently operated with two tariff tables, one in the north and one in the south of the district. This was as a result of the former Waveney District Council area and Suffolk Coastal District Council area. This arrangement, whilst unusual, was lawful. There had been no increase in tariffs since 2012 but in October 2020 an application had been received from an operator in the south of the district and an increase had been granted. Discussions on fares at that time and whether tariffs needed to be reviewed had resulted in agreement to go out for consultation with the trade. The options available were as set out in the report and advised:

1. To have two tariff tables or one.
2. What the tariff timings should be for the tariffs.
3. To continue the existing custom and practise of the trade triggering the reviews, rather than increasing fares in line with the Retail Price Index or on a periodic basis.

The Legal and Licensing Services Manager advised that 200 hackney carriage drivers and 76 private hire operators had been consulted and 34 written responses had been received during the consultation period which ran from 9 February and 10 March 2021. He summarised the results of those responses as follows:

Tariff Tables

27 of the 34 respondees wished to keep the status quo of two tariff tables for a number of reasons, details of which were contained in paragraph 3.2 of the report. Only six favoured one table for East Suffolk district.

Tariff Timings

The majority were content with the existing timings although five consultees suggested that tariff 2 could start earlier in the evening. If Members wished to consider that change, it would be subject to a 14 day formal consultation before any change could be made. In addition, all meters would need to be recalibrated.

Tariff Reviews

The consensus amongst respondees was that the trade should continue to trigger reviews as they understood their customers and their drivers' needs.

Members questioned the number of Councils operating with two tariffs, the possible increase in the soiling charge to £75 in the north, and support from the Police when a taxi had been soiled. Having discussed Agenda Item 4 on Statutory Taxi and Private Hire Vehicle Standards, comment was made that those standards might make a significant difference to the drivers and the proposed tariffs. It was reported that the

taxi drivers in the north were proposing to form an Association in the north of the district and that might give a fuller view in the future.

The Legal and Licensing Services Manager advised that it would only be those Councils who had merged under the Local Government Act that were likely to have two tariffs. The Senior Licensing Officer explained that West Suffolk had one tariff table but a few authorities, including Babergh and Mid Suffolk, were still operating with two.

The Legal and Licensing Services Manager reminded Members that the consultation on standards did not include tariffs. If any proposed new standards resulted in additional costs to drivers, it was open to the trade to trigger a review of tariffs at any time. Members supported the status quo at the present time and it was

RESOLVED

1. That it be agreed to continue with the existing arrangement of having two tariff tables in the East Suffolk district; one in the North of the district (the former Waveney District Council area) and one in the South of the district (the former Suffolk Coastal District Council area).
2. That it be agreed to continue with the different timings for tariffs in the existing North and South tariff tables.
3. That it be agreed to continue with the existing custom and practice of the trade proposing a new tariff table for the Licensing Authority to approve and formally consult on as and when they consider that an increase is appropriate or necessary.

6 Issued Licenses in East Suffolk and an Overview of the Work of the Licensing Sub-Committees - January to March 2021

The Committee received report ES/0729 which gave an overview of the current number and type of licenses issued by the Council. The report also summarised the applications received and the work of the Licensing Sub-Committees from January to March 2021.

The Legal and Licensing Services Manager gave an update with regard to paragraph 1.5 in the report and advised that one hearing had now taken place. A Licensing Sub-Committee meeting had been held on 16 April with regard to the Spice of Balti in Bungay. The hearing had been held in private session at the request of the Police so it was not possible to go into too much detail. However, the Designated Premises Supervisor had been removed and additional conditions had been added to the licence.

The remainder of the report gave details of the current position with regard to licenced premises and taxi licences.

Members thanked the officers for producing such a detailed report, keeping them fully informed of what was happening in the District. There being no further discussion, it was

RESOLVED

That the overview of the work of the Licensing Team and the Licensing Sub-Committees during the first three months of 2021 be noted.

The meeting concluded at 7.14pm.

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Chairman



LICENSING COMMITTEE

Monday, 19 July 2021

Subject	DEPARTMENT FOR TRANSPORT STATUTORY TAXI & PRIVATE HIRE VEHICLE STANDARDS AND REVIEW OF EXISTING POLICY
Report by	Councillor Mary Rudd – Cabinet Member with responsibility for Community Health
Supporting Officer	Martin Clarke Acting Legal and Licensing Services Manager 01502 523226 Martin.clarke@eastsuffolk.gov.uk

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable.
Wards Affected:	All Wards

Purpose and high-level overview

Purpose of Report:

To report to Licensing Committee the outcome of the recent consultation exercise on the proposals required to meet the Department for Transport's (DfT) 'Statutory Taxi and Private Hire Vehicle Standards' and the proposed changes required following a review of existing policy and guidance documents, and to agree future arrangements.

Consultation documents attached as Appendices A, B and C

Options:

Taking into account the responses to the consultation:

- 1) approve the actions and proposals in respect of the DfT Statutory Taxi and Private Hire Vehicle Standards, and the existing policy and guidance documents
- 2) not approve the actions and proposals in respect of the DfT Statutory Taxi and Private Hire Vehicle Standards, and the existing policy and guidance documents.
- 3) make CCTV mandatory in all licensed vehicles
- 4) do not make CCTV mandatory in all licensed vehicles and leave the current policy in place where licensed drivers can choose whether or not to have CCTV in their licensed vehicles.

Recommendation/s:

That the Committee:

- 1) agrees to implement the actions and proposals in respect of the DfT Statutory Taxi and Private Hire Vehicle Standards, and the existing policy and guidance documents.
- 2) agrees to continue with the current policy for CCTV where it is optional for drivers and vehicle proprietors to have CCTV in their licensed vehicles.

Corporate Impact Assessment

Governance:

Licensing is a Council function exercised by Licensing Committee and Licensing Sub-Committees.

ESC policies and strategies that directly apply to the proposal:

Taxi and private hire licensing policy

Safeguarding policy

Criminal convictions policy

Environmental: No impact
Equalities and Diversity: No impact
Financial: Some of the national standards, such as the purchase and installation of CCTV in all vehicles, would require significant expenditure by vehicle owners. The safety of the travelling public and drivers must always be prioritised but the imposition of standards to address the identified risk should be proportionate to the level and nature of the identified risk and the costs which would be incurred in complying with the standard is a relevant consideration here.
Human Resources: No impact
ICT: No impact
Legal: No impact
Risk: The licensing authority needs appropriate standards and conditions for taxi and private hire drivers and vehicles to protect the public and drivers.

External Consultees:	All licensed drivers, vehicle proprietors and operators within East Suffolk, all town and parish councils, Suffolk Constabulary Licensing Team, Suffolk County Council Passenger Transport Team and Citizens Advice Bureau were consulted and given the opportunity to comment on the options committee is considering. The consultation was also available to members of the public via the Council's website. 19 written responses were received during the consultation period (Appendix D).
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Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: (Select only one primary and as many secondary as appropriate)		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>

P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>

How does this proposal support the priorities selected?

Licensing plays an important role in the themes in the Council's Strategic Plan of growing our economy and enabling our communities. The proposals in this report seek to review and, where appropriate, raise the standards to which hackney carriage and private hire vehicles are subject. Hackney carriage and private hire vehicles are a key part of the public transport system, enabling people without their own private transport or without easy access to other means of public transport to travel for education, employment, and entertainment, to shop and to attend medical appointments or deliver/receive care.

Background and Justification for Recommendation

1	Background facts
1.1	On 19 April 2021, the Licensing Committee resolved to consult with hackney carriage and private hire trade, members of the public and relevant organisations

	on the Department for Transport's (DfT) 'Statutory Taxi and Private Hire Vehicle Standards' and the proposed changes required following a review of existing policy and guidance documents.
1.2	The consultation exercise ran between 10 May 2021 and 20 June 2021. 19 consultation responses were received during that period.

2 Current position

2.1	A review of the authority's licensing policies and procedures has been undertaken to give consideration to the DfT Statutory Taxi and Private Hire Vehicle Standards. Much of what is proposed in the guidance had already been adopted by East Suffolk Council.
2.2	Consultation resulted in 19 responses being received and these are attached at Appendix D .
2.3	East Suffolk currently has a number of policies and guidance and it is proposed to bring these together into one policy document.
2.4	<p>Licensing Services response to queries raised during the consultation:</p> <p>a) Licensed Private Car Association –</p> <p>The second point we wish to raise is Criminality Checks for Vehicle Proprietors and in this regard we are simply seeking clarity of who is in scope. We acknowledge your helpful Note that 'This relates to licensed vehicle proprietors who are not a licensed driver'. Whilst we acknowledge this is helpful as it clears up the non-requirement for drivers, what it does not clarify however is who is in scope. Would you therefore be kind enough to outline whom is in scope please?</p> <p>With regard to your query about vehicle proprietors, this would be anyone who doesn't hold a private hire/hackney carriage driver licence but wants to licence just a vehicle. The DfT has stated:</p> <p><i>As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.</i></p> <p>We agree with this statement and would want to ensure that a vehicle proprietor, who is not already a licensed driver, has undergone the appropriate criminality checks.</p>

b) Mr M Hind –

ESC makes a determination of those persons suitable to have a licence and this determination includes sight of a DBS check. Why introduce further administration for an operator which is a repeat of the Council's actions?

Para.8.9 – This would not be a duplication where an Operator employs a member of staff purely for booking and dispatch. We understand that some members of staff employed in this role will also hold a private hire and/or a hackney carriage drivers licence and they will, of course, already hold a current DBS certificate. This does not take away the fact that an Operator should still be carrying out these checks on his/her staff. The DfT guidance states (with regard to booking and dispatch staff):

The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.

And,

As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction, other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

For small companies/operators who do not employ employee drivers (but utilise self-employed drivers), the unwritten policy is to only utilise licensed drivers i.e. those deemed suitable by the Council. Do not agree with this proposed change for this America reasons/logic as highlighted under para 8.9.

Para.8.12 – again the DfT are aiming to ensure that all staff are suitable for the role for which the Operator has employed them for. As mentioned above, someone employed to book and dispatch a vehicle may not be suitable, depending on their conviction, to decide who is sent to carry a child or vulnerable adult unaccompanied in a car. A policy will indicate what approach is taken when determining if someone is suitable.

If the operator passes the job to another operator, is the original operator required to obtain all the listed information or is sufficient to simply record that it has been passed to another company?

Para.8.13 – It is already a requirement under section 56 of the Local Government (Miscellaneous Provisions) Act 1976 for the Operator to keep such records when he invites or accepts the booking, even if he then passes

	<p>that booking to another Operator. All we are proposing is to add the 4 additional records that DfT has suggested, and we don't currently require under our Operators licence.</p> <p>c) Mr Mark Bloom and Mr David Arnold – Has anyone asked what the public want regarding CCTV? Is there an over reaction to having CCTV because of some bad areas in other parts of the country? Is this just another lip service consultation, where the authorities have already decided what they are going to do?</p> <p>Government (DfT) has not made CCTV a mandatory requirement and East Suffolk Council has no set criteria either way. As you will have seen, the DfT has asked all Licensing Authorities to consult on the matter and that is what we are doing. However, if the consultation responses show overwhelmingly that CCTV in licensed vehicles is preferred than this is something the Licensing Committee will have to consider when considering all other responses to the consultation. In East Suffolk there is no current evidence of a prevalence of crimes being committed within taxis and private hire vehicles licensed and the Authority is very much aware of the cost of a high standard and robust CCTV system. The current procedure of voluntary installation of CCTV appears to be working well and gives drivers/operators the choice of whether or not to install a CCTV system. The taxi and private hire trade provide a valuable service and the security for both drivers and passengers is of paramount importance to this Authority. CCTV can be a valuable tool when investigating incidents. All responses, for both sides of the matter, will be considered by the Licensing Committee.</p> <p>The consultation is a public consultation and any member of the public, or group, is entitled to submit their thoughts.</p>
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3 How to address current situation	
3.1	A summary of the consultation responses together with copies of the full 19 responses received are at Appendix D of the report. Addresses, contact details and consultees' signatures have been redacted from the responses pursuant to Data Protection Act 2018/GDPR requirements.
3.2	Of the 19 consultation responses received, 13 stated that they thought CCTV was not necessary and/or should not be made mandatory.
3.4	The committee is asked to consider the consultation responses.

4 Reason/s for recommendation	
4.1	It is important to maintain high standards in the district for hackney carriage and private hire vehicles to protect the travelling public and drivers.
4.2	There is no current evidence of a prevalence of crimes being committed within taxis and private hire vehicles licensed within East Suffolk.

Appendices

Appendices:	
Appendix A	Assessment of the Statutory Taxi and Private Hire Vehicle Standards
Appendix B	Updates to Criminal Convictions Policy
Appendix C	Updates to existing taxi and private hire licensing policies and guidance
Appendix D	Consultation responses

Background reference papers:		
Date	Type	Available From
19 April 2021	Licensing Committee report – Department for Transport Taxi & Private Hire Vehicle Standards	CMIS > Meetings

Appendix A

Department for Transport (DfT) - Statutory Taxi and Private Hire Vehicle Standards (Published 21 July 2020) East Suffolk Council (ESC) - Assessment Document

Guidance issued under Section 177 of the Policing and Crime Act 2017 has been published by the Department for Transport (DfT). It is referred to as the Statutory Taxi and Private Hire Vehicle Standards. The focus within the standards is on protecting children and vulnerable adults. An assessment of the standards has been undertaken by the Licensing Team and the details of that assessment are summarised below. The Licensing Team has also taken the opportunity to review its current Taxi and Private Hire Licensing policies and guidance and these changes and recommendations can be viewed at **Appendix C**.

There are three columns within this assessment document detailing:

- The Standards recommendations and matters raised.
- East Suffolk Council's current position - including if the Council meets the recommendations.
- If applicable – the proposed action to be taken.

Each item, within the recommendations, has been graded as:

Red (ESC does not currently meet) Amber (ESC partially meets) Green (ESC fully meets)

The Council is aware that the Department for Transport expects the recommendations, contained within the standards document, to be implemented unless there is a compelling local reason not to. The purpose of this assessment document is to publicise this Authority's consideration of the standards as well as providing the necessary update to the Department for Transport.

As of 1 April 2021, East Suffolk Council licences:

Hackney Carriage Vehicle licences 93

Private Hire Vehicle licences 278

Private Hire Vehicle Operator licences 76

Dual Licensed Hackney Carriage and Private Hire Vehicle drivers licences 197

Private Hire Vehicle driver licences 309

Statutory Taxi & Private Hire Vehicle Standards Recommendation/Measures (including Paragraph Numbers)	East Suffolk Council (ESC) Current Position on Meeting the Measures/Recommendations	ESC Proposed Action
<p>Consideration of the Statutory Taxi and Private Hire Vehicle Standards</p> <p>Paragraph 2.8 - Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority's practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority's defence. In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these. The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).</p>	<p>Green grading</p>	<p>This document sets out and summarises this Authority's consideration and delivery of the measures set down within the minimum licensing standards.</p>
<p>Administering the Licensing Regime - Licensing Policies</p> <p>Paragraph 3.1 - The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle</p>	<p>Green Grading</p> <p>This Authority has comprehensive policy documents in place.</p> <p>The policy documents cover a range of relevant issues including:</p>	<p>This Authority has comprehensive policy documents and guidance in place.</p> <p>It is proposed that the individual policies and guidance will be collated into one taxi and private hire licensing policy.</p>

licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.	<ul style="list-style-type: none"> • Guidelines Relating to Relevance of • Convictions • Fit & Proper Person Test • Driver, Vehicle & Operator Licence • Conditions • Vehicle Requirements & Standards • PHV Licence Plate Exemption • Requirements • Licensing of Limousines. 	
Paragraph 3.5 - One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.	Amber Grading	This authority continually reviews and updates its guidance but proposes that a full review is carried out every five years.
Duration of Licences Paragraph 3.7 – The Local Government (Miscellaneous Provisions) Act 1976 sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time limited) or when the licence is only required	Green Grading This Authority does not issue driver licences on a probationary. We only issue a licence on a short term there are specific and relevant circumstances which warrant such a course of action	No action required

to meet a short-term demand; they should not be issued on a 'probationary' basis.		
Whistleblowing Paragraph 3.8 - Licensing Authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly. Paragraph 3.10 - Local authorities should ensure they have an effective whistleblowing policy and that all staff are aware of it. If a worker is aware of, and has access to, effective internal procedures for raising concerns then whistleblowing is unlikely to be needed.	Green Grading ESC has adopted a Whistleblowing Policy and Procedure. The policy is available on the Council's Intranet and it applies to all employees and Officers of the organisation.	No action required
Consultation at the Local Level Paragraph 3.12 - Licensing Authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades' customers.	Green Grading This Authority proposes to consult the trade and the wider community on the changes resulting from the new Standards. The taxi and private hire trade have always been consulted on issues that may significantly affect them.	This Authority will review the consultation list on the occasion of each licensing consultation.
Paragraph 3.13 - Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.	Green grading The Suffolk Licensing Officers Group (SLOG) meets on a regular basis.	No action required

Many areas convene regional officer consultation groups or, more formally, Councillor liaison meetings; this should be adopted by all authorities.		
Changing licensing policy and requirements Paragraph 3.14 - Any changes in licensing requirements should be followed by a review of the licences already issued.	Amber grading The Council does not currently have a policy in place for ensuring that existing licensed drivers meet any changes to policies such as the Convictions Policy. It does however ensure that existing licensed drivers meet the necessary safeguarding training and DBS check upon renewal of their licence.	This authority proposes that existing licence holders will be reviewed, at the time of licence renewal application, against any new or updated licensing requirements. The case of any driver or operator found not to be achieving the new licensing standard to be brought to a Licensing Sub-Committee for review. In some circumstances, for example a new driver training course, the Council will set a time period by which the requirement has to be achieved.
Paragraph 3.15 - Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.	Green Grading As part of this Authority's Licensing Committee procedures reasons are always given and recorded for any deviation from the licensing policies in place.	No action required
Gathering & Sharing Information The Disclosure and Barring Update Service Paragraphs 4.5 and 4.6 - Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate	Green Grading On 20 January 2020 the Licensing Committee adopted a policy that subscription to the DBS Update Service would become a mandatory requirement. The Council now requires new applicants and existing licence holders to register for the DBS Update Service. This allows the	No action required

