



Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Thursday, 1 July 2021

Committee:
Strategic Licensing Committee

Date: Friday, 9 July 2021

Time: 2.00 pm

Venue: Council Chamber, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND

You are requested to attend the above meeting.
The Agenda is attached

Members of the public will be able to access the live stream of the meeting by clicking on this link:

<http://shropshire.gov.uk/StrategicLicencingCommittee9July2021>

There will be some access to the meeting room for members of the press and public, but this will be very limited in order to comply with Covid-19 regulations.

If you wish to attend the meeting please e-mail democracy@shropshire.gov.uk to check that a seat will be available for you

Tim Collard
Interim Assistant Director – Legal and Democratic Services

Members of the Committee

Roy Aldcroft (Chairman)
Simon Jones (Vice Chairman)
Mike Isherwood
Peter Broomhall
Garry Burchett
Richard Huffer
Nigel Lumby
Elliott Lynch
Pamela Moseley
Kevin Pardy
Vivienne Parry
Chris Schofield
Robert Tindall
Dave Tremellen
Alex Wagner

Substitute Members of the Committee

Mary Davies
Julian Dean
Kate Halliday
Nigel Hartin
Vince Hunt
Ruth Houghton
Dan Thomas

Your Committee Officer is:

Tim Ward Committee Officer

Tel: 01743 257713

Email: tim.ward@shropshire.gov.uk

AGENDA

1 Apologies

To receive apologies for absence

2 Minutes of Previous Meetings (Pages 1 - 4)

To approve the minutes of the meetings held on 9 December 2020 and 20 May 2021 as a true record

3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 2.00pm on 7 July 2021

4 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

5 Appointment to Licensing and Safety Sub-Committee

The Committee is asked to confirm the delegated powers of the Licensing and Safety Sub-Committee for the municipal year 2021 to 2022 (see minute 10 of the meeting held on 8th June 2011) and to appoint its membership. Members will be aware that this Sub-Committee's powers are used mainly for dealing with matters concerning hackney carriage and private hire vehicles and drivers.

6 Consultation on the Gambling Act 2005 Policy Statement 2022 to 2025 (Pages 5 - 152)

Report of the Transactional and Licensing Team Manager is attached.

Contact: Mandy Beever (01743 251702)

7 Department for Transport – Statutory Taxi and Private Hire Vehicle Standards (Pages 153 - 238)

Report of the Transactional and Licensing Team Manager is attached.

Contact: Mandy Beever (01743 251702)

8 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (Pages 239 - 242)

Report of the Transactional and Licensing Team Manager is attached.

Contact: Mandy Beever (01743 251702)

9 Exercise of Delegated Powers (Pages 243 - 250)

Report of the Transactional and Licensing Team Manager is attached.

Contact: Mandy Beever (01743 251702)

10 Date of Next Meeting

To note that the next meeting of the Strategic Licensing Committee will be held on Wednesday, 6 October 2021 at 10.00am



Strategic Licensing
Committee

17 March 2020

Item

Public

MINUTES OF THE STRATEGIC LICENSING COMMITTEE MEETING HELD ON 9 DECEMBER 2020 10.00 - 11.12 AM

Responsible Officer: Tim Ward
Email: tim.ward@shropshire.gov.uk Tel: 01743 257713

Present

Councillors Keith Roberts (Chairman), Simon Jones (Vice Chairman), Roy Aldcroft, Nigel Hartin, Nick Hignett, Pamela Moseley, Kevin Parry, Vivienne Parry and Dave Tremellen

56 Apologies

56.1 Apologies for absence were received from Councillors Peter Adams and Les Winwood

56.2 There were no substitutions

57 Minutes of Previous Meeting

57.1 RESOLVED:

That the minutes of the meeting of the Strategic Licencing Committee held on 7 October 2020 be approved as a true record and signed by the Chairman.

58 Public Question Time

58.1 There were no public questions submitted

59 Disclosable Pecuniary Interests

59.1 There were no declarations made

60 Exercise of Delegated Powers

60.1 Members received the report of the Transactional and Licensing Team Manager gave details of work carried out by the licencing team during the period 1 September to 31 October 2020.

60.2 The Transactional and Licensing Team Manager advised the meeting that alongside the work detailed in the report that had been a large amount of work arising from the Covid pandemic both in interpreting and updating the rules and in giving advice where requested.

60.3 Members expressed their thanks to all officers for their work during this time.

60.4 **RESOLVED:**

That members note the position as set out in the report.

61 **Exclusion of Press and Public**

61.1 **RESOLVED:**

That under Section 100 (A) of the Local Government Act 1972 that the proceedings in relation to the following items shall not be conducted in public on the grounds that they involve the likely disclosure of exempt information as defined by the provisions of Schedule 12A of the A

62 **Personal Licence - Consideration to revoke or suspend**

62.1 Members considered the exempt report of the Public Protection Officer (Specialist)

(The full version of minute 62 constitutes exempt information under Category 1 of paragraph 10.2 of the Council's Access to Information Procedure Rules and has accordingly been withheld from publication.)

Signed (Chairman)

Date:



Strategic Licensing
Committee

9 July 2021
2.00pm

Item

Public

MINUTES OF THE STRATEGIC LICENSING COMMITTEE MEETING HELD ON 20 MAY 2021

Responsible Officer: Tim Ward
Email: tim.ward@shropshire.gov.uk Tel: 01743 257713

Present

Councillors Roy Aldcroft, Peter Broomhall, Garry Burchett, Richard Huffer, Mike Isherwood, Simon Jones, Nigel Lumby, Elliott Lynch, Pamela Moseley, Kevin Pardy, Vivienne Parry, Chris Schofield, Robert Tindall, Dave Tremellen and Alex Wagner

1 Election of Chairman

1.1 A Nomination was received for Councillor Roy Aldcroft

1.2 RESOLVED:

That Councillor Roy Aldcroft be elected Chairman of the Strategic Licencing Committee

2 Apologies

2.1 There were no apologies for absence

3 Appointment of Vice Chairman

3.1 A nomination was received for Councillor Simon Jones

3.2 RESOLVED:

That Councillor Simon Jones be appointed Vice-Chairman of the Strategic Licencing Committee for the forthcoming municipal year

4 Appointment of Sub-Committees Under the Licensing Act 2003

4.1 RESOLVED:

That

1. Licensing Sub-Committees be established under the Licensing Act 2003 (the Act) to exercise all licensing functions as defined by the Act and all licensing functions under the Gambling Act 2005 and any other related matters which may lawfully be delegated to them.

2. Each of the said sub-committees shall comprise three members of the Strategic Licensing Committee. The method of appointment to such sub-committees and procedures to be followed be as that presently set out in Part 4 of the Council's constitution.

Signed (Chairman)

Date:

- 3.3** Due regard has been given to the public sector equality duty in accordance with the Equality Act 2010. As part of this process social inclusion has also been considered in line with the Council's overall approach to equality and diversity. An Equality and Social Inclusion Impact Assessment (ESIIA) has been completed and is produced at **Appendix 2**.
- 3.4** The overall impact on all groups with protected characteristics and those who are likely to be impacted in terms of social inclusion is anticipated to be low in terms of access to and use of services that are affected by the revised policy statement. However, the Council's ability to further tackle and eliminate discrimination, advance equality of opportunity and foster good relations is overall more likely to be positive. This is largely due to the proposed policy statement being drawn up in line with the requirements of both national legislation and national guidance (both of which will have been subject to equalities impact assessments in their own right by the Government and the Gambling Commission respectively), together with the fact that the proposed policy statement is a revision of the principles that were adopted on 31 January 2019 and the formal consultation feedback did not directly raise any equality, diversity or social inclusion issues that had not previously been considered during the drafting of the proposed policy statement.
- 3.5** There are no anticipated environmental or climate change impacts associated with the recommendations in this report.
- 3.6** The recommendation is not at variance with the Human Rights Act 1998 and is unlikely to result in any adverse Human Rights Act implications. The recommendation is in line with relevant legal procedures prescribed by the Act and with guidance issued by the Gambling Commission.
- 3.7** The Act requires the Council to consult. The report's recommendation is specifically aimed at providing the Committee with the wherewithal to set the formal consultation process in motion. It is anticipated that consultation will be undertaken over a ten-week period from 12 July 2021 to the 19 September 2021.

4. Financial Implications

- 4.1** There are no direct financial implications associated with the recommendation in this report; although prior to the policy statement formally taking effect, a cost will be incurred to place the required legal notice in the Shropshire Star newspaper in order to satisfy the requirement to advertise the fact that the policy statement has been published. This cost will be approximately £700 and is recoverable through the licensing fee process.

5. Background

- 5.1** Under the Gambling Act 2005, the Council is the licensing authority and is responsible for licensing and overseeing local gambling establishments. Part of this responsibility is the duty to prepare and publish a statement of the principles (policy statement) that the Council proposes to apply in exercising its functions under the Act.

- 5.2** The Council's current Gambling Act policy statement came into effect on the 31 January 2019 and will cease to have effect on the 30 January 2022. The timetable to undertake the necessary legal process has been set accordingly.
- 5.3** There are legally prescribed procedures that the Council must follow before the policy statement can take effect. This involves making the statement publicly available by a variety of means for at least 4 weeks and by advertising that it has been published.
- 5.4** The policy statement must be adopted by full Council; this function cannot be delegated to either the Strategic Licensing Committee or Cabinet. The proposed statement must, therefore, be presented to Council no later than the 16 December 2021, to allow sufficient time for the necessary publication and advertising to take place prior to the 31 January 2022.
- 5.5** Officers have taken the opportunity to revise the policy statement to reflect the latest guidance issued to licensing authorities by the Gambling Commission. In particular:
- a) It is recognised nationally that there is a greater need to focus on understanding and mitigating gambling related harm more broadly, rather than focussing on problem gambling alone. In this respect, the revised policy statement emphasises the Council's focus on protecting children and young people, particularly in relation to child exploitation, and also young people and adults with care and support needs.
 - b) The Gambling Commission has emphasised the need to incorporate the work of Public Health colleagues to further support the greater need to identify areas of concern and focus on gambling related harm. An initial informal consultation has been undertaken with Shropshire Councils Public Health Team and their response can be found at **Appendix 3**.
 - c) Nationally, gambling policy and the regulatory environment overall has an increasing focus on risk. Whilst not compulsory, it is now recommended that the Council creates a 'local area profile', this is included as part of the policy statement, to inform its understanding of risk and to allow appropriate decisions to be made and steps taken to mitigate these risks. Since April 2016, gambling establishment operators have been required to undertake 'local area risk assessments' before submitting a premises licence application or variation and will be expected to give due consideration to the information available in the Council's 'local area profile'. The Council's 'local area profile' will naturally develop over time and will be influenced by information and intelligence from key partners and other stakeholders.
- 5.6** The Gambling Act singles out children, young persons and adults with care and support needs for special regulatory attention and the proposed policy statement does focus on protecting these particular groups. However, in relation to gambling activities, the question as to who is vulnerable, why and under what circumstances, has been subject to little investigation. As and when further research and guidance is made available on this, together with other emerging information, trends and risks, the Council will have to consider the implications for both its 'local area profile' and policy statement accordingly.

6. Additional Information

- 6.1** Unless there are specific reasons for an earlier review and publication of a revised policy statement, the Council will be required to undertake the next consultation process under the Act in the latter part of 2024 with the aim of a revised policy statement being effective from an agreed date in 2025.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

The Gambling Act 2005 (2005 Chapter 19)

The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (SI 2006 No. 636)

Shropshire Council's Gambling Policy Statement (effective 31 January 2019)
(<https://shropshire.gov.uk/media/12775/gambling-act-2005-policy-statement-2019-to-2022-final.pdf>)

Guidance to Licensing Authorities published by the Gambling Commission

(<https://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx>)

Statement of gambling licensing policy – A Councillors Guide, March 2018 published by the Gambling Commission

(<https://www.gamblingcommission.gov.uk/PDF/quick-guides/Councillors-guide.pdf>)

Gambling Regulation Councillor Handbook (England and Wales) June 2015 published by the Local Government Association

(<https://www.local.gov.uk/sites/default/files/documents/L15-230%20Councillor%20handbook%20-%20gambling%20regulation%20FINAL.pdf>)

Gambling Regulation Councillor Handbook (England and Wales) Updated Guidance 2018 published by the Local Government Association

(https://www.local.gov.uk/sites/default/files/documents/10.18%20Gambling%20regulation%20councillor%20handbook_v06_WEB_1.pdf)

Gambling Commission Strategy 2018 – 2021: Making Gambling Fairer and Safer
(<http://www.gamblingcommission.gov.uk/PDF/Strategy-2018-2021.pdf>)

Updated Gambling Commission Guidance April 2021

<https://beta.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

Cabinet Member (Portfolio Holder)

Councillor Dean Carroll - Portfolio Holder for Adult Social Care, Public Health and Assets

Local Member

County wide application

Appendices

Appendix 1 - Draft Gambling Act 2005 Policy Statement 2022 - 2025 (Consultation Version)

Appendix 2 - Equality and Social Inclusion Impact Assessment (ESIIA)

Appendix 3 - Public Health Response



Gambling Act 2005 Policy Statement 2022 to 2025

CONSULTATION VERSION ONLY - SEPT 2021

Date policy adopted:

Policy adopted by:

Date policy formally published:

Date policy implemented:

Next review period:

Executive Summary

The Policy is divided into six parts with five supporting appendices.

Part 1

Under Section 349 of the Gambling Act 2005, Shropshire Council is required to prepare a statement of principles that it proposes to apply in relation to its regulatory responsibilities pertaining to gambling. This legal duty is fulfilled through this Gambling Policy Statement ('the Policy'). Gambling is unlawful in the UK unless permitted by the measures contained in the Gambling Act 2005 (with the exception of the National Lottery and spread betting which over controlled under other legislation).

The Policy sets out the regulatory and policy framework within which the Council will operate. It describes the geographical area to which the Policy relates and includes a local area profile that maps areas of concern, including actual and emerging risks. The local area profile will need to be reviewed and updated on a regular basis to reflect changes to the local landscape and environment. The Council's position concerning consultation and communication and the process for reviewing the Policy are also set out.

The Policy makes it clear that the Council will proactively promote the three Gambling Act 2005 licensing objectives, namely:

- 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.

These objectives underpin the functions that the Council perform. The Council will also aim to permit the use of premises for gambling providing that it is consistent with these licensing objectives.

The Policy describes the regulating bodies relevant to the licensing of gambling premises and activities and their primary responsibilities, together with the scope and purpose of the Policy. In particular, the Policy is concerned with the authorising of and regulatory controls associated with betting shops, bingo halls, adult gaming centres, family entertainment centres, casinos, tracks, alcohol licenced premises and clubs (members' clubs, miners' welfare institutes and commercial clubs) that have gaming ('fruit' machines), prize gaming and small society lotteries.