<p>online at any time.</p> <p>The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.</p>	<p>Licensing Team to make checks via the Update Service.</p>	
<p>Common Law Police Disclosure</p> <p>Paragraph 4.11 - This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.</p>	<p>Amber Grading</p> <p>This Authority maintains close links with the police and information is shared.</p>	<p>Whilst information is shared between the Licensing Team and the Police, there is no formal data sharing protocol in place for taxi and private hire licensing (there is for licensed premises). This is something the Suffolk Licensing Officers Group and the police are currently working towards.</p>
<p>Licensee Self-Reporting</p> <p>Paragraph 4.12 - Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so.</p>	<p>Amber grading</p> <p>Whilst the Council has a policy for self-reporting, the policy does not currently include for 'arrest and release'.</p>	<p>Minor amendment required to policy to include arrest and release and to add it to the penalty points scheme.</p>
<p>Referrals to the Disclosure and Barring Service and the Police</p> <p>Paragraph 4.14 - A decision to refuse or revoke a licence as the individual is thought to present a</p>	<p>Amber grading</p> <p>Referrals are already made to the DBS and the police. Details of data sharing are included in the</p>	<p>Minor amendment to policy to explain that details will be referred to the DBS and the police where it is thought that an individual could present a risk of harm to a child or vulnerable</p>

<p>risk of harm to a child or vulnerable adult, should be referred to the DBS.</p>	<p>Licensing Team's Privacy Notice, however the policy could be made clearer to explain that details will be shared with DBS and the police where it is deemed necessary.</p>	<p>adult.</p>
<p>Sharing Licensing Information with Other Licensing Authorities</p> <p>Paragraph 4.20 - Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority. Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.</p>	<p>Green Grading</p> <p>This Authority requires applicants and licence holders to reveal such information. The licence application form makes it clear that making a false statement or omitting to provide the information requested may be a criminal offence.</p>	<p>No action required</p>
<p>Sharing Licensing Information with Other Licensing Authorities</p> <p>Paragraph 4.21 - The LGA's Councillors' Handbook on taxi and private hire vehicle licensing advises that those responsible for licensing should "communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.". The LGA commissioned the National Anti-Fraud Network</p>	<p>Green Grading</p> <p>On 20 April 2020 the Licensing Committee approved the proposal for ESC to sign up to the NR3. ESC is now signed up to the National Register of Taxi and Private Hire Vehicle Driver Licence Refusals and Revocations (NR3). Use of the register to both enter and to search data will begin imminently.</p>	<p>Continue with progress</p>

to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of nondisclosure of relevant information by applicants.		
Multi-Agency Safeguarding Hub Paragraph 4.28 - All licensing authorities should operate or establish a means to facilitate the objectives of a Multi-Agency Safeguarding Hub (i.e. the sharing of necessary and relevant information between stakeholders).	Green Grading The Licensing Team already has an established means of communication with MASH through the Suffolk Safeguarding Partnership and its Local Authority Designated Officer (LADO). The LADO will provide advice and guidance to employers and voluntary organisations. They liaise with the police and other agencies and monitor the progress of cases to ensure that they are dealt with as quickly as possible, consistently with a thorough, fair and proportionate process. The Council has a Safeguarding Policy and procedures. The policy and procedures are available on the Council's Intranet and it applies to all employees and Officers of the organisation.	No action required
Complaints Against Licensees Paragraph 4.29 - All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.	Amber grading The Licensing Team has systems in place for recording complaints, with information being recorded using the Licensing Software/Database packages. Analysis of trends of complaints against individuals does take place as records are	It is proposed to introduce a regular review of complaints across all licensees to analyse and identify any trends.

	<p>maintained against an individual and are continually monitored.</p> <p>The Council also operates a Penalty Point Scheme in order to record misdemeanours by licence holders and to help identify errant licence holders.</p> <p>The regular analysing of any trends across all licensees does not currently take place.</p>	
<p>Paragraph 4.30 - Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.</p>	<p>Green Grading</p> <p>This is the approach adopted by this Authority. In addition this Council has adopted a Penalty Point Scheme in order to record misdemeanours by licence holders and to help identify errant licence holders.</p>	No action required
<p>Paragraph 4.31 - To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles.</p>	<p>Amber Grading</p> <p>The Council has detailed guidance on its website on how to submit complaints or compliments regarding taxi drivers, private hire drivers & vehicle operators.</p> <p>Ways to make a complaint are not currently displayed in all licensed vehicles.</p>	It is proposed to introduce stickers in all licensed vehicles which display the way to make a complaint to the Licensing Authority.
<p>Overseas Convictions</p> <p>Paragraph 4.35 - Licensing authorities should seek or require applicants to provide where possible criminal records information or a Certificate of Good Character from overseas in this circumstance to properly assess risk and</p>	<p>Green Grading</p> <p>The Council already follows this procedure.</p>	No action required

support the decision-making process.		
Decision Making Administration of the Licensing Framework The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation.	Green Grading The Council has a scheme of delegation in place.	No action required
Training Decision Makers Paragraph 5.3 - All individuals that determine whether a licence is issued should be required to undertake sufficient training.	Green Grading It is a requirement of this Authority that all Councillors, who sit on the Licensing Committee, must undergo licensing training. There is also a requirement for annual update/refresher training. All Officers, that determine licence applications under delegated powers, undergo licensing training. The latest training was provided by the Institute of Licensing	No action required
The Regulatory Structure Paragraph 5.11 - All licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.	Green Grading The Council has such an arrangement and scheme of delegation in place.	No action required

<p>Fit and Proper Test</p> <p>Paragraph 5.12 - Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle drivers licence is a 'fit and proper' person to be a licensee. It maybe helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question: 'Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time day or night'? If on the balance of probabilities, the answer to the question is NO the individual should not hold a licence.</p>	<p>Green grading</p> <p>This point is covered by the training given to the Council's decision makers</p>	<p>It is proposed to include the statement: 'Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time day or night'? If on the balance of probabilities, the answer to the question is NO the individual should not hold a licence" be included in the Council's policy.</p>
<p>Paragraph 5.14 - All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.</p>	<p>Green grading</p> <p>This point is covered by the training given to the Council's decision makers</p>	<p>Ensure that training material continues to cover this point.</p>
<p>Criminal Convictions & Rehabilitation</p> <p>Assessment of Previous Convictions</p>	<p>Amber grading</p> <p>The Council does have a Relevant Criminal</p>	<p>It is proposed to update the Council's current Relevant Criminal Convictions policy to bring it in line with the DFT recommendations which draw</p>

In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.	Convictions policy for the consideration of criminal records. However, this requires updating to bring in line with the DfT Standards.	upon the work of the Institute of Licensing in partnership with the LGA, the National Association of Licensing Enforcement Officers and Lawyers in Local Government.
Criminality Checks for Drivers Paragraph 6.1 - Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants.	Green Grading The Council always requires an Enhanced Criminal Record Certificate (with checks of the barred lists) from the DBS for all driver licence holders or driver licence applicants	No action required
Paragraph 6.2 - All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.	Amber grading The Council now requires applicants and licence holders and applicants for licence renewal to register for the DBS's update service and to nominate the Licensing Authority to receive updates. However it does not currently request that drivers evidence that they have a continuous registration and does not currently carry out checks every 6 months.	It is proposed to require drivers to evidence that they have registered to the update service and have a continuous registration. This will be borne out by carrying out checks every 6 months. Those found not to have signed up to the Update Service, or have let it lapse, will be required to complete a new DBS application form with the cost to be borne by themselves.
Paragraph 6.3 - In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list. (unless there are exceptional circumstances).	Amber grading This Council does not issue a licence to a person on either barred list unless there are exceptional and compelling circumstances. However this is	It is proposed to include a statement in the new policy that the Council will not issue a licence to any individual that appears on either barred list unless there are exceptional circumstances.

	not documented in our Policy of relevant convictions or our general licensing policy.	
Safeguarding Awareness Paragraph 6.7 - All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training.	Green Grading The Council has a mandatory requirement for taxi and private hire drivers to undertake safeguarding training. This is by way of an online module in partnership with Barnardos.	No action required
County Lines Exploitation Paragraph 6.11 - Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation.	Amber grading The Council's safeguarding training does not currently cover county lines exploitation. However, the Licensing Team is currently corresponding with Ipswich New College and East Coast College, Lowestoft regarding a new college based course that will include this topic.	It is proposed that a new driver safeguarding training course will include the topic of county lines exploitation. All new applicants and all existing licensed drivers would be expected to undertake the course. This course will be the same across the Suffolk local authorities so would achieve consistency.
Language Proficiency A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others. Paragraph 6.15 - A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.	Green Grading All driver licence applicants to the Council must successfully undergo a mandatory communications assessment – the assessment covers both oral and written English language skills.	No action required
Vehicle Licensing	Red Grading	It is proposed to introduce an annual DBS basic disclosure for vehicle proprietors.

<p>Criminality Checks for Vehicle Proprietors - Paragraphs 7.2 - Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.</p> <p><i>N.B. – This relates to licensed vehicle proprietors who are not a licensed driver.</i></p>	<p>The Council does not currently require a Basic Disclosure Check from the DBS for its licensed vehicle proprietors.</p>	
<p>Paragraph 7.4 - A refusal to licence an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information.</p>	<p>Red grading</p> <p>This licensing matter is not specifically detailed in the Council's licensing policy.</p>	<p>The Council's licensing policy will be reviewed with a view to including this matter/statement.</p>
<p>Paragraph 7.5- Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.</p>	<p>Green Grading</p> <p>The Council applies the fit and proper test to each of the directors or partners if the licence applicant/holder is a company or partnership. Licence holders are required to advise the Licensing Authority of any change in directors or partners.</p>	<p>No action required</p>
<p>In Vehicle Visual and Audio Recording – CCTV Paragraph 7.9 - All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.</p>	<p>Amber Grading</p> <p>CCTV is not a compulsory requirement in East Suffolk Council's licensed taxis and private hire vehicles. At present licensed drivers can choose whether or not to have CCTV in their licensed vehicles.</p>	<p>It is proposed to carry out a consultation exercise with interested parties on the subject of CCTV in licensed vehicles. However, it is important to note that there is no current evidence of a prevalence of crimes being committed within taxis and private hire vehicles licensed with this Authority.</p>

Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review.		
Stretched Limousines Paragraph 7.14 - It is the DfT's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.	Green Grading The Council already licences stretched limousines. There is currently one such licensed vehicle.	No action required.
Private Hire Vehicle Operator Licence Criminality Checks for Private Hire Vehicle Operators Paragraph 8.2 - - Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.	Green Grading This Authority has adopted such a licensing requirement.	No action required
Paragraph 8.5 - A private hire vehicle operator licence may be applied for by a company or	Green Grading	No action required

partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.	The Council applies the fit and proper test to each of the directors or partners if the licence applicant/holder is a company or partnership. Licence holders are required to advise the Licensing Authority of any change in directors or partners.	
Booking & Dispatch Staff Paragraph 8.8 - Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.	Red grading The Council does not currently have a condition on a Private Hire Operators licence to provide a register of all staff that will take bookings or dispatch vehicles.	It is proposed to introduce a condition on a Private Hire Operators licence that will require the operator to provide a register of all staff involved with taking bookings and dispatching vehicles.
Paragraphs 8.9 - Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders.	Red grading The Council does not currently require such evidence.	It is proposed to introduce a condition on a Private Hire Operators licence that will require the operator to provide evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff.
Paragraph 8.12 -Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for some offences, other than those relating to driving,	Red grading The Council does not currently require Private Hire Operators to provide their policy on employing ex-offenders.	It is proposed to introduce a condition on a Private Hire Operators licence that will require the operator to provide such a policy.

may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.		
Record Keeping Paragraph 8.13 - Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking: <ul style="list-style-type: none"> • the name of the passenger • the time of the request • the pick-up point • the destination • the name of the driver • the driver's licence number • the vehicle registration number of the vehicle • the name of any individual that responded to the booking request • the name of any individual that dispatched the vehicle. 	Amber grading The Council does not currently request that a Private Hire Operators record all of the information suggested by DfT.	It is proposed to add the following to the records that are required to be kept by a Private Hire Operator – <ul style="list-style-type: none"> • the driver's licence number • the vehicle registration number of the vehicle • the name of any individual that responded to the booking request • the name of any individual that dispatched the vehicle.
Use of Passenger Carrying Vehicle (PCV) Licensed Drivers Paragraphs 8.16 - The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker. Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a	Red grading The Council does not currently require a Private Hire Operator as a condition on their licence to inform and obtain informed consent of the booker.	It is proposed to make this a condition on the Private Hire Operator licence.

PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.		
Enforcing the Licensing Regime Joint Authorisation of Enforcement Officers Paragraph 9.2 - Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area.	Amber grading This matter has been discussed at the Suffolk Licensing Officers Group and it has been agreed that there is no strong or specific evidence of such formal joint authorisations being required within the county of Suffolk. Licensing Teams across Suffolk already work very closely together and pass on information of any enforcement issues occurring in their own area to the authority within which the driver and vehicle is licensed.	No specific action required other than to continue the good working relationship of the Suffolk Licensing Officers.
Setting Expectations and Monitoring Paragraph 9.4 - The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity	Green Grading The Council has detailed guidance on its website on how to submit complaints or compliments regarding taxi drivers, private hire drivers and vehicle operators.	No action required
Suspension and Revocation of Driver Licences Paragraph 9.6 - Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately.	Red Grading Such penalties or offences are not currently specifically detailed in the Council's licensing policy.	It is proposed to introduce such penalties and offences within the Criminal Convictions Policy

Appendix B

Proposed changes to existing Criminal Convictions Policy (currently called Statement of Policy about Relevant Convictions)

The proposed changes take into account the recommendations by the DfT in their 'Statutory Taxi and Private Hire Vehicle Standards' and the Institute of Licensing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades'.

Current statement	Proposed change
General A person with a current conviction for a serious crime need not be permanently barred from obtaining a licence but should expect to remain free from a conviction for 3 – 5 years, according to the circumstances, before an application is entertained.	3 – 5 years to be replaced with 'a suitable period of time, detailed later in this policy'. It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. A caution, fixed penalty, and community resolution will also be considered.
Minor Traffic Offences Isolated convictions for minor traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account and if there are several offences of this nature the applicant will normally be expected to show a period free of conviction of at least 6 months. In particular, an application will normally be refused where the applicant has 12 or more penalty points on his D.V.L.A. licence (whether or not the applicant was convicted by a court for the offences for which the points were imposed) or where the applicant has more than one conviction for this type of offence within the last 6	Driving offences involving the loss of life A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life. A licence will not be granted if an applicant has a conviction for: Causing death by dangerous driving Causing death by careless driving whilst under the influence of drink or drugs Causing death by careless driving Causing death by driving: unlicensed, disqualified or uninsured. Or any similar offences (including attempted or conspiracy to commit) or offences which replace the above.

months.

Major Traffic Offences

An isolated conviction, without disqualification, for a major traffic offence will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire vehicle drivers. However, where the conviction is within 6 months prior to the date of application, or where there is more than one conviction of this type of offence within the last 2 years, the application will normally be refused and no further application should be considered until a period of 3 years, free from convictions, has elapsed.

Other traffic offences

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence or may not result in action against an existing licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Major traffic offences

Where an applicant has isolated conviction, without disqualification, for an offence such as dangerous driving and driving without due care and attention a period of 3 years free from conviction will be required before an application will be considered. Applications where there is more than one conviction for this type of offence within the last 5 years will normally be refused

Minor traffic offences

More than one conviction/caution for a minor traffic offence, including a driver awareness course, within the last 2 years will normally merit refusal of a new application and a further application should not normally be considered until a period of at least 3 years, free from convictions/cautions/endorsements, has elapsed.

Where an existing licensed driver receives 9 points or above on their DVLA licence, they will be expected to undertake a driving standards assessment with the council's approved assessor or one of their approved assessor companies. The cost of the assessment

	<p>must be borne by the licensed driver.</p> <p>Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and appropriate enforcement action will be taken.</p>
<p>Disqualification and Totting Up</p> <p>Where a period of disqualification has been imposed, an application will not be considered until the D.V.L.A. driving licence has been restored for a period of 12 months and no further motoring conviction has been endorsed on it in that period. Should the D.V.L.A. licence demonstrate a further conviction since the disqualification period, then a 12 month period must elapse from the date of the last conviction on the D.V.L.A. licence before an application is approved.</p> <p>In 'totting-up' cases where disqualification is considered by the court, even if the court does not disqualify a driver (eg because of exceptional circumstances) the Council is likely to refuse a hackney carriage or private hire driver's licence application and the applicant will normally be expected to show a period of 12 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.</p>	<p>TT99 Totting up – if the total of penalty points reaches 12 or more within 3 years the driver is liable to disqualification by the Court.</p> <p>There may be occasions where an applicant has accrued sufficient points under totting up for the Court to consider disqualification, but successfully argues that exceptional hardship/circumstances should apply.</p> <p>Where the court does not disqualify a driver (because of exceptional circumstances) an applicant will be expected to show a period of 2 years free from conviction from the date the court made its findings of exceptional circumstances justifying the non-disqualification.</p> <p>Where disqualification does occur for 'totting up' the Council is likely to refuse a hackney carriage or private hire driver's licence application and an application will not be considered until the DVLA driving licence has been restored for a period of 2 years and no further motoring conviction has been endorsed on it in that</p>

	period.
<p>Dishonesty</p> <p>Hackney carriage and private hire vehicle drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. A serious view will therefore be taken of any conviction involving dishonesty. In general, a period of 3 to 5 years free of conviction should be required before entertaining an application.</p>	<p>Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.</p> <p>Offences involving dishonesty include:</p> <ul style="list-style-type: none"> • Theft • Burglary • Fraud • Benefit fraud • Handling and receiving stolen goods • Forgery • Conspiracy to defraud • Obtaining money or [property by deception • Other deception • Taking a vehicle without consent • Any similar offences (including attempted or conspiracy to commit) • Or offences which replace the above
<p>Drugs</p> <p>A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour.</p> <p>More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. At least 3 years should elapse (after the restoration of the driving licence) before an applicant is considered for a licence.</p>	<p>Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.</p> <p>Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to</p>

	demonstrate that they are not using controlled drugs.
<p>Drink driving/driving under the influence of drugs</p> <p>A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour.</p> <p>More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. At least 3 years should elapse (after the restoration of the driving licence) before an applicant is considered for a licence.</p>	<p>Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.</p>
<p>Indecency offences</p> <p>An application will not be considered until a period of 3 years free of conviction is shown and any application with a conviction within this category will be put before the Licensing Sub-Committee for determination.</p>	<p>Sexual and indecency offences</p> <p>Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.</p> <p>In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.</p>
<p>Violence</p> <p>An application will not be considered until a minimum period of 3 years free of conviction is shown with the exception of Using Threatening, Abusive Words or behaviour, Breach of the Peace or Drunk and Disorderly, when 2 years for a single offence will be the appropriate period.</p>	<p>Offences involving violence against the person</p> <p>Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.</p> <p>An application will be refused if the applicant has a conviction for an offence that involved the loss of life. A licence will not be granted for an offence such as:</p> <ul style="list-style-type: none"> Murder Manslaughter Manslaughter or culpable homicide while driving Terrorism offences Or any similar offence (including attempted or conspiracy to commit)

	<p>Offences which replace the above.</p> <p>A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 10 years prior to the date of application:</p> <ul style="list-style-type: none"> • Arson • Malicious wounding • Actual bodily harm which is racially aggravated • Grievous bodily harm • Robbery • Possession of firearm • Riot • Assault Police • Common assault with racially aggravated • Violent disorder • Resisting arrest • Or any similar offences (including attempted or conspiracy to commit), or • offences which replace the above <p>A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 5 years prior to the date of application:</p> <ul style="list-style-type: none"> • Racially-aggravated criminal damage • Racially-aggravated offence • Or any similar offences (including attempted or conspiracy to commit) • <p>A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the</p>
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	<p>below offences and the conviction is less than 7 years prior to the date of application:</p> <ul style="list-style-type: none"> • Common assault • Assault occasioning actual bodily harm • Affray • S5 Public Order Act 1986 offence (harassment, alarm or distress) • S.4 Public Order Act 1986 offence (fear of provocation of violence) • S4A Public Order Act 1986 offence (intentional harassment, alarm or distress) • Obstruction • Possession of offensive weapon • Criminal damage • Any similar offences (including attempted or conspiracy to commit) or • offences which replace the above • <p>A licence will not normally be granted if an applicant has more than one conviction for an offence of a violent nature in the last 10 years.</p>
	<p>ADDITIONAL SECTIONS</p> <p>Options when determining an application/existing licence</p> <p>When determining an application or reviewing an existing licence in relation to convictions or other relevant information the Council have the following options:</p> <ul style="list-style-type: none"> • grant the licence or take no further action • grant the licence with additional conditions • refuse, revoke, or suspend the licence • issue a warning which may include the use of enforcement penalty points

	<p>If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.</p> <p>Crimes resulting in death Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.</p> <p>Exploitation Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.</p> <p>Possession of a weapon Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.</p> <p>Discrimination Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.</p> <p>Using a hand-held device whilst driving Where an applicant has a conviction for using a held-hand mobile</p>
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	<p>telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.</p> <p>Hackney Carriage and Private Hire licensing offences Offences under taxi and private hire and associated legislation such as plying for hire without a licence, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed until a period of 3 years has passed since conviction.</p> <p>Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.</p> <p>Vehicle use offences Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.</p> <p>Vehicle proprietors and Private Hire Operators A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for</p>
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	<p>criminal or other unacceptable purposes.</p> <p>Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities. Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times and secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.</p> <p>Where an applicant/licence holder for either a vehicle licence or private hire operator licence has more than one conviction, serious consideration will need to be given as to whether they are a fit and proper person to be granted or retain a licence.</p>
	<p>Immigration</p> <p>Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. Guidance for licensing authorities to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.</p>
	<p>Insurance offences</p> <p>A serious view will be taken of convictions for driving, being in charge of a vehicle without insurance, or allowing person to drive whilst uninsured. A previous isolated incident will not necessarily stop a licence being granted provided an individual has been free of conviction for 3 years. However strict warning should be given as to future behaviour. More than one conviction for these offences will prevent a licence being granted or</p>

	<p>renewed.</p> <p>An operator found guilty of aiding and abetting the driving of passengers for hire and reward without insurance will have his Operator's Licence reviewed with a view to revocation and will not be permitted to hold a licence for a period of at least 3 years from the date of any revocation.</p> <p>Where a specific offence is not mentioned, a suitable period of time will be determined by reference to offences described. The Council reserves the right to refuse a licence where there are aggravating circumstances, even where these guidelines would otherwise indicate that a licence might be granted.</p> <p>Summary</p> <p>A criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. In most cases, an applicant would be expected to have remained free from conviction for 3 to 10 years, according to circumstances, before an application can be considered. If there is any doubt about the suitability of an individual to be licensed, the Council will be mindful of the need to protect the public and caution will be exercised.</p> <p>While it is possible that an applicant may have a number of convictions that, individually, do not prevent a licence from being granted, the overall offence history will be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Some discretion may be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.</p>
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Appendix C

Proposed changes to existing policies and guidance (over and above what it recommended within the DfT Statutory Taxi and Private Hire Vehicle Standards at Appendix A)

Current requirement	Proposed change or addition
Refresher Training for Drivers No current requirement	Drivers applying to renew their private hire or hackney carriage driver's licence will be required to undertake refresher training with regard to Safeguarding, Disability Awareness and Child Sexual Exploitation. This is to ensure that drivers/applicants are receiving the most up to date information. The training will be expected to take place during the 3 months before renewal and the cost must be borne by the licence holder. The licence will not be renewed if this training is not completed. Failure to complete the training will result in referral to the Licensing Sub-committee.
Additional training for drivers of wheelchair accessible vehicles No current requirement	Drivers of wheelchair accessible vehicles will be required to undertake specific 'practical' training with regard to disability awareness and how to safely load, secure and unload wheelchair passengers. This training must be carried out at the driver's expense and a pass certificate must be presented to the Council upon application or within 3 months of a driver acquiring a wheelchair accessible vehicle.
Fares No specific statement	<p>Licensed drivers must not, if driving a licensed vehicle fitted with a taximeter, cause the fare to be cancelled or concealed until the hirer has had the opportunity of examining it and has paid the fare.</p> <p>Licensed drivers must not demand from any hirer of a licensed vehicle a fare in excess of any previously agreed for that hiring between the hirer</p>

	and the operator or if the vehicle is fitted with a taximeter, and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.
DVLA Checks An applicant will be required to provide a share code in order that the Council can make checks with DVLA regarding the validity of the licence. An applicant can obtain this by going onto the DVLA website. By entering their driver number (on DVLA driving licence), their postcode and their National Insurance number an applicant can obtain a 'share information code' which must be given to the Council. If there are endorsements on the DVLA driving licence, the application may have to be determined by a Licensing hearing.	Additional text: Officers may request a further check/report at any time during the period of the licence if it is felt necessary. Any refusal to grant authorisation for such a check/report will lead to refusal to grant/renew or suspension/revocation of a hackney carriage or private hire driver's licence.
Vehicle mechanical inspections Any vehicle which is to be licensed must comply with the Council's Manual of Inspections Standards. The Council has appointed agency garages to carry out vehicle checks and ensure that the standards set out in the manual are complied with. A fee will be payable by the licensee directly to the agency garage for each test or re-test. Tests are carried out annually on the initial application and then on each renewal. 'Mid-term' tests are also required thus meaning that a vehicle is tested every six months	Additional text: A mechanical inspection certificate is valid for 6 weeks from the test date. The mechanical test should therefore not be carried out any earlier than 6 weeks before the due date.
Lost property (Contained within current Byelaws and driver conditions) Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof. 16. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein. 17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in	Any change to the lost property section will require a legal process to amend the Byelaws. Any change will also be reflected in the driver conditions. Suggested wording: After every hiring the driver should search the vehicle for any property which may have been accidentally left therein. Any items of value, such as laptops, mobile phones, cameras and high value items, should be reported to the police. Suffolk Constabulary have an online reporting system for lost and found property. The items

<p>the carriage be found by or handed to him:-</p> <p>a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and</p> <p>b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.</p>	<p>should then be taken to a police station.</p> <p>Items of low value, such as clothing, books and umbrellas should be retained by the driver, if a hackney carriage driver, for a period of 28 days. If a private hire driver, the driver should give the item to his private hire operator to retain for a period of 28 days.</p> <p>Every effort should be made to contact the passenger/hirer to arrange collection/return of the item.</p>
<p>Driver assessment</p> <p>A driving assessment must be completed to ensure the applicant is competent in vehicular control and is able to carry out manoeuvres smoothly and safely. Part of the assessment includes a knowledge test to demonstrate the applicant has adequate knowledge of the legislation and licensing requirements.</p>	<p>Applicants will be permitted to take the knowledge test a maximum of three times and if it is not passed at the third attempt, they will be required to wait for a period of 6 months before re-taking the assessment.</p>
<p>Right to remain and work in the UK</p> <p>If the applicant is a foreign national, documentary evidence of entitlement to work in the United Kingdom will be required. Applicants from countries within the European Economic Area (EEA) and Switzerland must produce one of the following documents:</p> <p>1. United Kingdom of Great Britain and Northern Ireland passport (Red)</p> <p>British passport (Blue)</p> <p>2. A passport or national identity card showing that the holder is a national of a European Economic Area country or Switzerland.</p> <p>3. A residence permit, registration certificate, or document certifying or indicating permanent residence issued by the Home Office or the Border & Immigration Agency to a national of a EEA country or</p>	<p>All applicants must provide evidence of their right to work in the UK. This is required for the first application and all renewals.</p> <p>The list below states what evidence needs to be provided to prove the applicant has a right to remain and work in the UK, this list is not exhaustive and other documents may be accepted (please follow this link: https://www.gov.uk/government/organisations/uk-visas-and-immigration)</p> <ul style="list-style-type: none"> • A UK passport confirming that the holder is a British Citizen (or citizen of another EEA country – including Switzerland). • Passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment

<p>Switzerland</p> <p>4. A passport or other travel document endorsed to show that the holder is exempt from immigration control.</p> <p>One of these single documents must be produced or a combination of two documents as listed in the booklet “Prevention of Illegal Working” by the Border & Immigration Agency.</p> <p>Applicants from countries not within the EEA must produce (until they can subsequently produce one of the above documents) other documented evidence to indicate leave to enter or remain within the UK for a limited time.</p> <p>If in any doubt about an individual, the Council’s licensing staff may carry out checks with the Home Office Border & Immigration Agency.</p>	<ul style="list-style-type: none"> • Full UK birth or adoption certificate. • An immigration document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment. • A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment. If in any doubt about an individual, the Council’s licensing staff may carry out checks with the Home Office Border and Immigration Agency. <p>New applicants and existing licensed holders may be required to share details of their status using the Home Office online status service ‘View and Prove your Settled and Pre-settled Status’ – www.gov.uk/view-your-settled-status.</p> <p>Where an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the UK.</p>
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LICENSING COMMITTEE

Monday, 19 July 2021

Subject	REVIEW OF GAMBLING ACT 2005 STATEMENT OF PRINCIPLES
Report by	Councillor Mary Rudd – Cabinet Member with responsibility for Community Health
Supporting Officer	Martin Clarke Acting Legal and Licensing Services Manager 01502 523226 Martin.clarke@eastsoffolk.gov.uk

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
Wards Affected:	All Wards

Purpose and high-level overview

Purpose of Report:

To present the draft revised edition of the Gambling Statement of Principles (**attached at Appendix A**) to the Licensing Committee and to seek approval to consult on the revised document.

Options:

- 1) To consult on the draft revised edition of the Gambling Statement of Principles
OR
- 2) Not to consult on the draft revised edition of the Gambling Statement of Principles

Recommendation/s:

That the Committee:

- 1) Considers the proposed amendments to the draft revised edition of the Gambling Statement of Principles

AND
- 2) Approves the proposed consultation for the draft revised edition of the Gambling Statement of Principles

Corporate Impact Assessment

Governance:

Licensing is a Council function exercised by Licensing Committee and Licensing Sub-Committees.

ESC policies and strategies that directly apply to the proposal:

Gambling Statement of Principles
Safeguarding Policy

Environmental:

No impact

Equalities and Diversity:

No impact

Financial:

No impact

Human Resources:

No impact

ICT:

No impact

Legal:

Section 349 of the Gambling Act 2005 requires all Licensing Authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act. This statement has to be reviewed every 3 years.

Risk:

The intention of the Gambling Act is that children, young persons and vulnerable people should not be permitted to gamble. The publication of the Gambling Statement of Principles sets out how East Suffolk Council will approach and deal with applications and how it aims to permit the use of premises for gambling purposes in so far as it thinks it:

- 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 principles.

Operators will be required to prepare a risk assessment for their business which takes into account the nature and characteristics of the locality in which they are situated.

External Consultees:	<p>Authority is being sought to consult with:</p> <ul style="list-style-type: none"> • The Chief Officer of Police. • The Responsible Authorities named in the Gambling Act 2005. • Persons carrying on gambling businesses within the district. • Groups representing vulnerable persons. • Organisations within the trade. • Parish and Town Councils.
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Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: (Select only one primary and as many secondary as appropriate)		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>

P07	Taking positive action on what matters most	<input type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>
How does this proposal support the priorities selected?			
<p>1.1 Licensing plays an important role in the themes in the Council's Strategic Plan of growing our economy and enabling our communities. The Gambling Statement of Principles gives clear guidance on gambling matters to applicants, licensees and the public; promoting economic growth for local businesses whilst enabling the community to make constructive representations should the need arise.</p>			

Background and Justification for Recommendation

1 Background facts	
1.1	<p>The Gambling Act 2005 replaced most of the existing law about gambling in Britain save that it does not include, within its scope, the National Lottery or remote (online) gambling.</p> <p>The Act has three core objectives:</p> <ul style="list-style-type: none"> • 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
1.2	

	<p>Local authorities have responsibility for publishing a three-year Statement of Principles and the next revised guidance must be published by January 2022.</p> <p>In producing its Statement of Principles the Licensing Authority must have regard to the Licensing objectives of the Gambling Act 2005 and the Guidance for Local Authorities issued, and updated periodically, by the Gambling Commission.</p>
1.3	<p>The requirements as to the form and publication of a statement of principles are set out in regulations and include the following sections:</p> <ul style="list-style-type: none"> (a) An introduction summarising the matters contained within the statement, describing the geographical area to which the statement applies, and listing the persons consulted in preparing the statement. (b) The principles to be applied by the authority in designating, in writing, a body which is competent to advise the authority about the protection of children from harm. (The licensing authority has discretion to determine the most appropriate body competent to advise it about the protection of children from harm. Consideration must be given as to which body best fulfils this function and the statement should set out this consideration, or the criteria that will be used.) (c) The principles to be applied by the authority to determine whether a person is an interested party in relation to the premises licence, or in relation to an application for or in respect of a premises licence. (d) The principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified in that section.

2 Current position

2.1	East Suffolk carried out its last consultation and review in 2018. The current Statement of Principles was published in January 2019 and covers the period 31 January 2019 to 31 January 2022.
2.2	

3 How to address current situation

3.1	The Statement of Principles has been updated and the Licensing Committee is asked to consider the document and approve a 4-week consultation. Responses to the consultation will be reported to the next meeting of the Licensing Committee in October 2021 in order that full Council can adopt the statement at its meeting in November 2021.
3.2	Updated information includes:

	<ul style="list-style-type: none"> • Removal of any reference to Suffolk Coastal or Waveney District Councils. These were abolished as local government areas in 2019. • An extended consultee list at Appendix A. • The removal of the Local Area Profile (attached as Appendix B) from the main body of the document. Guidance to local authorities suggests that this should not form part of the statement due to the frequency of changes that may occur. Each change to the profile can be updated immediately without the need to consult each time. • Amendment to the maximum stake for a B2 category gaming machine from £100 to £2 which came into force in April 2019. <p>It is proposed that an electronic link to the draft policy should be sent to:</p> <ul style="list-style-type: none"> • The Chief Officer of Police. • The Responsible Authorities named in the Gambling Act 2005. • Persons carrying on gambling businesses within the district. • Groups representing vulnerable persons. • Parish and Town Councils. <p>The draft policy will also be available on the East Suffolk Council's website.</p>
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4 Reason/s for recommendation	
4.1	The Gambling Act 2005 required all Local Authorities to adopt a Statement of Principles and to update this Statement, following a consultation procedure, by January 2010 and three yearly thereafter.
4.2	The current Statement of Principles is due for a review and the new document must be published in January 2022.

Appendices

Appendices:	
Appendix A	Draft Gambling Act 2005: Statement of Principles.
Appendix B	Local Area Profile

Background reference papers:		
Date	Type	Available From
None		



GAMBLING ACT 2005: STATEMENT OF PRINCIPLES

DRAFT

January 2022

**Effective: 31 January 2022 until 31 January 2025
(unless revised sooner)**

Preface:

This '**Gambling Act 2005: Statement of Principles**' document has been drafted in partnership with the other Licensing Authorities across Suffolk with an aim of creating a broadly consistent Countywide document for the benefit of all stakeholders with an interest in the Gambling Act 2005 function.