The Policy acts as the primary vehicle for setting out the Council's approach to gambling regulation having taken into account public interest, local circumstances, issues, data, risk and the expectations that the Council has of operators who either currently offer gambling facilities or may do so in the future. This provides greater scope for the Council to work in partnership with operators and other local businesses, communities and responsible authorities to identify and proactively

mitigate local risks to the licensing objectives. The Policy also provides guidance to interested parties; in particular, with regard to the fundamental principles that the Council is particularly minded to ensure are covered.

The fundamental purpose of the Policy is to reduce the harm and exploitation that is caused by problem gambling; in particular, to safeguard children, young persons and vulnerable adults, and to reduce crime and disorder associated with gambling, whilst simultaneously recognising the contribution that responsible gambling brings to supporting local businesses and the growth and prosperity of Shropshire's economy. The Policy sets out the type of people that the Council considers are likely to be vulnerable.

The Policy also sets out the Council's position with respect to the application of licensing conditions and the code of practice requirements that flow from the Gambling Act 2005 provisions. Specific reference is made to the matters that will be considered when dealing with applications for self-service betting terminals (SSBT). It is also made clear when the Council cannot attach conditions to a premises licence. With respect to the codes of practice requirements, the Policy sets out the Council's expectations, particularly with regard to the 'ordinary provisions' and the requirement for future and existing licensees to assess local risks to the licensing objectives and to have policies, procedures and control measures in place to mitigate these risks.

Part 2

The second part of the Policy focusses on the functions that the Council undertakes and the principles the Council will follow when administering applications, reviewing conditions and setting fees. Overarching principles, together with specific principles relating to each of the licensing objectives are set out. The Council expects compliance with these principles to assist applicants and licence holders to meet the statutory licensing objectives when undertaking gambling activities that are regulated by the Council. This part also explains the roles and duties of the Strategic Licensing Committee, the Licensing Act Sub-Committee and officers of the Council. The Council's powers and decision-making processes are clearly set out, together with details relating to rights of appeal and the review of premises licences, including the making of representations.

Responsible authorities are listed, together with their roles and responsibilities. It is also made clear that the Council has designated the Shropshire Safeguarding Children Board as the body competent to advise about the protection of children from harm and by doing so confirms that this body is also a designated responsible authority under the Gambling Act 2005. The Council also sets out the parameters it considers relevant when determining who is an 'interested party' under Section 158 of the Act.

The second part of the Policy also sets out the principles that the Council will apply in relation to the exchange of information with the Gambling Commission, other enforcement and government persons/bodies, other organisations and operators. Also included is the Council's position with respect to the disclosure of information

under the Freedom of Information Act 2000 and with respect to the confidentiality of anyone making representations as part of the licensing and/or review process.

The final elements of this part confirm the Council's commitment to partnership working and the position with respect to the setting of fees.

Part 3

The third part of the Policy focusses on the specific activities that are subject to authorisations and sets out how applicants obtain and hold a licence, permit or registration and, where relevant, how they provide notifications. These steps will include the standards that applicants must attain and the conditions that apply.

There are a number of general principles that apply to all licence types, together with guidance on the meaning of 'premises' and the principles that the Council will apply in relation to the meaning of premises. In addition, the Policy sets out the circumstances where it will consider the suitability of the applicant and where a criminal records disclosure is, therefore, required.

This part of the Policy confirms that the Council has not passed a resolution not to issue a casino premises licence. It then sets out, in relation to each licence/permit/notice/registration type (as appropriate and where relevant), the following matters:

- description of the licence/permit
- principles that will be applied by the Council
- period of the licence/permit
- application or notification process (new and renewal)
- objection process
- conditions
- right of appeal
- processes relating to changes to permits, including variations, transfer, lost, stolen or damaged
- returns to the Council
- annual fee (renewal)
- decisions of the Council

The final element of this part of the Policy sets out those activities that do not require specific permissions.

Part 4

This part of the Policy addresses inspection, compliance, enforcement and complaints; in particular, the principles that will be applied when the Council carries out the inspection of premises and when it institutes criminal proceedings in respect of specified offences under the Act. Within this part, the Council addresses test purchasing and age verification and the publication of information relating to the Council's regulatory function.

Part 5

This part provides a summary of the consultation process that was undertaken prior to the Policy taking effect, together with a list of the consultees.

Part 6

This part sets out the contact details for information, advice and guidance relating to the Policy and the licensing and permitting of gambling premises and activities. It provides a link to the relevant website pages for information and the contact details in respect of licence fee payments via the telephone and online.

Appendices

The appendices include a map of the geographical area to which the Policy applies; the Council's local area profile; further information concerning child sexual exploitation and trafficking of children and young people; safeguarding adults; an extract from the Council's constitution setting out the delegations; and the criteria that the Council will apply in respect of assessing the suitability of an applicant.

CONSULTATION VERSION
JULY - SEPT 2021

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PART 1

INTRODUCTION

CONSULTATION VERSION JULY - SEPT 2021

PART 1 – INTRODUCTION

1.0 Background

- 1.1 Under Section 349 of the Gambling Act 2005 ('the Act'), licensing authorities are required to prepare a statement of principles that they propose to apply in relation to their regulatory responsibilities pertaining to gambling. Shropshire Council ('the Council') is the Licensing Authority for the county of Shropshire (excluding the area that is the responsibility of Telford & Wrekin Council) and is fulfilling its legal duty to prepare a statement of principles through this Gambling Policy Statement ('the Policy').
- 1.2 The Council is required to publish the Policy at least every three years. It will also review the Policy from time to time and revise it when appropriate to do so. Any amendments to the Policy must be the subject of further consultation and the Policy, or relevant parts of the Policy, must then be re-published.

2.0 County area

Geographical profile

- 2.1 The geographical area to which this Policy applies is the administrative area of Shropshire Council as outlined in the map produced at **Appendix A**.
- 2.2 Shropshire is a diverse, predominantly rural, inland county, situated on the far western edge of the West Midlands region. Shropshire borders Wales to the West, Telford and Wrekin and Staffordshire to the North East, Worcestershire and Herefordshire to the South and Cheshire to the North.
- 2.3 Based on the Mid 2016 Population Estimates published by the Office for National Statistics, the population of Shropshire is 313,400 and has 0.98 persons per hectare (319,730.32 hectares), compared to a national figure for England of 4.24 persons per hectare (13,027,843 hectares). The County is one of the most sparsely populated local authorities in the country with approximately 540 settlements widely dispersed and only five settlements have a population of over 10,000 (Shrewsbury, Oswestry, Ludlow, Bridgnorth and Market Drayton).
- 2.4 The Sub-national Population Projections (2014) published by the Office for National Statistics show that the population of Shropshire continues to grow and is projected to rise to 335,700 by 2035 (a 7% rise 2016-2035). The number of households is projected to rise to 152,900 by 2035 (a 13% rise 2016-2035). The Shropshire Core Strategy 2011 has planned for 25,700 new homes in Shropshire between 2006 and 2026. Shropshire Council are

currently undertaking a Partial Review of the Local Plan which will determine the future housing requirement in Shropshire to 2036.