Section 349 of the Gambling Act 2005 requires all Licensing Authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three-year period to which the policy applies. This document is the fifth such statement for this Licensing Authority and must, by order of the Secretary of State, be published by 14 January 2022.

This document has been developed with due regard to all available regulations, conditions, codes of practice, statutory guidance, practical experience of the legislation and any consultee responses. Should anything in future publications, legislative/regulatory changes or case law impact upon the content of this 'Statement of Principles' document, then it will be taken into account and the document may be updated at a later stage and with due consideration to the resource implications for the Licensing Authority.

All references made within this document to the Gambling Commission Guidance for Licensing Authorities, and any extracts quoted thereof, refer to the 5th edition Guidance document published in September 2015 and subsequent revisions.

For further information please refer to:

www.gamblingcommission.gov.uk
www.eastsuffolk.gov.uk

GAMBLING ACT 2005: STATEMENT OF PRINCIPLES

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PART A - GENERAL

1. The Licensing Objectives

- 1.1 In exercising most of its functions under the Gambling Act 2005, the Licensing Authority must have regard to the licensing objectives as set out in section 1 of the Gambling Act 2005 ('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.**

The Gambling Commission has stated, with limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult only environments. The objective refers to protecting children from being 'harmed or exploited' by gambling. This means preventing them from taking part in gambling activities except limited authorised activities (see schedule D), and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children excepting category D machines.

- 1.2 In accordance with section 153 of the Act, in making decisions about premises licences and temporary use notices the Licensing Authority should **aim to permit** the use of the premises for gambling purposes in so far as it thinks it:
- 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 principles.

2. Introduction

- 2.1 Located on the east coast of England, East Suffolk has a strong, diverse and dynamic economy with a wide range of opportunities for future growth alongside major economic, cultural, heritage and environmental assets.

The largest town is Lowestoft with a population of around 70,000 and home to just under a third of the 240,000 people who live within East Suffolk. Almost 50 miles away

and to the south, Felixstowe is the second largest settlement home to around 25,000 people. Then there are smaller market towns – like, Woodbridge, Leiston, Framlingham, Halesworth, Beccles and Bungay. – which are distributed around East Suffolk and typically have populations of 5,000-10,000 people.

Most of these settlements are connected principally by the A12 – which forms a “north-south spine” through East Suffolk and extends from London, Chelmsford, Colchester and Ipswich in the south to Lowestoft in the north. The north of East Suffolk (Lowestoft in particular) continues to have strong links to Great Yarmouth and Norwich (about 30 miles away).

East Suffolk has a wide-ranging portfolio of cultural, heritage and environmental assets and a very distinctive and diverse visitor economy. It is home to outstanding landscapes of rivers, estuaries and nature reserves (some within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty) as well as the ‘southern gateway’ to the Broads National Park and a coastline that extends for close to fifty miles. Major heritage assets range from Anglo-Saxon archaeology and the birthplace of radar at Bawdsey to castles, forts and museums. It is an area which people enjoy, and many choose to spend their leisure time there.

The area also hosts economic assets and opportunities that are amongst the most significant anywhere in the UK and are defining features of East Suffolk’s current economic character and its future potential. These include the UK’s busiest container port at Felixstowe, the home of BT’s Global Research and Development Headquarters at Adastral Park in Martlesham, major developments in offshore and renewable energy in Lowestoft and potential future growth surrounding nuclear power in relation to Sizewell.

East Suffolk



- 2.2 Licensing Authorities are required by the Act to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be

published at least every three years. The statement must also be reviewed from “time to time” and any amended parts must be re-consulted upon. Following any amendment and consultation, the revised statement will then be re-published.

2.3 East Suffolk Council consulted widely upon this statement of principles before it was finalised and published.

2.4 The Gambling Act 2005 requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area
- 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 the Gambling Act 2005.

A list of the persons and organisations consulted by the Licensing Authority is attached to this document as Appendix A.

The consultation took place between XX 2021 and XX 2021.

The full list of comments made and the consideration by the Licensing Authority of those comments is available upon request by contacting the Licensing team via email on licensing@eastsuffolk.gov.uk

2.5 The revised statement of principles was approved at a meeting of the Full Council on XX 2021. Copies are available upon request from the Licensing Team. Should you have any comments concerning this document then please send them to the Licensing Team, as above.

2.6 It should be noted that this statement of principles 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 Gambling Act 2005.

3. Declaration

3.1 In producing this statement of principles the Licensing Authority declares that it has had due regard to the licensing objectives of the Gambling Act 2005 (see 1.1 of this document), the Guidance issued by the Gambling Commission, and any responses from those consulted on the statement of principles.

4. Licence Conditions and Codes of Practice.

4.1 Operators should be mindful of the Commission’s published Licence Conditions and Codes of Practice (LCCP) which were substantially updated in February 2015 and provide sector-specific advice about steps that a business should take to meet its social responsibilities and reflect the licensing objectives. In particular this relates to those business activities which fall under the responsibility of the Licensing Authority ie. in the areas of non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-

remote general betting (limited) and betting intermediary licences.

5. Risk Assessments and Area Profiles.

5.1 Operators will be required to prepare a risk assessment for their business which takes into account the nature and characteristics of the locality in which they are situated.

5.2 The Gambling Commission issue codes of practice under section 24 of the Gambling Act 2005, about the manner in which facilities for gambling are provided to ensure that:

- gambling is conducted in a fair and open way
- children and other vulnerable people are protected from being harmed or exploited by gambling
- assistance is made available to people who are, or may be, affected by problems related to gambling.

5.3 Codes of practice are either:

- social responsibility code provisions - which must be adhered to by all licence holders
- ordinary code provisions – these do not have the status of licence conditions but failure to take account of them can be used as evidence in criminal or civil proceedings.

5.4 New code provisions covering risk assessments and local authority area profiles came into force in April 2016. More detail can be found by going to the Gambling Commission website at www.gamblingcommission.gov.uk. The following are extracts relating to this aspect:

5.4.1 Social responsibility code provision 10.1.1

Assessing local risk

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences

1. Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.
2. Licensees must review (and update as necessary) their local risk assessments:
 - a) to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
 - b) when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
 - c) when applying for a variation of a premises licence; and

d) in any case, undertake a local risk assessment when applying for a new premises licence.

5.4.2 Ordinary code provision 10.1.2

Sharing local risk assessments

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences

1. Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

5.5 The council will expect the local risk assessment to consider as a minimum:

- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children gather;
- the demographics of the area in relation to vulnerable groups,
- whether the premises is in an area subject to high levels of crime and/or disorder.

The local risk assessment should show how vulnerable people, including those with gambling dependencies are protected.

5.6 The Licensing Authority would expect the local area risk assessment to be kept on the individual premises and be available for inspection.

5.7 **Local Area Profile**

Such risk assessments can make reference to the council's local area profile which may be compiled with respect to reported gambling-related problems in an area. East Suffolk's local area profile is an assessment of the local environment and identifies key characteristics. At the time of preparing this edition of the Statement of Principles there has been no evidence to suggest that any part of the East Suffolk district is experiencing problems from gambling activities. The local area can change, and it is important to retain the ability to review and update the local area profile so that any current and emerging risks can be included. For this reason, the local area profile is not included within the body of this Policy and is published as a separate document. It is available by request from the Licensing Team licensing@eastsoffolk.gov.uk

6. Responsible Authorities

6.1 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 Licensing Authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and

- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group

- 6.2 In accordance with the Gambling Commission Guidance for Licensing Authorities this Authority intends to designate the **Suffolk Safeguarding Children Board** for this purpose. The Suffolk Safeguarding Children Board has an arrangement with the Suffolk Constabulary for the Constabulary to act as their nominated agent in relation to Gambling Act 2005, when considering applications with a view to protecting children from harm.
- 6.3 The contact details of all the Responsible Bodies under the Gambling Act 2005 are available via the East Suffolk Council website at www.eastsuffolk.gov.uk or available upon request to the Licensing Team.

7. Interested parties

- 7.1 Interested parties can make representations about licence applications or apply for a review of an existing licence. The Gambling Act 2005 defines interested parties as persons who:
- a) live sufficiently close to the premises to be likely to be affected by the authorised activities,
 - b) have business interests that might be affected by the authorised activities, or
 - c) represents persons who satisfy paragraph (a) or (b)”
- 7.2 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:
- Each case will be decided upon its merits.
 - The Licensing Authority will not apply a rigid rule to its decision making. It may have regard to a number of factors, for example:
 - The size of the premises;
 - The nature of activities the applicant proposes to provide at the premises; and
 - Guidance from the Gambling Commission that “business interests” should be given the widest possible interpretation (see paragraph 6.25 of the GC guidance)
- 7.3 Interested parties can include persons who are democratically elected such as county, parish and town councillors and MPs. Other than these persons, the Licensing Authority will normally require written evidence that a person ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities.
- 7.4 If individuals approach Councillors to ask them to represent their views then care should be taken that the Councillors are not subsequently appointed as part of a Licensing Sub - Committee who may be involved with determination of the licence application. If any further guidance is required, generally or in individual cases, then please contact the

8. Exchange of Information

- 8.1 This Licensing Authority will, when exchanging information which it holds relating to gambling premises, permits and temporary permissions, apply the following principles:
1. act in accordance with the provisions of the Gambling Act 2005
 2. comply with the Data Protection Act 1998 it;
 3. comply with any relevant requirements of the Freedom of Information Act 2000
 4. have regard to Part 13 of the Guidance issued by the Gambling Commission on this matter;
 5. the Gambling Commission's publication '*Advice to Licensing Authorities on information exchange with the Gambling Commission*' (as may be periodically updated); and
 6. any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 8.2 Should any protocols be established pursuant to section 350 of the Act concerning information exchange with the other bodies as listed in Schedule 6(1) of the Act then these will be made available by the Licensing Authority.

9. Enforcement

- 9.1 Licensing Authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 9.2 This Licensing Authority's principles are that it will be guided by the Gambling Commission Guidance (in particular Part 36), the Regulators' Compliance Code - and shall endeavour to regulate in the public interest and be:
- Proportionate: regulators should only intervene when necessary and remedies should be appropriate to the risk posed, and costs identified and minimised;
 - Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
 - Consistent: rules and standards must be joined up and implemented fairly;
 - Transparent: regulators should be open, and keep regulations simple and user friendly; and
 - Targeted: regulation should be focused on the problem, and minimise side effects
- 9.3 In accordance with the Gambling Commission Guidance, the Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 9.4 Any inspection programme, which may be adopted by the Licensing Authority, shall be risk-based.

- 9.5 The enforcement and compliance role for the Licensing Authority under the Gambling Act 2005 is to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission is the enforcement body for Operator and Personal Licences. Manufacture, supply or repair of gaming machines is dealt with by the Gambling Commission and not the licensing authority.
- 9.6 This Licensing Authority will also endeavour to work in partnership with and support local businesses, having due regard to the stated principles and any best practice guidelines published by the Better Regulation Executive, in respect of its responsibilities under the Gambling Act 2005 and other regulatory functions of the Local Authority.
- 9.7 With due regard to the principle of transparency, any enforcement/compliance protocols or written agreements developed by the Licensing Authority shall be made available upon request to the Licensing Team.
- 9.8 In considering applications, and taking enforcement action, under the Gambling Act 2005 the Licensing Authority shall duly consider any Human Rights Act 1998 implications (in particular Article 1, Protocol 1 and Articles 6, 8 and 10).

10. Licensing Authority functions

- 10.1 The Act gives Licensing Authorities a number of important regulatory functions in relation to gambling, the main functions of which are to:
- Licence **premises** for gambling activities;
 - Consider **notices** given for the temporary use of premises for gambling;
 - Grant **permits** for gaming and gaming machines in **clubs and miners' welfare institutes**;
 - Regulate gaming and gaming machines in **alcohol-licensed premises**;
 - Grant **permits** to **Family Entertainment Centres** (FEC's) for the use of certain lower stake gaming machines;
 - Grant permits for **prize gaming**;
 - Consider **occasional use notices** for betting at tracks;
 - Register small societies' lotteries;
 - Consider applications for **provisional statements**;
 - Provide information to the Gambling Commission regarding details of licences, permits, notices and registrations issued (see section 6 above on 'Exchange of Information');
 - Maintain registers of the permits, notices and licences that are issued under these functions; and
 - Prepare and publish, every three years (or sooner if required), a **statement of the principles** it proposes to apply when exercising its functions under the Gambling Act 2005.

Additions or amendments to the list above notified by the Gambling Commission will be published on the Council's Website.

- 10.2 It should be noted that local Licensing Authorities are not responsible for licensing remote gambling. This is the responsibility of the Gambling Commission.

11. Appeals

- 11.1 Appeals relating to premises licensing and other decisions by licensing authorities are covered within the relevant legislation and regulations and are referred to in Part 12 of the Gambling Commission guidance.

PART B - PREMISES LICENCES

1. General Principles

1.1 Premises Licences are subject to the requirements set out in the Gambling Act 2005 and regulations. The Act provides that conditions may be attached to licences, in a number of ways:

1. automatically, having been set out on the face of the Act ;
2. through regulations made by the Secretary of State
3. by the commission, to operating and personal licences; and
4. by the licensing authority, to premises licences and some permits; and
5. by the licensing authority, by excluding certain default conditions on a premises licence.

1.2 When determining an application, this Licensing Authority **aims 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 principles.

1.3 Definition of "premises":

Premises is defined in the Act as "any place". A particular premises cannot be granted more than one premises licence under the Gambling Act at any one time. It is, possible for a single building to be subject to more than one Premises Licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being separate premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can be properly regarded as different premises.

1.4 The Licensing Authority takes particular note of the Gambling Commission Guidance which states that Licensing Authorities should take particular care when considering applications for more than one premises licences for a single building, and applications for a premises licence where part of the premises is used for non-gambling purposes. In particular the Licensing Authority will consider whether:

- entrances and exits from parts of a building covered by one or more licences are to be separate and identifiable so that the separation of different premises is not compromised and that people can not 'drift' into a gambling area;
- premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating; and
- customers are able to participate in the principal gambling activity authorised

by the premises licence.

1.5 The Licensing Authority takes particular note of the Gambling Commission Guidance which states that Licensing Authorities should pay particular attention to applications where access to the licensed premises is through other premises, whether licensed or unlicensed. The Licensing Authority will consider whether

- entrances and exits from parts of a building covered by one or more licences are to be separate and identifiable so that the separation of different premises is not compromised and that people cannot 'drift' into a gambling area;
- premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating; and
- customers are able to participate in the principal gambling activity authorised by the premises licence.
- children can gain access to the premises;
- the two establishments are compatible; and
- The proposed licence holder would be able to comply with the requirements of the Act, for example, mandatory operating licence conditions; and
- Gambling Commission Guidance in relation to division, separation or splitting of premises and primary gambling activity (Part 7 of statutory guidance).

In addition an overriding consideration for the Licensing Authority is whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

1.6 Where an application is made in respect of a premises to be constructed or altered the Licensing Authority will consider each application on its own merits having due regard to the advice given by the Gambling Commission in its Guidance (particularly sections 7.59 to 7.66). The Licensing Authority will consider:

1. if a future effective date on the licence is appropriate; or
2. the licence should be issued subject to a condition that trading shall not commence until the premises have been completed in all respects and in accordance with the scale plans provided with the application.

The Licensing Authority may require inspection of the completed works or written confirmation from the applicant, their agent or surveyor to satisfy the Authority that the completed works comply with the original, or changed, plan attached to the premises licence.

1.7 **Location:**

Demand or need for licensed premises cannot be considered with regard to the location of premises. In accordance with the Gambling Commission Guidance, the Licensing Authority will pay particular attention to protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon concerning areas where gambling premises should not be located, this policy statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the possibility for the applicant

to show how any concerns can be overcome.

1.8 Duplication with other regulatory regimes:

The Licensing Authority seeks to avoid any duplication with other statutory/regulatory systems wherever possible, including planning, building control, health and safety and fire safety. *Should it come to the attention of the Licensing Authority that planning conditions or other regulatory restrictions/controls may impact on a premises operator's ability to comply with mandatory or default conditions then it may alert the applicant accordingly. The grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building law.*

1.9 Licensing objectives:

Premises Licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Licensing Authority has considered the Gambling Commission Guidance and provides some commentary below:

(1) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime:

The Gambling Commission will take the leading role in preventing gambling from being a source of crime. Where a particular area is associated with criminal activity the Licensing Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be appropriate, for example the provision of door supervisors. There is a distinction between disorder and nuisance and the licensing Authority will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed when determining applications under the Gambling Act 2005.

(2) Ensuring that gambling is conducted in a fair and open way:

The Gambling Commission stated in its Guidance that it would, with the exception of tracks (see Part B section 7 of this document), generally not expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this is addressed via Operator and Personal licensing requirements. If the Licensing Authority suspects that gambling is not being conducted in a fair and open way then this will be brought to the attention of the Gambling Commission for its further consideration.

(3) Protecting children and other vulnerable persons from being harmed or exploited by gambling:

The Gambling Commission has stated, with limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult only environments. The objective refers to protecting children from being 'harmed or exploited' by gambling. This means preventing them from taking part in gambling activities except limited authorised activities (see schedule D), and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children (excepting category D machines).

The Licensing Authority will therefore consider, as suggested in the Gambling Commission Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include such matters as supervision of entrances/machines or segregation of areas.

The Licensing Authority will also have due regard to any relevant Codes of Practice issued by the Gambling Commission concerning this licensing objective in relation to specific premises.