Local area profile

- 2.5 The Council has updated the assessment of the local environment that was originally undertaken in 2015 to map local areas of concern, including actual and future emerging risks. The outcome of the latest assessment is produced at **Appendix B**.
- 2.6 The assessment will continue to be reviewed and updated to reflect changes to the local landscape and environment, particularly as the process to undertake the assessment and the techniques by which it can be made more effective are more fully understood and developed by the Council. Formal consultation will be undertaken where changes to the profile are likely to have a significant impact on stakeholders and the areas of concern and risks associated with the local area; otherwise changes will be highlighted on an ongoing basis on the Council's website. The risks identified in the local area profile are evidence (not perception) based.
- 2.7 The profile takes account of a range of factors, data and information held by the Council and a wide range of partners and has been brought together through proactive engagement with both responsible authorities and other relevant organisations.
- 2.8 The profile aims to increase awareness of local risks and improve information sharing in order to facilitate constructive engagement with licensees and a more coordinated response to local risks. The Council encourages operators to use the local area profile to help inform them of specific risks that need to be considered in local risk assessments prior to submitting any new or variation to a premises licence application.
- 2.9 The profile aims to:
- enable the Council to better serve the Shropshire community by more accurately reflecting the community and the risks within it;
 - provide greater clarity for gambling premises operators as to the relevant factors in the Council's decision-making process;
 - improve premises licence applications as operators will be able to incorporate necessary controls and measures to mitigate relevant risks in their applications;
 - enable licensing authorities to make robust and fair decisions, based on a clear, published set of factors and risks, which are therefore less susceptible to challenge; and
 - encourage a proactive approach to risk that is likely to result in an increase in compliance and a reduction in enforcement action.

3.0 Consultation and communication

- 3.1 In determining the Policy the Council has consulted as set out in Part 5 of this Policy.
- 3.2 In order to deliver a transparent, accountable and efficient licensing service the Council is committed to proactive engagement, ongoing communicating and consultation with all stakeholders, specifically including local operators. The Council wants to facilitate an open and constructive partnership with all stakeholders in order to improve compliance and reduce regulatory costs.
- 3.3 In particular, the Council welcomes the opportunity to communicate and consult with representatives of the gambling trade to enable and encourage the exchange of views and information in relation to the Policy, to mitigate risks to the licensing objectives, to ensure conditions are relevant, proportionate and necessary, to ensure changes in the law are widely communicated and understood and the need for licence reviews are reduced to a minimum. The specific methods to achieve this communication and consultation will be determined as required.

4.0 Gambling Act 2005

- 4.1 The Act consolidated and updated previous gambling legislation and created a framework for three different types of gambling: gaming, betting and lotteries. The Act contains the regulatory system that governs the provision of all gambling in Great Britain, other than the National Lottery and spread betting.
- 4.2 It contains three licensing objectives which underpin the functions that the Gambling Commission ('the Commission') and licensing authorities will perform. These objectives are central to the Act and are:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
 - ensuring that gambling is conducted in a fair and open way; and
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 4.3 The Council will proactively promote these licensing objectives through the adoption, implementation and enforcement of this Policy. The Council, in accordance with Section 153 of the Act, will also aim to permit the use of premises for gambling providing that it is consistent with the licensing objectives.

5.0 Regulating bodies

Lead Government Department

- 5.1 The Department for Culture, Media and Sport (DCMS) is the lead government department for gambling issues. The government wants to ensure that the

gambling industry is run responsibly so that it provides a safe and enjoyable leisure activity and continues to be an important source of revenue and jobs. It wants to keep gambling crime-free, make sure that gambling is fair and open and protect children and vulnerable adults.

Gambling Commission

- 5.2 The Commission is an independent non-departmental public body and is the main advisory body to national and local government on gambling. It is sponsored by the DCMS and the Chair of the Commission is appointed by the Culture Secretary. It is the unified regulator for gambling in Great Britain and is responsible for regulating gambling in accordance with the Act.
- 5.3 The Commission has responsibility for granting operating and personal licences for commercial gambling operators and personnel working in the industry. It also regulates certain lottery managers and promoters. To help fulfil its role, the Commission issues codes of practice for the gambling industry about the manner in which gambling facilities should be provided and guidance to licensing authorities on how to implement their responsibilities under the Act.
- 5.4 The Commission is required to aim to permit gambling, providing that it is consistent with the licensing objectives.
- 5.5 For further information about the Gambling Commission refer to the website <http://www.gamblingcommission.gov.uk/Home.aspx>

Licensing Authorities

- 5.6 The Council is, by definition, the Licensing Authority for the purposes of the Act for the administrative area of Shropshire Council. Licensing authorities play a vital role and are key partners in gambling regulation, with a responsibility for overseeing gambling that takes place in gambling premises (non-remote gambling) in their local areas. This involves:
- setting the local framework for gambling through their statement of principles;
 - considering applications and issuing licences for premises where gambling takes place, with conditions where appropriate;
 - reviewing or revoking premises licences;
 - issuing permits for some forms of gambling; and
 - undertaking inspection and enforcement activities, including tackling illegal gambling.
- 5.7 Licensing authorities licence gambling premises within their area, as well as undertaking functions in relation to lower stake gaming machines in clubs and miners' welfare institutes.
- 5.8 In addition, local authorities deal with the system of temporary and occasional use notices. These notices authorise premises that are not generally licensed

for gambling purposes to be used for certain types of gambling for limited periods.

- 5.9 Licensing authorities do not have any regulatory responsibilities in relation to remote gambling, i.e. gambling that is typically undertaken by phone or online; this is the responsibility of the Commission

6.0 Scope

6.1 This Policy supersedes all previous Council policies relating to gambling. Any application determined on or after the date that this Policy takes effect will be administered under the requirements set out in this Policy irrespective of the date the application was submitted to or received by the Council.

6.2 The Policy forms the Council's mandate for managing local gambling provision and sets out how the Council views the local risk environment and therefore its expectations in relation to operators with premises in the administrative area of Shropshire Council.

6.3 In particular, the Policy is concerned with the licensing/permitting of and regulatory controls associated with betting shops, bingo halls, adult gaming centres, family entertainment centres, casinos, tracks¹, alcohol licenced premises and clubs (members' clubs, miners' welfare institutes and commercial clubs) that have gaming ('fruit' machines), prize gaming and small society lotteries.

6.4 The Policy does not override the right of any person to make an application and to have that application considered on its own merits. In addition, it does not undermine the right of any person to make representations on an application or to seek a review of the licence where a legal provision is made for them to do so.

6.5 The Policy does NOT attempt to explain all the requirements of the Act for each type of gambling premises and the associated gambling activities. The requirements of the Act are detailed and complex; consequently, to ensure the provisions are fully understood, potential applicants and existing licence/permit/registration holders are strongly encouraged, with respect to the type of premises and activity being considered to:

- make themselves familiar with the relevant provisions of the Act, regulations and orders;
- consult the guidance available on the Commission's website;
- seek advice from appropriate legal experts; and
- discuss specific requirements with the Council's licensing team.

¹ Examples of tracks include: horse racecourses, greyhound tracks, point-to-point horserace meeting, football, cricket and rugby grounds, athletics stadium, golf course, venues hosting darts, bowls, or snooker tournaments, premises staging boxing matches, section of river hosting a fishing competition, motor racing events.

6.6 The Policy is not a stand-alone document and must be read in conjunction with relevant legislation, codes of practice and guidance. Whilst the Policy sets out the Council's position with respect to the Gambling Act 2005, the legal interpretation and application of the Act is ultimately a matter for the Courts.

7.0 Purpose

7.1 The Policy acts as the primary vehicle for setting out the Council's approach to gambling regulation having taken into account public interest, local circumstances, issues, data, risk and the expectations that the Council has of operators who either currently offer gambling facilities or may do so in the future. This provides greater scope for the Council to work in partnership with operators and other local businesses, communities and responsible authorities to identify and proactively mitigate local risks to the licensing objectives.

7.2 The fundamental purpose of the Policy is to reduce the harm and exploitation that is caused by problem gambling; in particular, to safeguard children, young persons and adults with care and support needs, and to reduce crime and disorder associated with gambling, whilst simultaneously recognising the contribution that responsible gambling² brings to supporting local businesses and the growth and prosperity of Shropshire's economy.

7.3 For the purposes of this Policy, the Council considers that vulnerable persons³ include people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling. The Act makes it clear, through the third licensing objective that children are vulnerable and there is an expectation that steps will be taken to prevent them from being harmed or exploited by gambling. However, this objective also refers to 'other vulnerable persons' and whilst the Act does not define 'vulnerable person' the Council considers that these may include, but is not limited to:

- young persons including students
- adults with care and support needs
- homeless persons
- persons who are affected by mental health, learning disabilities/difficulties, social isolation and constrained social and economic circumstances
- low educational attainment
- persons who are affected by substance misuse relating to alcohol or drugs
- first generation immigrants
- persons from minority ethnic groups

² Responsible gambling occurs where operators provide socially responsible gambling products and players are able to control their play.

³ Exploring area-based vulnerability to gambling-related harm: Who is vulnerable? Findings from a quick scoping review. Heather Wardle, Gambling and Place Research Hub – 13 July 2015.

- persons who are affected by multiple deprivation
- ex-service forces personnel
- offenders
- itinerant groups

7.4 The Policy provides guidance to any person with an interest in the licensing and permitting of gambling activities; in particular, but not restricted to:

- persons who wish to apply for gambling licences and permits;
- persons who hold existing licences and permits, including those that are the subject of review;
- the Council, in its capacity as the licensing authority, including licensing officers and members of the relevant licensing committees;
- the Gambling Commission;
- licensing consultants, solicitors and barristers advising and/or representing applicants and licence/permit holders; and
- magistrates and judges hearing appeals against Council decisions.

7.5 The Council is committed to the licensing objectives set out in the Act and is particularly concerned to ensure:

- that the action to promote the welfare of children and to protect them from harm is everyone's responsibility, in particular, prospective and existing proprietors of gambling premises who will have dealings with children and families have a duty to report matters of concern that could relate to the safety of children, young persons and adults with care and support needs to the relevant authorities (refer to **Appendix C** for further information);
- that the public are safeguarded from dishonest persons;
- that gambling premises and associated gambling activities are lawful;
- that premises used for gambling activities are safe and fit for the purpose for which they are licensed;
- that gambling activities do not lead to crime and disorder;
- where the Council has responsibility for determining the suitability of the applicant that they are a fit and proper person to hold the relevant gambling permit; and
- that regulation is not aimed at preventing legitimate gambling.

7.6 The Council will aim to ensure that its regulatory approach imposes the minimum burden necessary to promote the licensing objectives in the Act, having regard to its impact on different types and sizes of licence/permit applicants and holders, and does not unduly hinder economic growth.

8.0 Review of the Policy

8.1 The Policy will be prepared and published every three years. However, it will be the subject of continuous evaluation and from time to time reviewed and, where necessary, revised and published before any revision is given effect. At the time of review all relevant stakeholders will again be consulted. Any gambling trade representative may request a review of the policy at any time.

8.2 Currently the Policy does not address the licensing requirements for casinos on the basis that no such applications have, to date, been received by the Council. At such time as an application to licence a casino is received, the Council will work with the applicant to manage the application and the Policy will subsequently be reviewed to address the relevant casino licensing requirements.⁴

8.3 The Council has not resolved not to issue casino premises licences under Section 166 of the Act, but it is aware that it has the power to do so. Should the Council become aware of any evidence to suggest that such a resolution is required, the Council will consult and update this Policy accordingly.

9.0 Regulatory and policy framework

9.1 The operation of the Council's licensing service, as it relates to the licensing of gambling activities, is undertaken primarily in accordance with:

- the Gambling Act 2005, as amended;
- regulations and orders made under the Act;
- guidance issued by the Gambling Commission to local authorities; and
- the principles of better regulation, particularly as set out in the Regulators' Code (BRDO 14/705 April 2014)⁵.

9.2 In addition, the service is provided in accordance with all relevant Council policies, duties and responsibilities; in particular, those relating to:

- Protection of children, young persons and adults with care and support needs
- Better regulation and enforcement
- Access to information
- Public sector equality duty
- Human rights⁶

9.3 So far as is reasonable practicable the Council will avoid duplication with other regulatory regimes. In particular, this Policy and associated conditions do not address health and safety at work, fire safety or planning requirements. Gambling trade representatives are required to ensure all relevant provisions are satisfied in these respects.

10.0 Licensing conditions and codes of practice requirements

Conditions and authorisations by virtue of the Act

⁴ See also paragraph 36.0

⁵ Regulators' Code (previously the Regulators' Compliance Code), Department of Business, Innovation and Skills, 2014, issued under section 23 of the Legislative and Regulatory Reform Act 2006.

⁶ Human Rights Act 1998, in particular, Article 1, Protocol 1 – peaceful enjoyment of possessions (a licence is considered a possession in law and people should not be deprived of their possessions except in the public interest); Article 6 – right to a fair hearing; Article 8 – respect for private and family life (in particular, removal or restriction of a licence may affect a person's private life); Article 10 – right to freedom of expression.

10.1 There are specific sections of the Act that provide for conditions to be attached automatically to premises licences and for authorisations to be granted automatically in relation to:

- number of gaming machines
- betting on virtual events
- gambling in addition to casino games
- access by children and young persons
- giving of credit
- door supervision
- pool betting
- Christmas day

10.2 The Secretary of State may make regulations requiring these conditions to be set out on the premises licence. The Council has no discretion to decide not to include them or to modify them. The table below summarises which sections of the Act apply to which types of premises licences (excluding casinos) and applicants/licensees are encouraged to make themselves familiar with the requirements of the relevant sections in relation to the particular type of premises and activity for which they are responsible.

Premises Licence Type	Section of Gambling Act 2005						
	S.172	S.173	S.177	S.178	S.179	S.182	S.183
All	X			X			X
Bingo			X				
Betting		X					
Betting in respect of a track					X	X	

Licensing conditions

10.3 The Act sets out mandatory conditions and default conditions and also permits the Council to attach further conditions or exclude any default condition.

10.4 The Council will clearly apply the mandatory conditions in all relevant circumstances.

10.5 Where there are regulatory concerns of an exceptional nature the Council may impose additional individual conditions in relation to matters that are already dealt with by mandatory conditions; however, these will relate to the licensing objectives.

10.6 The Council will apply the default conditions unless the Council is aware of, or made aware by a third party, of circumstances that indicate such conditions would be inappropriate or the applicant can demonstrate to the satisfaction of the Council why the conditions ought to be excluded. Where the Council excludes a default condition it will generally replace this condition with an alternative condition that achieves the desired outcome. Where the

alternative condition is more restrictive than the excluded condition the Council will ensure that it sets out the regulatory reasons for doing so.