The Gambling Commission does not provide a definition for the term “vulnerable persons” but states that “for regulatory purposes assume that this group includes people who:

- gamble more than they want to;
- gamble beyond their means; and
- may not be able to make informed or balanced decisions about gambling due to mental health needs, alcohol or drugs.”

The Licensing Authority will consider this licensing objective on a case by case basis.

1.10 Conditions:

Since the Licensing Authority must aim to permit the use of premises for gambling, it will not attach conditions which limit the use of the premises for gambling, except where that is necessary as a result of the requirement to act:

- in accordance with the Gambling Commission Guidance, the Commission’s codes of practice or this Licensing Authority’s Statement of Policy; or
- in a way that is reasonably consistent with the Licensing Objectives.

This Licensing Authority notes that conditions on premises licences should only relate to gambling, and it is not necessary, proportionate or appropriate to impose conditions on a premises licence where the Gambling Commission’s Licence Conditions and Codes of Practice, or other legislation, places the same or similar duties, responsibilities or restrictions on an employer or the operator of gambling premises.

This Licensing Authority shares the view of the Gambling Commission that the mandatory and default conditions set by the Secretary of State will normally be adequate for the general good conduct of gambling premises. However, where there are specific, evidenced risks or problems associated with a particular locality, specific premises, or class of premises in its area then the Licensing Authority may be able to attach individual conditions to address this.

Any conditions attached by the Licensing Authority to a premises licence shall be:

- carefully considered in view of the matters mentioned above at 1.9;

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

Sections 169 to 172 of the Act set out certain matters that may not be the subject of Licensing Authority conditions, as set out below:

- any condition on the Premises Licence which makes it impossible to comply with an Operator Licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

The Licensing Authority will have due regard to these when considering the need for conditions.

1.11 The Licensing Authority will also consider specific measures which may be required for buildings which are the subject of more than one Premises Licence. In considering these matters the Licensing Authority shall have due regard to:

- any mandatory or default conditions of licence,
- any relevant Codes of Practice (particularly social responsibility provisions linked to operator licences) issued by the Gambling Commission; and
- Gambling Commission Guidance.

Such measures may include the supervision of entrances, segregation of gambling from non-gambling areas frequented by children and the supervision of gaming machines in specific non-adult gambling premises in order to promote the licensing objectives.

1.12 The Licensing Authority must be satisfied that where category C or above machines are available in premises to which children are admitted:

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

These considerations may apply to premises including buildings where more than one

Premises Licence is applicable.

- 1.13 Tracks (defined at 9.3) may be subject to one, or more than one, Premises Licence provided each licence relates to a specified area of the track. In accordance with the Gambling Commission Guidance, the Licensing Authority will consider the impact upon the protection of children licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 1.14 In accordance with Gambling Commission Guidance, the Licensing Authority may consider whether door supervisors are appropriate in particular circumstances in order to:
- prevent premises from becoming a source of crime or disorder; or
 - protect children and vulnerable persons from being harmed or exploited by gambling.

Should the Licensing Authority consider that door supervisors are necessary and appropriate in the particular circumstances to promote the licensing objectives for a particular premises, it will normally expect that any person employed as a door supervisor at that premises will either:

- meet the minimum requirements necessary for that individual to be licensed by the Security Industry Authority (SIA) in normal circumstances (accepting that there is a specific exemption from the licensing of door supervisors by the SIA for in-house staff of casino and bingo premises); or
- the holder of the operator licence will have recruitment criteria for their door supervisors, which may specify:-
 - (a) a minimum training standard (whether within the organisation, or a nationally accredited training course); and
 - (b) an assessment of whether that individual is fit and proper, for example by means of a subject access search, Disclosure and Barring Service disclosure or other means.-

2. Reviews

- 2.1 An application for review of a premises licence may be made by:
- An interested party;
 - A responsible authority; and
 - the Licensing Authority, for :
 - a particular class of premises licence; or
 - in relation to a particular premises, and
 - It is for the Licensing Authority to determine whether the review is to be carried-out.
- 2.2 Any request for a review should relate to matters relevant to one or more of the following:
- any relevant code of practice issued by the Gambling Commission;
 - any relevant guidance issued by the Gambling Commission;
 - the licensing objectives, and

- the Licensing Authority's statement of principles.

When considering any review request, or whether to instigate its own review, the Licensing Authority will have due regard to the guidance issued by the Gambling Commission and consider;

- each application on its merits;
- whether matters raised in the application are frivolous or vexatious;
- whether the application would certainly not cause the it to amend/suspend or revoke the licence; or
- whether the request is substantially the same as any previous representations or requests made for a review or previous application for the same premises.

Officers of the Authority may attempt informal mediation or dispute resolution techniques, where practicable, prior to a review being conducted.

2.3 A review application must only be determined by a sub-committee, and not by an officer. The purpose of a review is to determine whether the Licensing Authority should take any action in relation to the licence. The Licensing Authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations. If action is justified, the options are to:

- (a) add, remove or amend a licence condition imposed by the Licensing Authority;
- (b) exclude a default condition imposed by the Secretary of State (relating to, for example, opening hours) or remove or amend such and exclusion;
- (c) suspend the premises licence for a period not exceeding 3 months; or
- (d) revoke the premises licence.

3. Provisional Statements

3.1 An applicant may apply for a full premises licence where the premises are uncompleted or unaltered. However an applicant for a provisional statement does not need the right of occupation or an operator licence (granted or applied for) which are required in order to apply for a premises licence.

3.2 An application may be made to the Licensing Authority, under section 204 of the Act, for a provisional statement in respect of premises that the applicant expects to:

- be constructed;
- be altered;
- acquire a right to occupy.

An application may also be made for a provisional statement for premises already having a premises licence (either for a different type of gambling or the same type).

3.3 When considering an application for a provisional statement the Licensing Authority shall have due regard to the guidance issued by the Gambling Commission (in particular Part 11). Subject to any necessary modifications, the process for considering an application for a provisional statement is the same as that for a premises licence, including the rights of interested parties and responsible authorities to make representations and rights of appeal.

- 3.4 If representations about Premises Licence applications following the grant of a Provisional Statement are received, they may not be taken into account unless they concern matters which could not have been addressed when determining the Provisional Statement, or they reflect a material change in the circumstances of the application. The Licensing Authority must determine the Premises Licence, referring only to matters:
- (a) which could not have been raised by way of representations at the Provisional Statement stage; or
 - (b) which in the Licensing Authority's opinion reflect a change in the operator's circumstances.
 - (c) Where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. If there are substantial changes to the plan the Licensing Authority will discuss any concerns with the applicant before making a decision.
- 3.5 In accordance with section 210 of the Act (which applies to premises licences and provisional statements), the Licensing Authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.

4. Temporary Use Notices

- 4.1 Temporary Use Notices (TUNS) allow the use of premises for gambling where there is no Premises Licence but where a licensed gambling operator wishes to use the premises for providing facilities for equal chance gaming. The Gambling Commission Guidance suggests that premises that might be suitable for TUNS may include hotels, conference centres and sporting venues, and that equal chance gaming may include games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker but may not be provided by means of machine.
- 4.2 There are a number of statutory limits that apply in respect of Temporary Use Notices, including that a TUN may only be granted to a person or company holding a relevant Operator Licence, in effect a non-remote Casino Operating licence, and limitations on the number of times a 'set of premises' can be used under these provisions.
- 4.3 A 'set of premises', as referred to by section 218 of the Act, is the subject of a Temporary Use Notice if any part of the premises is the subject of a notice. This reference to 'premises' is not the same as that in Part 8 of the Act and prevents one large premises from serving TUNS for different parts of the premises and exceeding the statutory limit of 21 days in any 12 month period.
- 4.4 The Licensing Authority will take into account Gambling Commission Guidance when considering whether a place falls within the definition of a 'set of premises'. This consideration may include looking at the ownership, occupation and control of the premises. The Gambling Commission Guidance advises that: "This is a new permission and Licensing Authorities should be ready to 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."

- 4.5 Where a notice of objection is received in respect of a Temporary Use Notice, the licensing authority will hold a hearing and consider representations from:
- the person who gave the notice
 - any person who objected to the notice; and
 - any party who was entitled to receive a copy of the Temporary Use Notice.

Where all parties agree that a hearing is unnecessary, the hearing may be dispensed with.

- 4.6 Where objections are made, a modification to the Temporary Use Notice may be proposed, which could include:
- a reduction in the number of days when gambling occurs;
 - a restriction on the type of gambling which may take place.

- 4.7 Where, following a hearing, or after a hearing has been dispensed with, the licensing authority considers that the temporary use notice should not have effect, it must issue a counter notice which may:

- prevent the temporary use notice from taking effect;
- limit the activities that are permitted
- limit the time period of the gambling
- allow the activity to take place subject to a specified condition.

The principles which the licensing authority will apply in determining a temporary use notice are those which it will apply when determining a premises licence, as set out at part B, General principles, subject to its view as to whether it accords with a:

- commission code;
- the Guidance issued by the Gambling Commission;
- this licensing authority's statement of licensing policy; and
- is reasonably consistent with the licensing objectives

5. Occasional Use Notices

- 5.1 Occasional Use Notices (OUNS) permit licensed betting operators (with appropriate permission from the Gambling Commission) to use tracks for short periods for conducting betting, where the event upon which the betting is taking place is of a temporary, infrequent nature. The Occasional Use Notice dispenses with the need for a betting Premises Licence for the track in these circumstances.
- 5.2 The OUN must be served by a person who is responsible for the administration of events on the track or by an occupier of the track.
- 5.3 The Licensing Authority must ensure that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority must consider the definition of a 'track'; see paragraph 9.1, which need not be a permanent fixture, and whether the applicant is eligible to serve the notice.

6. Casinos

- 6.1 This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but retains the power to do so. Any change will be published on the Council's Website and the Statement of Policy in the intervening period.
- 6.2 Where a Licensing Authority area has the power to determine a Premises Licence application for a new style casino, it will do so following any regulations under Section 175 of the Gambling Act 2005 published by the Secretary of State.
- 6.3 The Act lays down a framework for a two-stage process for considering applications in circumstances where the number of applications exceeds the number of licences available, and this will be followed by the Licensing Authority.

6.4 Licence considerations/conditions:

The Licensing Authority shall have due regard to Gambling Commission guidance in relation to the suitability and layout of casino premises, and also the guidance issued by the Commission on primary gambling activity at casino premises.

Conditions may be attached to casino operator licences by the Gambling Commission to restrict the types of casino games that may be made available, or specifying rules for casino or equal chance games played in a casino. The Licensing Authority will make itself aware of any operating, mandatory and default conditions, codes of practice and Gambling Commission guidance when considering applications, and attachment of any conditions, for casino premises licences.

6.5 Betting machines:

Where betting is permitted in a casino, the Licensing Authority will normally, in accordance with Gambling Commission Guidance and when considering whether to impose a condition to restrict the number/nature/circumstances of betting machines (bet receipt terminals) made available in particular premises, 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 (it is an offence for those under 18 to bet) or by vulnerable persons.

7. Bingo premises

- 7.1 It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category B or C or machines are made available for use on premises to which children are admitted Licensing Authorities should ensure that:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance; and
 - only adults are admitted to the area where the machines are located

- 7.2 The Licensing Authority shall have due regard to relevant licence conditions and codes of practice in relation to the operation of Bingo premises, and also the Gambling Commission's guidance about the particular issues that Licensing Authorities should take into account in relation to the suitability and layout of bingo premises. This includes guidance on primary gambling activity, split premises and operating licence conditions.

8. Betting premises

- 8.1 **Betting machines:** The Licensing Authority will normally, in accordance with the Gambling Commission Guidance, 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 (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines (bet receipt terminals) an operator wants to make available. Children and young persons will not be able to enter premises which hold a Betting Premises licence, unless the special rules applying to tracks are applicable.
- 8.2 The Licensing Authority shall have due regard to the Gambling Commission's guidance in relation to the suitability and layout of betting premises. This includes guidance on primary gambling activity, split premises and operating licence conditions.
- 8.3 Betting Machines (Bet receipt terminals) are not gaming machines under the Act, and do not accrue against the premises entitlement for gaming machines, unless the machine is designed or adapted for use to bet on **virtual** races (that is, images generated by computer to resemble races or other events) in which case it is considered a gaming machine. Where betting facilities are provided only by betting machines the number of betting machines must exceed the number of gaming machines made available for use.

9. Track Premises Licences

- 9.1 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.

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

- An occasional use notice (OUN)
- A temporary use notice (TUN) 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.

9.3 A betting premises licence permits a 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.

9.4 Track 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.

9.5 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.

9.6 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.

9.7 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.

9.8 Track premises that safeguard the achievement of the three licensing objectives may generally be considered fit for gambling, and some general principles whereby licensing authorities can establish whether a track is fit for the provision of gambling facilities are as follows:-

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 where they perceive problems

Licensing objective	Issues to consider	Reason to consider a track premises unfit for gambling purposes?
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.

9.9 **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
- to ensure that gambling premises are not developed in the backrooms of other commercial premises.

9.10 **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.

9.11 **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.

9.12 **Hours of betting on 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)
- 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 to reducing the default gambling hours, providing any reduction is in line with the principles set out in section 153 of the Act.

9.13 **Self-Service Betting Terminals:** Licensed operators may install self-service betting 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.

- 9.14 **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
- monitor the effectiveness of these.

Track administration

- 9.15 **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.

- 9.16 **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.

- 9.17 **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 event days without at least making places available to licensed operators. This matter is the responsibility of the Gambling Commission and not the Licensing Authority.

- 9.18 **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.

- 9.19 **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.

- 9.20 **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.

- 9.21 **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 pay-outs. For racecourses and greyhound tracks, the maximum pay-out will vary according to the rules of individual on-course operators.

9.22 **Approved 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.

9.23 **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

- 9.24 **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).

10. Adult Gaming Centres

- 10.1 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will require applicants to demonstrate that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate measures may also be included within mandatory/default conditions and codes of practice and cover matters such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Access and Location of entry
- Notices / signage
- Self-barring schemes
- ATM location
- Prohibition of alcohol consumption
- 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.

The Licensing Authority may determine the opening hours for Adult Gaming Centres, on a case-by-case basis, in the absence of any default conditions addressing this matter.

11. (Licensed) Family Entertainment Centres

- 11.1 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will require applicants to demonstrate that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only Category C gaming machine areas.

The Licensing Authority will require applicants to demonstrate that there will be sufficient measures to promote the licensing objectives. Appropriate measures may also be included within mandatory/default conditions and codes of practice and cover matters such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Access and Location of entry
- Notices / signage
- Challenging children or young persons attempting to play category C machines
- Self-barring schemes
- ATM location
- Prohibition of alcohol consumption
- Provision of information leaflets/helpline numbers for organisations such as GamCare or Gamble Aware
- Measures / training for staff on how to deal with suspected truant school children on the premises

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

- 11.2 The Licensing Authority will, in accordance with the Gambling Commission Guidance, make itself aware of any conditions that may apply to Operator licences covering the way in which the area containing the category C machines should be delineated. The Licensing Authority will ensure that it has due regard to any mandatory or default conditions on these Premises Licences and Codes of Practice and guidance issued by the Gambling Commission when discharging its functions in relation to licensed Family Entertainment Centres

The Licensing Authority may determine the opening hours for licensed FEC's, on a case-by-case basis, in the absence of any default conditions addressing this matter.

PART C

PERMITS, TRAVELLING FAIRS AND SMALL SOCIETY LOTTERIES

1. Unlicensed Family Entertainment Centre (unlicensed FEC's) gaming machine permits

- 1.1 Unlicensed Family Entertainment Centres (FEC's) are commonly located at seaside resorts, in airports and at motorway service stations, catering for families - including unaccompanied children and young persons. Where a premises does not hold a Premises Licence but there is an intention to provide gaming machines (category D only), an application may be made to the Licensing Authority for the grant of this permit. The applicant must be an individual aged 18 or over, and he/she must occupy or plan to occupy the relevant premises. The Licensing Authority may only grant a permit where it is satisfied that the applicant intends to use the premises as an unlicensed FEC and where it has consulted the Chief Officer of Police on the application. Any duties on the applicant to comply with other legislation such as fire regulations or Health and Safety are not issues for the Licensing Authority under the Gambling Act 2005.
- 1.2 If the operator of a Family Entertainment Centre intends to make category C machines available, in addition to category D machines, then an application must be made for an Operator Licence from the Gambling Commission and a Premises Licence from the Licensing Authority (see section 11, Family Entertainment Centre).
- 1.3 Details of up to date application requirements, including any supporting documentation, are available via the Council website at www.eastsuffolk.gov.uk or from the Licensing Team direct.
- 1.4 It should be noted that a Licensing Authority cannot attach conditions to this type of permit.
- 1.5 **Statement of Principles:**
The Licensing Authority will expect the applicant to satisfy it that they and their employees can demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's. The applicant is expected to demonstrate that he has considered appropriate measures to promote the licensing objectives, and training for staff on issues such as:
- suspected truant school children on the premises;
 - how staff would deal with unsupervised very young children being on the premises;
 - children causing problems on or around the premises; and
 - maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's

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

- 1.6 The Chief Officer of Police is a statutory consultee for all such permit applications, and any representations made by him will be considered by the Licensing Authority.
- 1.7 The Licensing Authority may also require the applicant to provide details of any relevant convictions, (those that are set out in Schedule 7 of the Act), the following documents will be accepted:
- basic Disclosure and Barring Service disclosure; or
 - a police subject access search.

2. Club Gaming Permits

- 2.1 Members Clubs and Miners' welfare institutes (but not commercial Clubs) may apply for a Club Gaming Permit which authorises the premises to:
- make available for use up to 3 gaming machines of categories B3A to D,
 - equal chance gaming (without restriction on the stakes and prizes); and
 - games of chance as prescribed by regulations (namely pontoon and chemin de fer).