- 10.7 The Council may also apply further conditions. Conditions on premises licences will only be applied where there is evidence of a risk to the licensing objectives that requires the mandatory and default conditions to be supplemented and as considered appropriate in light of the overarching principles to be applied by the Council. Where the Commission's Licence Conditions and Codes of Practice (LCCP) or other legislation places particular responsibilities or restrictions on an applicant or licence/permit holder, the Council will not impose the same responsibilities or restrictions through conditions on a premises licence.
- 10.8 Decisions on individual conditions will be made on a case by case basis and will only be applied where it is legally permissible, evidence based, proportionate and necessary to do so; in particular, but not limited to, ensuring that gambling trade representatives:
- comply with the fundamental purpose of the Policy set out above;
 - provide only socially responsible gambling products;
 - take appropriate steps that are within their control to help players control their play;
 - take proactive steps to promote and achieve the three Gambling Act licensing objectives; and
 - comply with all relevant legislative requirements.
- 10.9 In particular, the Council will ensure that premises licence conditions are:
- relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises (including the locality and any identified local risks) and the type of licence applied for;
 - fairly and reasonably related to the scale and type of premises; and
 - reasonable taking into account all the circumstances associated with the particular licence application or variation.
- 10.10 The Council has considered the local area profile. Given the current position demonstrated by the profile there are wards within the Shropshire Council administrative area where it may be considered necessary to include specific conditions in relation to premises licences. Where specific risks associated with a particular locality emerge, the Council will consider the need for additional conditions on any premises licence.
- 10.11 With respect to self-service betting terminals (SSBT), the Council has the power to restrict the number, their nature and the circumstances in which they are made available by attaching licence conditions to a betting premises licence. When considering whether to impose a condition to restrict the number of SSBT in any particular premises, the Council amongst other things, will take into account the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people, the size of

the premises and the number of counter positions available for person-to-person transactions.

10.12 Where SSBT include the functionality to be marketed or presented in foreign languages, the Council will seek to ensure that the operator has considered the ordinary code provision about making the following information also available in those languages:

- the information on how to gamble responsibly and access to help referred to in the LCCP;
- the players' guides to any game, bet or lottery required to be made available to customers under provisions in LCCP; and
- the summary of the contractual terms on which gambling is offered, which is required to be provided to customers as a condition of the licensee's operating licence.

10.13 The Council cannot and will not attach conditions to premises licences that:

- makes it impossible to comply with an operating licence condition
- relate to gaming machine categories, numbers, or method of operation
- requires membership of a club or body
- imposes conditions in relation to stakes, fees, winnings or prizes

Codes of practice requirements

10.14 The Gambling Commission issue codes of practice under Section 24 of the Gambling Act 2005. Codes of practice include **social responsibility provisions** that must be adhered to by all licence/permit holders and **ordinary provisions** that are not compulsory but failure to take account of them can be used as evidence in criminal or civil proceedings.

10.15 Clearly licence/permit holders must adhere to all social responsibility provisions in full. In addition, the Council expects licence/permit holders to adhere to all ordinary provisions unless the Council is aware of, or made aware by a third party, of circumstances that indicate such provisions would be inappropriate or the applicant can demonstrate to the satisfaction of the Council why the provisions are not applicable or that they have satisfied the provisions by suitable alternative means that are equally effective and acceptable to the Council.

10.16 Specific attention is drawn to the provision that formalises the requirement for future and existing licensees to assess (and also review and update as necessary) 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 undertaking risk assessments, licensees must take into account relevant matters identified in this Policy.

10.17 Licensees are also expected to share their risk assessments with the Council when applying for a premises licence or applying for a variation to existing

licensed premises, or otherwise on request. Under the code of practice, the requirement to share risk assessments with the Council is not mandatory; however, the Council will expect licensees to do this unless there are exceptional circumstances that are accepted by the Council and which would exempt a licensee from the requirement to share their risk assessment.

Where to find licensing conditions and codes of practice requirements

- 10.18 The relevant mandatory and default conditions can be found in the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007 (SI 2007 No 1409) and within the document entitled '**Licence Conditions and Codes of Practice**' (LCCP) issued by the Gambling Commission.
- 10.19 The LCCP is not a static document and continues to evolve over time; however, at the time of writing this Policy, the current version of the LCCP was published in January 2018 with the majority of amendments effective from 4 April 2018.
- 10.20 The LCCP document is available on the Gambling Commission's website at <https://www.gamblingcommission.gov.uk/PDF/LCCP/Licence-conditions-and-codes-of-practice-April-2018.pdf>
- 10.21 The Gambling Commission also provides sector specific extracts from the LCCP that are applicable to each type of licence. These are available at <https://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/LCCP/Licence-conditions-and-codes-of-practice-sector-extracts.aspx>

PART 2

LICENSING PRINCIPLES, PROCESS AND DELEGATION

CONSULTATION VERSION ONLY - SEPT 2021

PART 2 – LICENSING PRINCIPLES, PROCESS AND DELEGATION

11.0 Introduction

- 11.1 This part of the Policy focusses on the functions that the Council undertakes and the principles the Council will follow when administering applications, reviewing conditions and setting fees. The Council expects compliance with these principles to assist applicants and licence holders to meet the statutory licensing objectives when undertaking gambling activities that are regulated by the Council.
- 11.2 This part also explains the roles and duties of the Strategic Licensing Committee, the Licensing Act Sub-Committee and officers of the Council.

12.0 Council licensing functions

- 12.1 The Council seeks to ensure that gambling facilities are suitable and that gambling activities are conducted in such a manner to minimise the risks to the licensing objectives. The specific regulatory functions of the Council, including the activities that the Council is able to licence, as it relates to the licensing of gambling establishments and activities for which it has responsibility are:
- licensing premises where gambling activities take place by issuing premises licences, including provisional statements
 - regulating gaming and gaming machines in members' clubs and miners' welfare institutes by issuing club gaming permits and/or club machine permits
 - regulating gaming machines in commercial clubs by issuing club machine permits
 - granting permits to family entertainment centres for the use of certain lower stake gaming machines
 - regulating gaming and gaming machines on alcohol licensed premises by receiving notifications for the use of two or fewer gaming machines
 - regulating gaming machines on alcohol licensed premises by issuing gaming machine permits where there are more than two gaming machines
 - granting permits for prize gaming
 - registering societies to allow them to hold small society lotteries;
 - receiving and endorsing temporary use notices
 - receiving occasional use notices
 - providing information to the Gambling Commission regarding details of licences/permits issued (see information exchange)

- maintaining registers of the licences and permits issued
- setting and collecting licence/permit fees
- inspection, compliance and enforcement locally in relation to licences, permits and permissions issued under the above functions

12.2 With respect to premises licences and permits, the Council also has the regulatory responsibility for dealing with variations, change of circumstances, transfers, reinstatements and producing copies of lost, stolen or damaged licences in accordance with specific regulatory provisions that relate to each licence or permit type.

12.3 The Council does not license operators of gambling establishments or individuals who work in the gambling industry. It also does not regulate the National Lottery. These licences are the responsibility of the Gambling Commission. A person considering becoming involved in the provision of gambling establishments and/or activities must ensure they have the appropriate operator and personal licences in place (or confirmation that such licences are not required) prior to approaching the Council for a premises licence and/or permit.

13.0 Overarching licensing principles

13.1 The Council aims to provide a clear, consistent and responsive service to prospective and current licence/permit holders, members of the public and other relevant stakeholders.

13.2 The Council will seek to build and maintain good liaison and working relationships with the Commission, other regulators and law enforcement bodies, including sharing relevant information and, where appropriate, investigating offences.

13.3 In accordance with Section 153⁷ of the Act, the Council will aim to permit the use of premises for gambling, i.e. it will seek to regulate gambling by using powers to moderate the impact on the licensing objectives rather than by starting out to prevent gambling altogether, providing it is:

- in accordance with the relevant code of practice issued by the Commission under Section 24 of the Act;
- in accordance with any relevant guidance issued to local authorities by the Commission under Section 25 of the Act (Guidance to licensing authorities 5th Edition September 2016, which can be found at <http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf>;
- reasonably consistent with the licensing objectives; and
- in accordance with this Policy.

13.4 Whilst the Council will aim to permit the use of premises for gambling, as set out above, it will not grant a licence/permit/registration if it believes that to do

⁷ References are made throughout this Policy to Section 153 of the Gambling Act 2005. In all cases, such references relate to the requirements set out in paragraph 13.3.

so will mean taking a course of action that does not accord with any relevant Commission code of practice or guidance, the licensing objectives or this Policy.

- 13.5 When considering any application, the Council will grant the application subject to the mandatory and default conditions providing these are sufficient to ensure the gambling operation is consistent with the licensing objectives.
- 13.6 When determining whether to grant a licence/permit, the Council will not have regard to the expected demand for the gambling facilities that it is proposed to provide or whether the application is to be permitted in accordance with law relating to planning permission, building regulations approval or building consent. However, the Council, in terms of both the licensing and planning regimes, will consider carefully any conflict that may exist between licence conditions and planning/building regulation restrictions and will work with applicants and licence/permit holders to resolve such conflicts.
- 13.7 The Council will be mindful of the needs of the applicant but this will be balanced against the clear duty that the Council has to take account of the over-riding principles set out in Section 153 of the Act and the Council's desire to ensure the overall purpose of this Policy is delivered.
- 13.8 In all cases, licence/permit applications will be considered and determined on their own individual merits.
- 13.9 The Council will make general advice, relating to its functions under the Act, available through its website. In addition, on request, the Council will provide specific advice about compliance to prospective and actual licence/permit/registration holders and will, in partnership with the Commission, advise the public on what activities they may undertake without the need for specific permissions.
- 13.10 The Council will employ or otherwise source staff with the necessary skills and knowledge and will delegate to them the necessary powers they need to carry out licensing, compliance and enforcement functions.
- 13.11 In the event that the Council perceives a conflict between a provision of a Commission code of practice or guidance and this Policy or view as to the application of the licensing objectives, the Commission's codes and guidance will take precedence.
- 13.12 The Council will have regard to any other codes of practice or guidance that may from time to time be issued by the Gambling Commission and other relevant stakeholders.

14.0 Principles adopted specifically in relation to the licensing objectives

- 14.1 The general principles that the Council will apply when considering whether the licensing objectives are being met are set out below in relation to each of

the objectives in turn. As there will inevitably be overlap between the objectives, the Council will apply the principles widely and across all the objectives where this is appropriate to do so. Applicants and licence/permit/registration holders will be expected to apply the same approach when considering the way in which the operation of their particular gambling activity will satisfy the licensing objectives.

14.2 In particular, in relation to all three licensing objectives, the Council is likely to apply relevant conditions where these are determined necessary by the Council's local area profile. In addition, it will also strongly expect operators to submit suggested conditions to mitigate risks based on their own risk assessments. Where operators fail to satisfy the Council that identified risks are sufficiently mitigated, the Council may conduct a review of the premises licence.

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

15.1 The Council's licensing, compliance and enforcement processes are designed to ensure that:

- only appropriate premises are granted premises licences for gambling activities;
- the appropriateness of premises licences to continue will be reconsidered in the light of any subsequent criminal and/or disorder activity or in connection with such activity;
- where it is within the control of the Council, i.e. with respect to certain permits and registrations, only suitable applicants are granted and allowed to retain such permits and registrations;
- compliance activity at licenced premises is targeted at those premises where there is the greatest risk of crime and disorder.

15.2 Whilst each case will be considered on its merits, where it is the responsibility of the Council to assess the suitability of applicants, it is likely to refuse an application or review a licence where there is evidence of convictions for relevant offences. Where such evidence is known to the Council and relates to persons who hold operator and personal licences, the Council will inform the Commission.

15.3 Whilst it is recognised that there is no clear line between nuisance and disorder, the Council considers disorder as activity that is more serious and disruptive than nuisance. The Council is more likely to consider disorder to be behaviour that others, who have seen and heard the disorder, feel threatened by and/or that requires police assistance. The Council cannot address concerns about nuisance under the Gambling Act.

15.4 The Council has specifically considered the location of premises and the controls that are necessary to prevent premises being associated with or used to support crime. In this respect, the Council has not, at this time, prohibited

any specific areas where gambling premises may be located on the basis that there is no evidence to support such an approach. If this position changes, the Council will update this Policy accordingly. Nevertheless, the Council is likely to refuse an application for a premises licence if the premises is in an area associated with unacceptable levels of crime that are creating burdens for the police and other enforcement agencies where there is evidence that the crime is a risk to the licensing objectives. However, where the applicant can sufficiently demonstrate, by way of their risk assessment and proposed conditions and/or agree to the imposition of additional conditions proposed by the Council, to ensure the premises would not further increase the current levels of crime, the Council is likely to grant an application.

- 15.5 Where the Council determines it is necessary, the Council will give serious consideration to including a condition requiring door supervision to prevent disorder. Any person employed on door supervision will be required to hold a licence issued by the Security Industry Authority (SIA) unless the persons carrying out the door supervision are in-house employees at casino and bingo premises.
- 15.6 Where door supervision is being carried out by in-house employees at casino and bingo premises, the Council will expect a minimum of one supervisor for every 100 persons (or part thereof) to be in place. This is to take account of the nature of the door supervisor role that such employees will have to undertake, including the difficult tasks of dealing with potentially aggressive customers and searching individuals for the presence of offensive weapons.
- 15.7 The Council is aware of the concerns that exist in relation to fixed odds betting terminals (FOBT) and the potential links to criminal damage and disorder. The Council's initial local area profile has not highlighted this as either an existing or emerging risk in local communities. However, if this position changes, the Council will give due consideration to the need to apply conditions to betting shop premises licences including, but not limited to, recording and reporting all attacks on FOBT to the police and/or the Council.
- 15.8 Where there are voluntary initiatives/schemes aimed at addressing issues such as underage access, staff safety and security, the Council will expect applicants and licence/permit holders to have, as a minimum, considered the value that such initiatives/schemes would bring to the licensed premises and, where appropriate, to subscribe and actively promote the initiatives and schemes, e.g. The Safe Bet Alliances Voluntary Code on Safety and Security National Standards for Bookmakers
- 15.9 Where there are persistent or serious disorder problems or other evidence or information concerning criminality that causes the Council to question the suitability of an applicant, e.g. an operator is failing to act on the advice of officers of the Council to prevent crime and disorder occurring, the Council will bring this to the attention of the Commission without delay so that the Commission can consider the continuing suitability of the operator to hold an operating licence.

15.10 The adoption of these principles also support the Council's duty under Section 17 of the Crime and Disorder Act 1998, i.e. to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all it reasonably can, to prevent crime and disorder in Shropshire.

16.0 Objective 2: Ensuring that gambling is conducted in a fair and open way

16.1 The Council is unlikely to deal with issues of fairness and openness on a frequent basis as these are likely to be matters for either the way specific gambling products are provided and, therefore, subject to the operating licence, or will be in relation to the suitability and actions of an individual and, therefore, subject to the personal licence. These are matters for the Gambling Commission.

16.2 However, where the Council suspects that gambling is not being conducted in a fair and open way the Council will bring this to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence or of an individual to hold a personal licence.