The gaming which a club gaming permit allows is subject to the following conditions:

In respect of equal chance gaming:

- a. The club must not deduct money from sums staked or won;
- b. The participation fee must not exceed the amount prescribed in regulations;
- c. The game takes place on the premises and must not be linked with a game on another set of premises.

Two games are linked if:

- i. The result of one game is, or may be, wholly or partly determined by reference to the result of the other game;
- ii. The amount of winnings available in one game is wholly or partly determined by reference to the amount of participation in the other game, and a game which is split so that part is played on one site and another part is played elsewhere is treated as two linked games
- iii. Only club members and their genuine guests participate In

respect of other games of chance:

- a. the game must be pontoon and chemin de fer only
- b. no participation fee may be charged otherwise than in accordance with the regulations
- c. no amount may be deducted from sums staked or won otherwise than in accordance with the regulations.

- 2.2 Members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made such regulations covering bridge and whist clubs A members' club must be permanent in nature and established and conducted for the benefit of its members and not as a commercial enterprise. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations".

A club gaming permit may not be granted in respect of a vehicle or a vessel.

- 2.3 The Licensing Authority may only refuse an application on the grounds that:
- a. the applicant does not fulfil the requirements for a 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 Gambling Commission or the Suffolk Constabulary

Where the Licensing Authority is satisfied that (a) or (b) is the case, it must refuse the application. In determining an application the Licensing Authority shall have regard to the relevant guidance issued by the Gambling Commission and, subject to that guidance, the licensing objectives.

Where a permit is granted, the permit holder must comply with statutory conditions:

- no child or young person may use a category B or C machine on the premises; and
- the permit holder must comply with any relevant provision of a code of practice regarding the location and operation of gaming machines.

There is a 'fast-track' procedure available for premises where the club holds a Club Premises Certificate under section 72 of the Licensing Act 2003. Where an application is made under the fast track procedure, there is no opportunity for objections to be made by the Commission or the Suffolk Constabulary, and the grounds upon which an Authority can refuse a permit are limited as below:

- the club is established primarily for gaming, other than gaming of a prescribed kind
- in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

- 2.4 There are statutory conditions concerning Club Gaming Permits

3. Club Machine Permits

3.1 Members Clubs and Miners' welfare institutes and commercial Clubs may apply for a Club Machine Permit, which enables the premises to make available for use up to 3 gaming machines of categories B4, C and D. Members clubs and Miner's welfare institutes only may also make available for use category B3A machines offering lottery games in the club under a club machine permit.

3.2 Members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made such regulations covering bridge and whist clubs A members' club must be permanent in nature and established and conducted for the benefit of its members and not as a commercial enterprise. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations".

Commercial clubs must have at least 25 members but may be established with a view to making a profit, which is not returned to the members, but the proprietor(s) of the club. Examples of commercial clubs include snooker clubs, clubs established for personal profit and most clubs established as private companies.

3.3 The Gambling Commission Guidance advises that Licensing Authorities may only refuse an application on the grounds that:

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

It should be noted that either type of permit may not be issued in respect of a vessel or vehicle.

3.4 There is also a 'fast-track' procedure available for premises where the club holds a Club Premises Certificate under section 72 of the Licensing Act 2003 (. As the Gambling Commission Guidance states: "Under the fast-track procedure there is no opportunity for an objection to be made by the Commission or the Police, and the grounds upon which an Authority can refuse a permit are reduced". The grounds on which an application under the process may be refused are that:

- a. the club is established primarily for gaming, other than gaming of a prescribed kind;
- b. in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- c. a club machine permit issued to the applicant in the last ten years has been cancelled.

- 3.5 There are statutory conditions concerning Club Machine Permits that no child or young person may use a category B or C machine on the premises and that the permit holder complies with any relevant provision of a code of practice regarding the location and operation of gaming machines.

4. (Alcohol) Licensed Premises Gaming Machine Permits

- 4.1 The Act makes provision for premises licensed to sell alcohol for general consumption on the premises to be entitled to make available up to 2 gaming machines, of categories C and/or D. The Licensing Act 2003 premises licence holder needs only to notify the Licensing Authority of this intention and pay the prescribed fee. The Licensing Authority may remove the automatic authorisation in respect of any particular premises only if it is satisfied that:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

Before making any such order the Licensing Authority shall give the licensee at least 21 days prior notice and consider any representations made by the applicant (at a hearing if requested by the Licence holder).

- 4.2 If a Licensing Act 2003 premises licence holder wishes to use more than 2 gaming machines, then (s)he will need to apply to the Licensing Authority for a permit and the Licensing Authority must consider that application based upon:

- the licensing objectives;
- any guidance issued by the Gambling Commission; and
- “such matters” as it thinks relevant.

This Licensing Authority considers that “such matters” will be assessed on a case by case basis. Generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling.

This permit replaces, and is not in addition, to the automatic entitlement notification.

- 4.3 The Licensing Authority expects the applicant to satisfy it that there will be sufficient measures in place to ensure that persons under the age of 18 do not have access to the adult only category C gaming machines. The applicant may consider appropriate measures to comply with Gambling Commission Codes of Practice and monitor access to machines. This may include:

- ensuring that the adult gaming machines are within sight of the bar, or within the sight of staff who can monitor that the machines are not being used by persons under the age of 18;
- Notices and signage may also be an appropriate measure/safeguard;
- the provision of information leaflets / helpline numbers for organisations that give support to vulnerable persons such as GamCare and Gamble Aware.

4.4 The holder of a permit must comply with any relevant code of practice issued under section 24 of the Act by the Gambling Commission concerning the location and operation of the gaming machines.

4.5 It should be noted that the Licensing Authority can and may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached to the grant of this permit.

There is a similar mechanism for applying to vary the number and category of machines specified on an existing permit.

5. Prize Gaming and Prize Gaming Permits

5.1 Statement of principles:

The prize gaming 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 monetary 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.

It should be also noted that this permit cannot be issued in respect of a vessel or vehicle.

An application may only be made by an individual over the age of 18, who occupies or plans to occupy the relevant premises. An application for a permit can not be made if a premises licence or club gaming permit is already in effect for the same premises.

The Licensing Authority will expect the applicant to satisfy the Authority that that they and their employees can demonstrate a full understanding of the maximum stakes and prizes for the gaming offered and that the type of gaming offered is within the law. The applicant will normally be required to set out the types of gaming that he/she is intending to offer, and may wish to consider appropriate measures to promote the licensing objectives, and training for staff on:

- the type of gaming which they intend to provide; and
- the stakes and prizes which apply under the regulations relevant to the type of gaming they intend to offer.

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

- 5.2 In making its decision on an application for this permit the Licensing Authority may have regard to the licensing objectives and must have regard to any Gambling Commission Guidance. Given that the premises may be particularly appealing to children and young persons, the Licensing Authority will give appropriate weight to the consideration of child protection issues.
- 5.3 The Chief Officer of Police is a statutory consultee for all such permit applications. Any representations made by the Chief Officer of Police which are relevant to the licensing objectives will be considered by the Licensing Authority relevant considerations may include:
- whether the applicant has any convictions that would render them unsuitable to operate prize gaming, or
 - the suitability of the location of the premises in relation to any disorder issues.

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

- 5.4 It should be noted that whilst there may be conditions in the Gambling Act 2005 and Gambling Commission codes of practice (including on social responsibility) with which the permit holder must comply, the Licensing Authority cannot attach conditions to this permit. Where the Authority is minded to refuse a permit application it will notify the applicant and allow the opportunity for the applicant to make representations (which may be considered at a hearing).

6. Travelling Fairs

- 6.1 It is the duty of the Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit are made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 6.2 The Licensing Authority will carefully consider whether an operator falls within the statutory definition of a travelling fair (provided by section 286 of the Act) and be 'wholly or principally' providing amusements.
- 6.3 The 27-day statutory maximum for the land being used as a fair is per calendar year, and that this applies to the piece of land on which the fairs are held regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Authority shall endeavour to work with neighbouring authorities to ensure that land which crosses district/borough boundaries is monitored so that the statutory limits are not exceeded.

7. Society Lotteries

7.1 The Council as the local authority is responsible for registering small society lotteries. A lottery is defined under the Act and in the guidance as:

a simple lottery if:

- persons are required to pay to participate
- one or more prizes are allocated to one or more members of a class
- the prizes are allocated by a process which relies wholly on chance

a complex lottery if:

- persons are required to pay to participate
- one or more prizes are allocated to one or more members of a class
- the prizes are allocated by a series of processes
- the first of those processes relies wholly on chance

A society, or any separate branch of such a society, may be registered by the council to promote a small lottery where it is established and conducted:

- for charitable purposes
- for the purpose of enabling participation in , or of supporting, sport, athletics or a cultural activity;
- for any other non commercial purpose other than private gain;
- and the proceeds of the lottery must be devoted to the purposes above.

The society must not be established for the sole purpose of facilitating lotteries.

The Council may only register a society which wishes to promote a small lottery where the society's principal office is located within its area. If the Council believes that the society's principal office does not fall within its boundaries it will inform the society and relevant authority at the earliest opportunity.

7.2 A small lottery is defined in the Act and the current limits are published on the Gambling Commission website www.gamblingcommission.gov.uk. Definitions of exempt lotteries are also published at this address.

7.3 The Council will expect the society applying to register with it supply a copy of its terms conditions or constitution to enable it to establish that the society is non-commercial, together with a declaration to the effect that it is non-commercial.

7.4 Details of societies registered by the council will be published in a register maintained by the Council.

7.5 The registration is for an indefinite period unless the registration is cancelled by:

- the society; or
- the council on failure of the society to pay the annual charge.

7.7 The council may refuse to register a small society lottery where:

- an operating licence held by the applicant for registration has been revoked or an application for an operating licence made by the applicant for registration has been refused;
- the society cannot be deemed non-commercial
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence;
- information provided in or with the application for registration is found to be false or misleading.

Where the Council proposes to refuse to register a small society lottery it will give the society an opportunity to make representations in writing or at a hearing. The Council will notify the society in writing of the outcome of the hearing and the reasons for the decision.

7.8 The Council may revoke a society lottery registration where it considers that it would have had to, or would be entitled to refuse an application if it were to be made at that time.

Gambling Act 2005 Statement of Licensing Principles **Consultee list for East Suffolk Council**

All Town and Parish Councils in East Suffolk	Gamble Aware
All District Councillors in East Suffolk	Gamblers Anonymous
All premises in East Suffolk licensed under the Gambling Act 2005	Gambling Commission
All Responsible Authorities under the Gambling Act 2005	Gamcare
ADFAM Families Drugs and Alcohol	Gamestec Leisure Ltd
Age UK	Gordon Moody Association
Alcoholics Anonymous	Ladbrokes Plc
Association of British Bookmakers	Learning Disability Partnership Board SCC
BACTA	Mencap Suffolk
Betfred	Mind
Bingo Association	Narcotics Anonymous
British Association of Leisure Parks, Piers and Attractions Ltd	National Association of Bookmakers
British Horse Racing Authority	Responsibility in Gambling Trust
Casino Operators Association	Royal British Legion
Chilvers Automatics Ltd	Suffolk Safeguarding Adult's Board
Citizens Advice Bureau	Suffolk Safeguarding Children's Board
Corals	
Drink Aware	Samaritans
Essex Leisure	William Hill Organisation
Gala Bingo	

Appendix B

Section 353 of the Gambling Act 2005 gives some general interpretation and reference for some of the main terminology used within the Act and contained within this Statement of Principles document. Except where the context otherwise requires:

"adult" means an individual who is not a child or young person

"adult gaming centre" has the meaning given by section 237

"alcohol licence" has the meaning given by section 277

"authorised local authority officer" has the meaning given by section 304

"authorised person" has the meaning given by that section

"betting" has the meaning given by sections 9 to 11, 37 and 150

"betting intermediary" has the meaning given by section 13

"bingo" means any version of that game, irrespective of by what name it is described

"casino" has the meaning given by section 7

"casino game" has the meaning given by that section

"Category A gaming machine" (or B, C or D) means a gaming machine falling within Category A (or B, C or D) as prescribed under section 236

"chief constables of police forces" has the same meaning in relation to England and Wales as in the Police Act 1996 (c. 16)

"child" has the meaning given by section 45

"club gaming permit" has the meaning given by section 271

"club machine permit" has the meaning given by section 273

"commercial club" has the meaning given by section 267

"the Commission" means the Gambling Commission

"director" -

(a) has the meaning given by section 741 of the Companies Act 1985 (c. 6), and

(b) includes a shadow director within the meaning of that section

"dog track" means premises which are designed, used or adapted for use for dog-racing

"draw", in relation to a lottery, has the meaning given by section 255

"EEA State" means a State which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (as it has effect from time to time)

"enactment" includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament

"enforcement officer" means a person designated or appointed as an enforcement officer under section 303

"equal chance gaming" has the meaning given by section 8

"exempt lottery" has the meaning given by section 258

"external lottery manager" has the meaning given by section 257

"fair" has the meaning given by section 286

"family entertainment centre" has the meaning given by section 238

"family entertainment centre gaming machine permit" has the meaning given by section 247

"football pools" means an arrangement whereby -

(a) people compete for prizes by forecasting the results of association football games, and

(b) each entry to the competition must forecast the results of at least four games

"gambling" has the meaning given by section 3

"gambling software" has the meaning given by section 41

"game of chance" has the meaning given by section 6

"gaming" has the meaning given by that section

"gaming machine" has the meaning given by section 235

"horse-race course" means premises which are designed, used or adapted for use for horse-racing

"horse-race pool betting" has the meaning given by section 12

"large casino" has the meaning given by regulations under section 7(5)

"licensed family entertainment centre" has the meaning given by section 238

"licensed premises gaming machine permit" has the meaning given by section 283

"the licensing objectives" has the meaning given by section 1

"licensing authority" has the meaning given by section 2

"lottery" has the meaning given by section 14 (and section 256)

"lottery manager's operating licence" has the meaning given by section 98

"lottery ticket" has the meaning given by section 253

"machine" has the meaning given by section 235(3)(a)

"members' club" has the meaning given by section 266

"miners' welfare institute" has the meaning given by section 268

"the National Lottery" has the meaning given by section 1 of the National Lottery etc. Act 1993 (c. 39))

"non-commercial betting" has the meaning given by section 302

"non-commercial gaming" has the meaning given by section 297

"non-commercial society" has the meaning given by section 19

"occasional use notice" means a notice given under section 39

"operating licence" means a licence issued under Part 5

"on-premises alcohol licence" has the meaning given by section 277

"participant", in relation to a game of chance, includes a person who discharges an administrative or other function in relation to the game

"participation fee" has the meaning given by section 344

"passenger vessel" means a vessel which is carrying or expected to carry at least one passenger

"personal licence" means a licence issued under Part 6

"pool betting" has the meaning given by section 12

"premises" includes any place and, in particular -

- (a) a vessel, and
- (b) a vehicle

"premises licence" means a licence issued under Part 8

"private betting" has the meaning given by section 295 and Part 2 of Schedule 15

"private gaming" has the meaning given by section 295 and Part 1 of Schedule 15

"private gain" is to be construed in accordance with section 19(3)

"prize" in relation to gaming (except in the context of a gaming machine) has the meaning given by section 6

"prize" in relation to a gaming machine has the meaning given by section 239

"prize" in relation to a lottery has the meaning given by section 14

"prize gaming" has the meaning given by section 288

"prize gaming permit" has the meaning given by section 289

"proceeds", in relation to a lottery, has the meaning given by section 254

"profits", in relation to a lottery, has the meaning given by that section

"profits", in relation to non-commercial prize gaming, has the meaning given by section 299

"racecourse" means premises on any part of which a race takes place or is intended to take place

"real", in relation to a game, event or process means non-virtual

"relevant offence" has the meaning given by section 126 and Schedule 7

"remote communication" has the meaning given by section 4

"remote gambling" has the meaning given by that section

"remote gambling equipment" has the meaning given by section 36

"remote operating licence" has the meaning given by section 67

"rollover", in relation to a lottery, has the meaning given by section 256

"small casino" has the meaning given by regulations under section 7(5)

"society" includes a branch or section of a society

"stake" means an amount paid or risked in connection with gambling and which either -

(a) is used in calculating the amount of the winnings or the value of the prize that the person making the stake receives if successful, or

(b) is used in calculating the total amount of winnings or value of prizes in respect of the gambling in which the person making the stake participates

"supply" includes -

(a) sale,

(b) lease, and

(c) placing on premises with permission or in accordance with a contract or other arrangement

"temporary use notice" has the meaning given by section 215

"track" means a horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place

"travelling fair" has the meaning given by section 286

"vehicle" includes -

(a) a train,

(b) an aircraft,

(c) a seaplane, and

(d) an amphibious vehicle (other than a hovercraft within the meaning of the Hovercraft Act 1968 (c. 59))

"vessel" includes -

(a) anything, other than a seaplane or an amphibious vehicle, designed or adapted for navigation or other use in, on or over water

(b) a hovercraft (within the meaning of the Hovercraft Act 1968), and

(c) anything, or any part of any place, situated in or on water

"virtual" has the meaning given by subsection (3) below

"winnings", in relation to a bet, means anything won, whether in money or in money's worth

"young person" has the meaning given by section 45

Summary of machine provisions by premises								
Machine category:								
Premises type:	A	B1	B2	B3	B4	C	D	
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D, (except B3A machines) within the total limit of 150 (subject to machine/table ratio)						
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D, within the total limit of 80 (subject to machine/table ratio)						
Pre-2005 Act casino (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines) or any number of C or D machines instead						
Betting premises and tracks occupied by pool betting			Maximum of 4 machines categories B2 to D (except B3A machines)					
Bingo premises				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4		No limit on category C or D machines		
Adult gaming centre				Maximum of 20% of total number of machines which are available for use on the premises categories B3 or B4		No limit on category C or D machines		
Family entertainment centre (with premises licence)						No limit on category C or D machines		
Family entertainment centre (with permit)							No limit on category D machines	
Clubs or miners' welfare institute (with permit)				Maximum of 3 machines in categories B3A or B4 to D				
Qualifying alcohol-licensed premises						1 or 2 machines of category C or D automatic upon notification		
Qualifying alcohol-licensed premises (with gaming machine permit)						Number of category C-D machines as specified on permit		
Travelling fair							No limit on category D machines	
	A	B1	B2	B3/B3A	B4	C	D	

Summary of gaming machine categories and entitlements.

Category of machine	Maximum stake (from April 2019)	Maximum prize (from April 2019)
A		Unlimited – No category A gaming machines are currently permitted
B1	£5	£10,000*
B2	£2	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize	30p	£8
D – non-money prize (crane grab machines only)	£1	£50
D – money prize	10p	£5
D – combined money and non-money prize	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machines only)	20p	£20 (of which no more than £10 may be a money prize)

Authorised Gambling Activities

Children and Young Persons – A child is any person who is less than 16 years old.

- Category D Machines
- Equal Chance gaming at a licensed family entertainment centre
- Equal chance gaming under prize gaming permit

Young Persons – A young person is an individual who is 16 or 17 years old.

- Category D Machines
- Equal Chance gaming at a licensed family entertainment centre
- Equal chance gaming under prize gaming permit
- Prize gaming at a travelling fair
- Prize Gaming at a non-licensed family entertainment centre
- Private/non commercial gaming/betting
- Lottery
- Football Pool



EAST SUFFOLK COUNCIL
LOCAL AREA PROFILE
GAMBLING ACT 2005

JANUARY 2022

Introduction

The Council is the licensing authority under the Gambling Act 2005 (the Act) and is responsible for issuing premises licences and permits for gambling venues in East Suffolk. When we exercise our gambling functions, we must have regard to the Act and its regulations, gambling codes of practice, our Gambling Policy and the Gambling Commission's Guidance to Local Authorities (GLA).

The Act requires the Council to 'aim to permit' gambling and therefore aim to issue premises licences if applications are 'reasonably' consistent with the following licensing objectives:

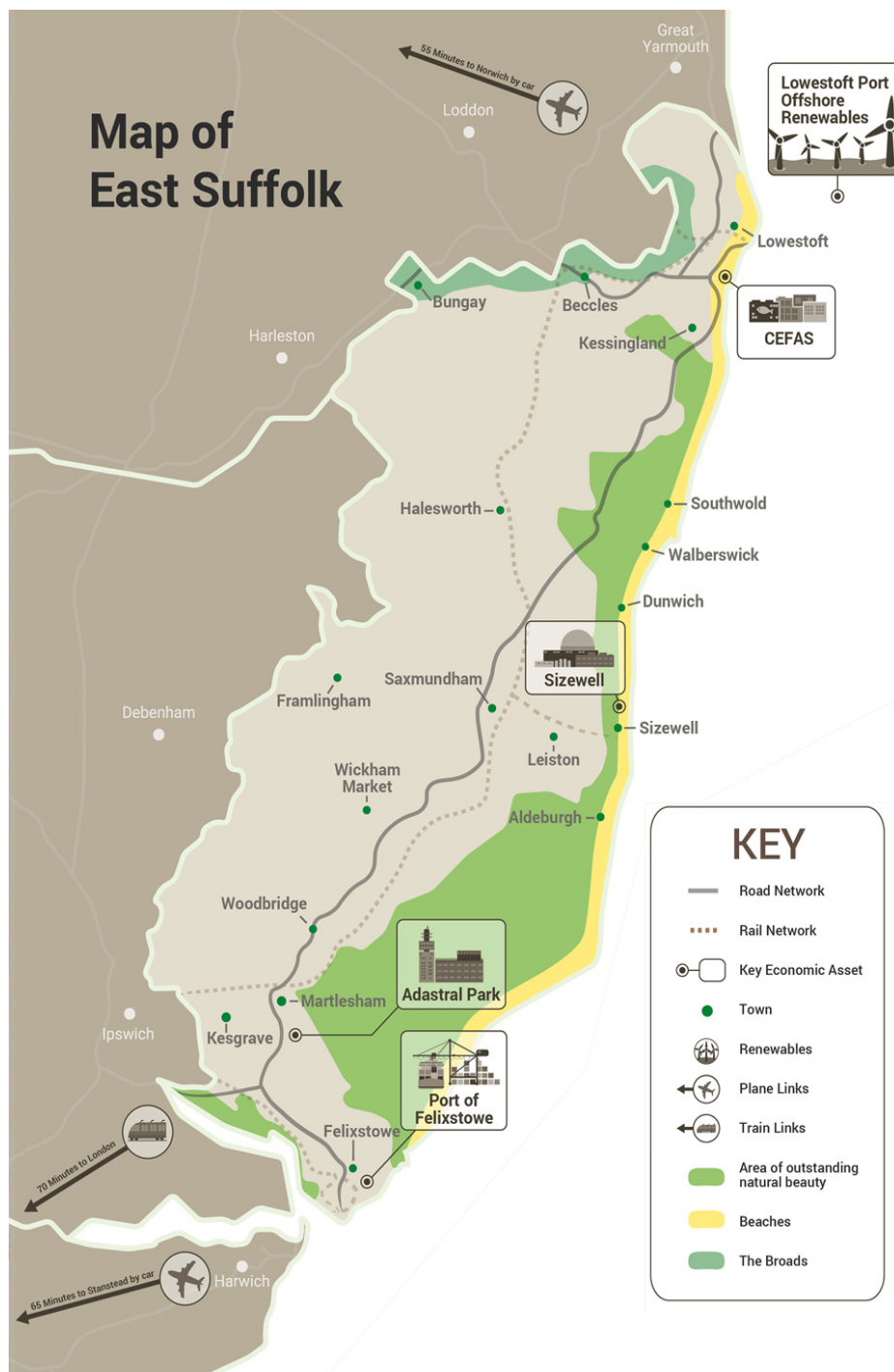
- preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime
- ensuring that gambling is conducted in a fair and open way, and
- protecting children and other vulnerable persons from being harmed or exploited by gambling

In its GLA, the Gambling Commission recommends the approach the Council should take to gambling licensing and regulation. In September 2015, the Gambling Commission issued a revised GLA (edition 5) with several changes for licensing authorities that fall under three broad themes:

- increased focus on risk and regulation
- greater attention to local area risk, and
- encouraging partnership and collaboration between stakeholders to mitigate risk

In addition, changes to the Gambling Licence Conditions and Codes of Practice (LCCP) that took effect in April 2016, require all industry operators to undertake local area risk assessments to identify the risks their gambling venues pose to the licensing objectives.

A local area profile is an assessment of the key characteristics of a council district, in the context of gambling-related harm. The information obtained for the assessment helps to provide a better understanding of the types of people that are at risk of being vulnerable to gambling-related harm, where they are located and any current or emerging problems that may increase that risk. The local area profile will help to develop a Gambling Policy and set out our expectations of operators of gambling premises.



Information about East Suffolk

East Suffolk Council is situated along the entire east coast of the county of Suffolk and is bounded by the sea to the east, the Norfolk county boundary to the north and the estuary of the River Orwell and Harwich harbour mouth to the south. It has land borders with Ipswich Borough Council to the south and Mid Suffolk District Council to the west. The northern boundary borders Great Yarmouth Borough Council and South Norfolk District Council. East Suffolk has a coastline of 49 miles (79 km).



The A12 runs north-south from the A14 to Lowestoft and is the main trunk road through the area. Furthermore, the eastern tip of the A14 arterial trunk road also runs through the south of the district to terminate at Felixstowe. There are rail links that run north and east from Ipswich connecting with the towns and villages across the area including Lowestoft and Felixstowe.

The combined area of East Suffolk is approximately 487 square miles (1261 square km) and is home to approximately 242,500 people. East Suffolk has a higher proportion of older residents compared to the overall number for Suffolk. There is a higher proportion of over 65s compared to the Suffolk average and the England average.



The area is predominantly rural but includes some large towns such as Lowestoft and Felixstowe, an urban fringe development area east of Ipswich and an urban area in the vicinity of Woodbridge. The rural area has a number of market towns scattered across the area that act as small sub-centres for shops, basic services and facilities that are diverse in character. The towns and smaller village settlements reflect the history, size and location of east Suffolk. There is a strong identity with the character of the area which local residents associate with, combined with links to local industries that have developed over the years.

There is a significant tourism thread that runs through the entire area which is particularly reflected in small coastal resorts. The two larger towns of Lowestoft and Felixstowe are well renowned nationally in the fishing, shipping and container industries. More recently the emerging energy industries around wind power and wind turbines have seen significant investment in the area.

East Suffolk Council currently licences 37 gambling premises. The majority are bingo premises, in Felixstowe, Lowestoft and holiday parks, betting shop premises around the district and adult gaming centres most of which are around the coastal town of Felixstowe.

Traditionally sea-side resorts have a number of 'penny-arcade' establishments which are regulated by issue of permits. Alongside these attractions there are commonly 'adult gaming centres' which house the higher pay-machines but within a controlled and monitored area.

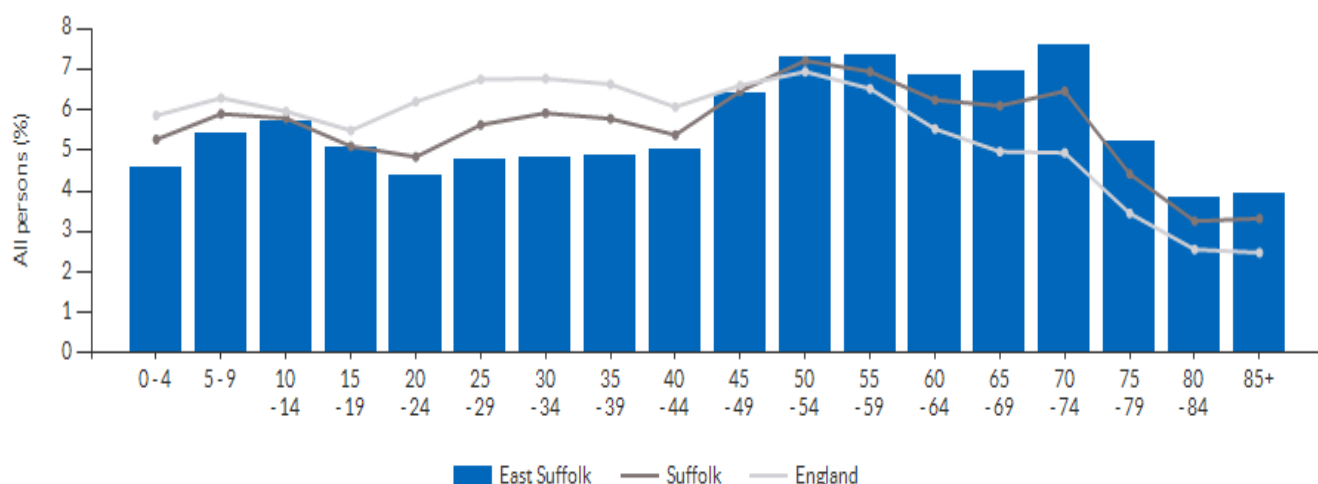
At the time of preparing this edition of the statement of principles, there has been no evidence, or intelligence, to support any assertion that any part of the district had or is experiencing problems from gambling activities. The gambling premises have not appeared on any late-night economy police statistics and we have had no representations at the time of applications or variations. Nevertheless potential risks are always present and the Council encourages operators and all others involved to work together to address such issues.

The licensing team will monitor any local concerns brought to its attention in the future, along with any linked crimes, and/or representations; with a view to identifying areas of concern and mapping vulnerabilities.

Locations of Licensed Premises (at time of preparing this Local Area Profile)		Adult Gaming Centre	Betting	Betting - Track	Bingo	Family Entertainment Centre
Beccles			1			
Corton					1	
Felixstowe	9	3			2	
Foxhall				1		
Kessingland	1				2	
Leiston			1			
Lowestoft	1	8			4	
Martlesham			1			
Oulton Broad						1
Saxmundham			1		1	

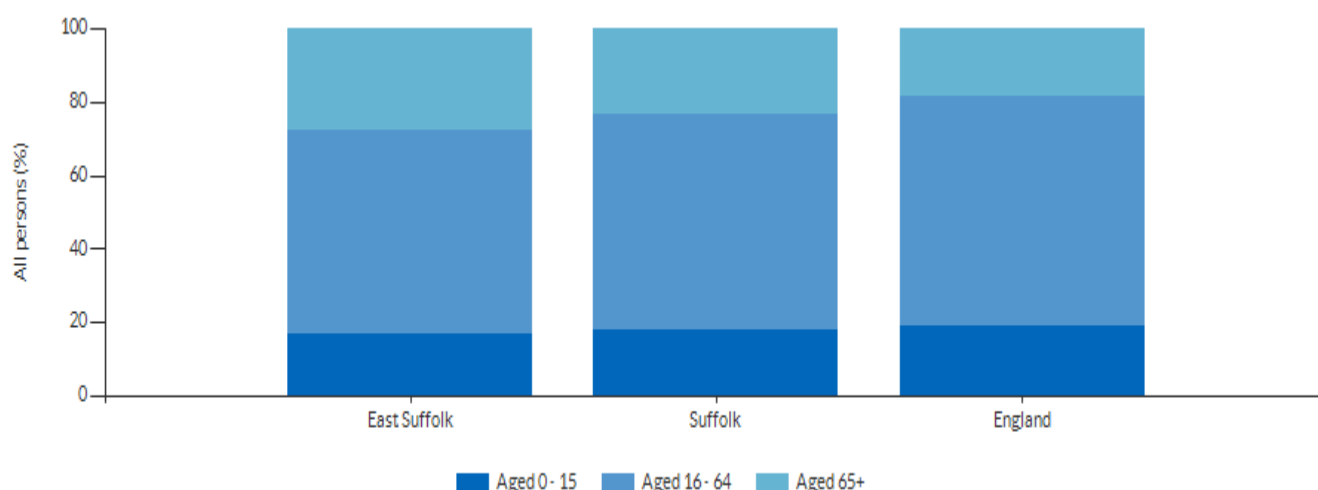
Population in East Suffolk

Population estimates for all persons by 5-year age group for 2019



Date: 2019 Source: ONS

Population estimates for all persons by broad age group for 2019



Date: 2019 Source: ONS

Employment and unemployment (Jan 2020-Dec 2020)

	East Suffolk (Numbers)	East Suffolk (%)	East (%)	Great Britain (%)
All People				
Economically Active†	110,400	77.8	80.4	79.1
In Employment†	104,700	73.5	77.2	75.4
Employees†	88,300	63.6	66.6	65.2
Self Employed†	16,300	9.9	10.4	9.9
Unemployed (Model-Based)§	4,400	4.0	3.8	4.6

Economic and Employment:

In East Suffolk out of the 89,000 employed, 64% are full-time and 36% part-time. England has slightly more full-time employees (67.8%) but less part-time employees (32.2%).

Source: www.nomisweb.co.uk

The claimant count (the number of people claiming benefit principally for the reason of being unemployed) is 5.1% for East Suffolk, 5.5% for the East of England and 6.4% for England.

In East Suffolk, 4.8% have no qualifications and 36% have level 4 qualifications and above.

In total there are over 9,500 businesses within East Suffolk and the vast majority of these are small (with fewer than 10 employees).

Occupation Groups:

In East Suffolk, 18.8% of employee jobs are in professional occupations, 12.6% in the caring, leisure and other services industry, and 12.1% as managers, directors and senior officials.

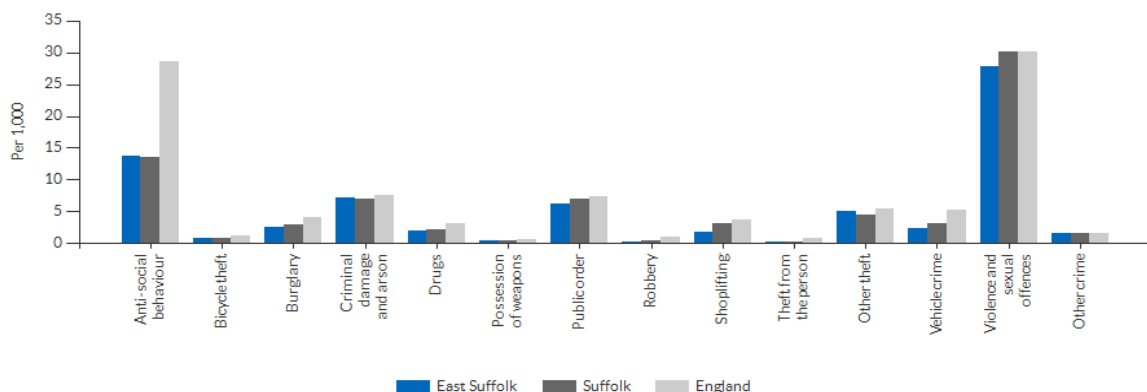
Overall the number of employee jobs in 'wholesale and retail trade: repairs of motorvehicles and motorcycles' was relatively high in East Suffolk (15.7%) which was also similar to Great Britain (15%). Other areas included 'accommodation and food services' (10.1%) which was higher than Great Britain (7.7%) which probably a reflection on the tourism trade within the area. Manufacturing, transportation and storage, and Human Health and Social Work Activities were all at 10.1%.

Source: www.nomisweb.co.uk

Crime and Community Safety:

The total crime rate for East Suffolk continues to remain low and is below crime rates reported for Suffolk and England. The highest numbers reported related to anti-social behaviour, violence and sexual offences and criminal damage and arson. There were 14,972 total number of crime cases during the most recent 12 months (March 2017 – February 2018).

Crime rate by type of crime:

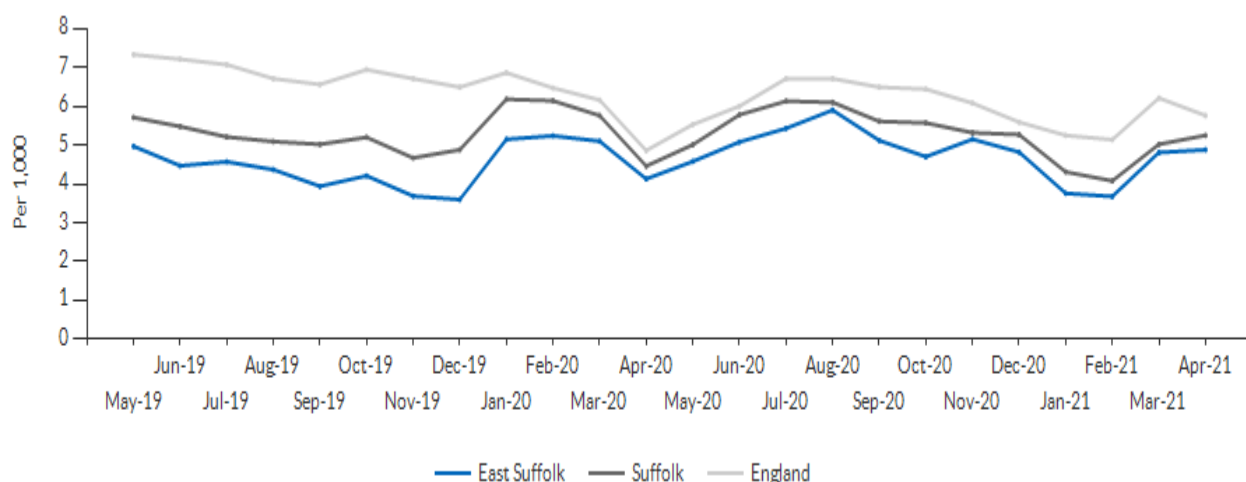


Date: May-20 - Apr-21 Source: data.police.uk

Crime counts and rates by type for East Suffolk (May-20 - Apr-21)

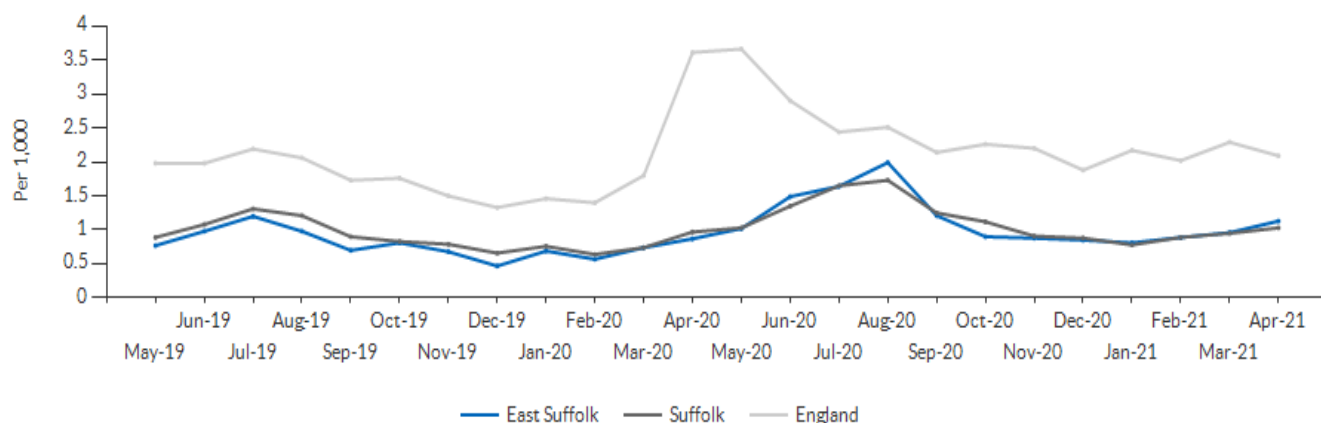
	count	rate (per 1000 population)
Bicycle theft	189	0.8
Burglary	645	2.6
Criminal damage and arson	1,765	7.1
Drugs	474	1.9
Possession of weapons	106	0.4
Public order	1,559	6.3
Robbery	54	0.2
Shoplifting	432	1.7
Theft from the person	56	0.2
Other theft	1,243	5
Vehicle crime	591	2.4
Violence and sexual offences	6,934	27.8
Other crime	398	1.6

Change in the overall crime rate



Source: data.police.uk

Anti-social behaviour rate



Source: data.police.uk

Source: www.suffolkobservatory.info/crime-and-community-safety

Other information:

- 17.8% of households in East Suffolk have no car, this is a similar picture in Suffolk (17.9%), however in England there are more households with no car (25.8%).
- There are 118,570 number of properties in East Suffolk and the average household size is 2.3 (persons per household).
- The median price paid for a property in East Suffolk is £245,000 (Oct 2019 - Sept 2020).

Source: www.suffolkobservatory.info/environment



LICENSING COMMITTEE

Monday, 19 July 2021

Subject	ISSUED LICENCES IN EAST SUFFOLK AND AN OVERVIEW OF THE WORK OF THE LICENSING SUB-COMMITTEES APRIL – JUNE 2021
Report by	Councillor Mary Rudd – Cabinet Member with responsibility for Community Health
Supporting Officer	Martin Clarke Acting Legal and Licensing Services Manager 01502 523226 Martin.clarke@east Suffolk.gov.uk

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
Wards Affected:	All Wards

Purpose and high-level overview

Purpose of Report:

This report provides an overview of the current number and type of licences issued by East Suffolk Council. The report also summarises the applications received and the work of the Licensing Sub-Committees from April to June 2021.

Options:

Not applicable. This is an update report for noting.

Recommendation/s:

That the Committee:

- 1) Notes the overview of the work of the Licensing Team and the Licensing Sub-committees during the second quarter of 2021.

Corporate Impact Assessment

Governance:

Licensing is a Council function exercised by Licensing Committee and Licensing Sub-Committees.

ESC policies and strategies that directly apply to the proposal:

Not applicable. This is an update report for noting.

Environmental:

Not applicable. This is an update report for noting.

Equalities and Diversity:

Not applicable. This is an update report for noting.

Financial:

Not applicable. This is an update report for noting.

Human Resources:

Not applicable. This is an update report for noting.

ICT:

Not applicable. This is an update report for noting.

Legal:

Not applicable. This is an update report for noting.

Risk:

Not applicable. This is an update report for noting.

External Consultees:

Not applicable. This is an update report for noting.

Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: (Select only one primary and as many secondary as appropriate)		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>

T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>
How does this proposal support the priorities selected?			
Not applicable. This is an update report for noting.			

Background and Justification for Recommendation

1 Background facts				
1.1	Applications determined during April to June 2021			
Premises and type of application	Address	Hearing / Mediated	Date of Hearing	Outcome and date of issue
Spice of Balti REVIEW WPREM2351	42 St Marys Street, Bungay, NR35 1AX	Yes	16.4.21	Cons end 25.3.21 Review – conditions added & DPS to be removed. Issued 12.5.21
Old Hall Southwold Café & Walks VARIATION WPREM2517	Old Hall Farm, Halesworth Road, Reydon, Southwold, IP18 6SG	No	N/A	Cons end 9.4.21 Issued 15.4.21
Shop SURRENDER WPREM2339	149 High Street, Lowestoft, NR32 1HS	N/A	N/A	Surrendered 12.3.21 Completed 9.4.21
V & M Express NEW WPREM2557	134 Bevan Street East, Lowestoft, NR32 2AQ	No	N/A	Cons end 9.4.21 Issued 12.4.21
The Old Diary NEW WPREM2558	14 Hungate, Beccles, NR34 9TT	No	N/A	Cons end 13.4.21 Issued 15.4.21

No Name Yet NEW	120 St Peters Street, Lowestoft, NR32 1UD	Yes	12.5.21	Cons end 13.4.21 Granted at hearing, waiting for name.
Flora Tearooms NEW PREM2215	Beach Road, Dunwich, IP17 3EN	No	N/A	Cons end 20.4.21 Issued 28.4.21
The Hog Hotel VARIATION WPREM2126	41 London Road Pakefield, Lowestoft, NR33 7AA	Yes	19.5.21	Cons end 20.4.21 Granted at hearing. Issued 28.5.21
The Grundisburgh Dog Deli NEW PREM2212	The Old Post Office, The Street, Grundisburgh, IP13 6TD	No	N/A	Cons end 21.4.21 Issued 22.4.21
Thornington Theatre NEW PREM2214	Stonehouse Farm, Thornington, IP17 3RB	No	N/A	Cons end 21.4.21 Issued 23.4.21
The Old Stores NEW PREM2213	The Chapel, The Street, Tuddenham St Martin, IP6 9BN	No	N/A	Cons end 22.4.21 Issued 23.4.21
Saxmundham Local NEW	6-8 Market Place, Saxmundham, IP17 1AG	Yes	28.6 12.7	Cons end 31.5.21 Hearing adjourned until 12.7.21
Cuppa VARIATION PREM2195	81 High Road West, Felixstowe, IP11 9AB	No	N/A	Cons end 17.5.21 Issued 20.5.21
Queens Head VARIATION PREM0244	21 High Street, Saxmundham, IP17 1DF	Yes	15.6.21	Cons end 18.5.21 Issued 16.6.21
The View NEW PREM2217	Unit 18 Beach Street, Micklegate Road, Felixstowe, IP11 2GN	No	N/A	Cons end 18.5.21 Issued 25.5.21
Vela Art Gallery NEW PREM2216	28 High Street, Saxmundham, IP17 1AB	No	N/A	Cons end 19.5.21 Issued 21.5.21
Pinneys of Orford		No	N/A	

NEW PREM2218	The Old Warehouse, Quay Street, Orford, IP12 2NU			Cons end 25.5.21 Issued 26.5.21
East of England Co-op Petrol Filling Station VARIATION PREM2205	Station Road, Framlingham, IP13 9EE	No	N/A	Cons end 27.5.21 Issued 1.6.21
Bullard Spirits NEW WITHDRAWN 2.6.21	82 High Street, Southwold, IP18 6DP	Yes	18.6	Cons end 26.5.21 Withdrawn 2.6.21
Canteen @ New Street Market NEW PREM2219	70a New Street, Woodbridge, IP12 1DX	No	N/A	Cons end 4.6.21 Issued 16.6.21
Tiny Tipple Company NEW WPREM2559	Ivy Cottage, 29 The Street, Blundeston, Lowestoft, NR32 5AA	No	N/A	Cons end 9.6.21 Issued 10.6.21
Beccles Farmers Market NEW WPREM2560	Old Ellough Heliport, Benacre Road, Beccles, NR34 7XF	No	N/A	Cons end 14.6.21 Issued 16.6.21
YouDrink NEW	14 Portsch Close, Carlton Colville, Lowestoft, NR33 8TY	Yes	5.7.21	Cons end 15.6.21 Hearing 5.7.21
The Old Dairy NEW Cannot issue yet	111 Bridge Road, Oulton Broad, Lowestoft, NR33 9JU	No	N/A	Cons end 21.6.21 Need DPS details
Beccles Brew Co NEW WPREM2561	Stall at Beccles Market, New Market, Beccles, NR34 9HQ	No	N/A	Cons end 21.6.21 Issued 23.6.21
McDonalds SURRENDER WPREM2247	37 London Road North, Lowestoft, NR32 1BH	N/A	N/A	Surrendered 28.5.21 Completed 28.6.21
Bungay & District Royal British Legion Club VARIATION WCLUB0021	Priory Lane, Bungay, NR35 1DB	No	N/A	Cons end 24.6.21 Issued 29.6.21
		No	N/A	

Bungay & District Royal British Legion Club NEW WPREM2562	Priory Lane, Bungay, NR35 1DB			Cons end 24.6.21 Issued 29.6.21
Tiny Tipple (Mobbs way) SURRENDER WPREM2498	Unit 16 Mobbs Way Business Park, Mobbs Way, Lowestoft, NR32 3BE	N/A	N/A	Surrendered 10.6.21 To be completed after the 7.7.21
Bigods Kitchen NEW	7 Castle Orchard, Bungay, NR35 1DD			Cons end 7.7.21
Snape Maltings Concert Hall & Britten-Pears Building VARIATION PREM0445	Snape, Saxmundham, IP17 1SP			Cons end 8.7.21
Victoria VARIATION PREM2166	The Street, Earl Soham, Woodbridge, IP13 7RL			Cons end 20.7.21
Suffolk Lunch NEW	Unit 1, 2-4 Cross Street, Bungay, NR35 1AU			Cons end 20.7.21
Bubble and Squid NEW	110 High Street, Aldeburgh, IP15 5AB			Cons end 20.7.21
Easton Farm Park VARIATION PREM0074	Easton, Woodbridge, IP13 0EQ			Cons end 22.7.21
Bungay Community Centre NEW	Old Grammar Lane, Bungay, NR35 1PU			Cons end 30.7.21
1.2	Appeals to Magistrates Court There are currently no appeals to the Magistrates Courts.			
1.3	28 day consultation period has passed, and application is still to be determined There are currently two applications waiting to be considered by the Licensing Sub-committee: New Premises Licence for YouDrink, Carlton Colville – the hearing is on 5 July 2021 New Premises Licence for Saxmundham Local, Saxmundham – the hearing is on 12 July 2021			

1.4	<p>In consultation</p> <p>New Premises Licence – Bigods Kitchen, Bungay. Consultation period end on 7 July 2021.</p> <p>Variation of Premises Licence – Snape Maltings Concert Hall & Britten-Pears Building, Snape. Consultation period ends on 8 July 2021.</p> <p>Variation of Premises Licence – Victoria, Earl Soham. Consultation period ends on 20 July 2021.</p> <p>New Premises Licence – Suffolk Lunch, Bungay. Consultation period end on 20 July 2021.</p> <p>New Premises Licence – Bubble and Squid, Aldeburgh. Consultation period end on 20 July 2021.</p> <p>Variation of Premises Licence – Easton Farm Park, Easton. Consultation period ends on 22 July 2021.</p> <p>New Premises Licence – Bungay Community Centre, Bungay. Consultation period ends on 28 July 2021.</p>
1.5	<p>There have been 6 Sub-Committee hearings regarding licensed or gambling premises during the period April to June 2021:</p> <p>16/04/2021 - Spice of Balti, Bungay – review application</p> <p>20/04/2021 - Personal Licence – licence holder committed relevant offence under provisions of Licensing Act 2003.</p> <p>12/05/2021 – 120 St Peter’s Street, Lowestoft – new application</p> <p>19/05/2021 – Hog Hotel, Pakefield – variation application</p> <p>15/06/2021 – Queens Head, Saxmundham – variation application</p> <p>28/06/2021 – Saxmundham Local, Saxmundham – new application (this hearing had to be adjourned)</p>

2 Current position

2.1	<p>Licensing Act Premises</p>
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	<p>On 1 April 2021 there were 1009 Premises Licences and 863 of these included alcohol on the licence.</p> <p>There were 65 Club Premises Licence.</p> <p>14 new Premises Licences were granted between 1 April 2021 and 30 June 2021.</p> <p>2 Premises Licences were surrendered.</p> <p>No Club Premises Certificates were surrendered.</p> <p>On the 30 June 2021 there were 1021 Premises Licences and 876 of these include alcohol on the licence.</p> <p>There were 65 Club Premises Licences.</p> <p>In summary, on 1 April 2021 there were 1074 Premises Licences and Club Premises Licences, and on 30 June 2021, there were 1086.</p>
2.2	<p>Gambling Act Premises</p> <p>On 1 April 2021 there were 38 Gambling Premises licences in total.</p> <p>On 30 June 2021 there were 38 Gambling Premises Licences in total.</p> <p>There were 10 Bingo Premises Licences.</p> <p>There were 11 Adult Gaming Centre Premises Licences.</p> <p>There was 1 Family Entertainment Centre Premises Licence.</p> <p>There was 1 Betting Premises Licence (in respect of a track)</p> <p>There were 15 Betting Premises licences (in respect of a premises other than a track).</p>
2.3	<p>Taxi and Private Hire Licences</p> <p>On 1 April 2021, East Suffolk Council licensed:</p> <p>93 hackney carriage vehicles and 197 hackney carriage/private drivers 278 private hire vehicles and 309 private hire drivers 76 private hire operators</p> <p>On 30 June 2021, there were:</p> <p>101 hackney carriage vehicles and 197 hackney carriage/private drivers 295 private hire vehicles and 301 private hire drivers 79 private hire operators</p> <p>Since the last Licensing Committee in April 2021, the taxi and private hire licence activity is as follows: April to June 2021</p>

	<u>Type of Licence</u>	<u>Renewed</u>	<u>Did not renew</u>	<u>New</u>	<u>Change of Veh</u>
	Private Hire Vehicle	46	6	21	9
	Hackney Carriage	19	1	4	4
	Private Hire Driver	15	9	11	n/a
	Hackney Carriage Driver	21	0	1	n/a
	Private Hire Operator	21	0	0	n/a
	Rickshaws	n/a	n/a	2	n/a
2.4	<p>There has been 1 Sub-Committee hearing regarding a taxi/private hire licence during the period April to June 2021:</p> <p>05/05/2021 – Private Hire Driver</p>				

3 How to address current situation

3.1 Not applicable. This is an update report for noting.

4 Reason/s for recommendation

4.1 To keep Licensing Committee members updated as to the work of the Licensing Sub-Committee and Licensing Services.

Appendices

Appendices:

None

Background reference papers:

Date	Type	Available From
	None	