16.3 In relation to the licensing of tracks, the Council's role is different from other licensed premises in that track owners will not necessarily have an operating licence. In these circumstances, the Council is more likely to apply conditions to the premises licence to ensure that the environment in which betting takes place is suitable; in particular to ensure that:

- rules are transparent to those who may wish to bet and that they know what to expect;
- rules are fair;
- easily understandable information about the rules is made available by licence holders to those who wish to bet, e.g. the rules are prominently displayed in or near to betting areas or distributed by other appropriate measures; and
- the terms and conditions on which bets are made are clear.

17.0 Objective 3: Protecting children and other vulnerable persons from being harmed or exploited by gambling

17.1 The Council considers this objective to include preventing children and vulnerable persons from taking part in gambling as well as restricting advertising so that gambling products are not aimed at, or are made particularly attractive to, children and vulnerable persons. Consequently, the Council is likely to reject an application or revoke an existing licence/permit where there is insufficient emphasis placed on⁸:

- explaining precisely what activity/activities the Council is being asked to authorise
- explaining the way in which gambling facilities will be managed/operated, including relevant plans

⁸ This list is not mandatory in its entirety, but operators are expected to have considered these matters and made positive decisions on the need (or not) for specific actions. The list is also not exhaustive; it provides indicative measures that operators ought to consider.

- determining the need for separate premises licences to ensure clarity of responsibilities
 - staff training
 - staff ability to adequately supervise entrances, whether directly or by CCTV or other means
 - staff ability to adequately supervise gaming machines in non-adult gambling specific premises, whether directly or by CCTV or other means
 - physical segregation of gambling and non-gambling areas frequented by children
 - physical segregation of adult gambling areas from those areas suitable for children
 - appropriate notices and signs for adult only areas
 - with respect to tracks, distinct entrances to each type of premises
 - excluding children from gambling areas where they are not permitted to enter
 - the employment of door supervisors
 - verifying the age of customers
 - measures to deal with suspected truanting school children
 - the location of entry
 - the location of gaming machines and betting machines
 - specific opening hours
 - the provision of information to support vulnerable persons and problem gamblers, including helpline contacts for organisations that provide support
 - self-exclusion schemes, where customers ask operators to refuse to accept their custom
- 17.2 This is particularly relevant to tracks that may be subject to one or more premises licences where each licence relates to a specified area of the track. The Council will work with operators to consider how any impediments to the supervision of premises might be most appropriately remedied.
- 17.3 Where the Council considers the structure or layout of premises to be an inhibition or potential inhibition to satisfying this licensing objective, the Council will expect the licensee to consider what changes are required to ensure the risk is mitigated. The Council will expect the licensee to consider the positioning of staff or CCTV, the use of floorwalkers and the relocation of the staff counter to enable direct line of sight. The Council will not unnecessarily expect licensees to make changes to the physical layout but will consider the proportionality of this against other measures that could be put in place.
- 17.4 Where category C or above gaming machines are on offer in any premises to which children are admitted (including buildings where multiple premises licences apply), the Council expects:
- all such machines to be located in an area of the premises which is separated from the remainder of the premises by a physical barrier that prevents access other than through a designated entrance;
 - only adults are admitted to the area where the machines are located;
 - access to the area where the machines are located is supervised;

- the area where the machines are located is arranged so that it can be observed by staff or the licence holder; and
- at the entrance to and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

17.5 The Council has specifically considered the location of premises and the controls that are necessary to protect children and other vulnerable persons from being harmed or exploited. In this respect, the Council has not prohibited any specific areas where gambling premises may be located on the basis that there is no evidence to support such an approach. If this position changes the Council will update this policy accordingly. Nevertheless, the Council is likely to refuse an application for a premises licence if it is located close to a mainstream school or a residential school for children with truanting problems or a hostel for vulnerable persons or a centre that provides support for problem gamblers where there is evidence that the proximity to such establishments is a risk to the licensing objectives. However, where the applicant can sufficiently demonstrate, by way of their risk assessment and proposed conditions and/or agree to the imposition of additional conditions proposed by the Council, how they would ensure the proximity would not undermine the licensing objectives, the Council is likely to grant an application.

17.6 Where there is a need and/or requirement to ensure under 18-year olds do not access gambling premises or make use of adult gaming machines or under 16 year olds do not sell or purchase lottery tickets, the Council expects applicants and licence/permit holders to:

- introduce a policy linked with effective ID challenges and proof of age schemes (the preferred policy is 'Challenge 25'; however, it is recognised that the Gambling Commission's Ordinary Code provisions requires staff to check the age of any customer who appears to be under 21)
- use a 'challenge log' to record all age restriction challenges (where this information is recorded for either the Gambling Commission or any other party this record will satisfy this requirement)
- ensure a system is in place to ensure that the circumstances in which a customer may or may not be permitted access is understood and consistently applied
- have a mechanism in place to inform customers of the law and policies/procedures that are in operation at the premises
- train staff to ensure the law and policies/procedures are understood, up-to-date and applied consistently, including setting out how staff knowledge and understanding will be assessed.

17.7 The Council will pay significant regard to any guidance and codes of practice provisions, issued by the Commission, in relation to how gambling premises ought to be presented in order to prevent access by children.

17.8 Although the Council's role does not extend to the treatment or care of those who have gambling problems, the Council does have an interest in keeping up

to date with developments and trends in work of this kind, in particular, to inform its local area profile.

- 17.9 Whilst the Act does not seek to prohibit vulnerable groups of adults from gambling in the same way that it prohibits children, the Council has considered the need for special considerations in relation to the protection of vulnerable persons. This has been balanced against the Council's objective to aim to permit the use of premises for gambling. The Council has concluded that, in general, no special considerations are required and that the considerations in relation to protecting children will apply.
- 17.10 However, with respect to the nationally expressed concerns that exist in relation to the potentially adverse impact FOBT (and self-service betting terminals) may have on vulnerable groups of adults The Council will give due consideration to the need to apply conditions to betting shop premises licences including, but not limited to, setting out minimum staffing levels to ensure sufficient staff are on the premises to enable staff to comprehensively promote responsible gambling, adequately protect players, particularly in relation to players who are deemed to be vulnerable (as defined within this Policy) and to prevent under 18 year olds accessing gambling facilities. Additional conditions will only be applied on the basis that there is evidence of a risk to the licensing objectives.

18.0 Delegation of Council licensing functions

- 18.1 Licensing of the gambling industry, as set out at paragraph 12.0, is a Council function that is delegated to the Strategic Licensing Committee. The Strategic Licensing Committee has delegated this function to the Licensing Act Sub-Committee and to officers of the Council who will determine all applications in accordance with this Policy.
- 18.2 The specific delegations are set out in the Council's Constitution, which is available at <https://shropshire.gov.uk/committee-services/ccCatDisplay.aspx?sch=doc&cat=13331&path=0%20>. The relevant extract from the Constitution is produced at **Appendix D** of this Policy.
- 18.3 Officers and the Licensing Act Sub-Committee may elect not to exercise their delegated decision-making authority in respect of any particular licence/permit application. This is likely to be the case where delegation may give rise to a risk of judicial review challenge, particularly on the basis of appearance of bias.
- 18.4 Whilst officers and the relevant committees will, in the majority of cases, follow the Policy, there may be specific circumstances where the Council believes it is right to depart from the Policy. This may also be the case in relation to the Gambling Commission Guidance to Licensing Authorities 5th Edition (September 2016). In either case, the Council will take account of the implications of any departure from the Policy and/or the Guidance and shall ensure there are strong reasons for such departure. In all cases, these reasons will be clearly expressed and explained.

19.0 Committees

Strategic Licensing Committee

- 19.1 This Committee is made up of 15 members of the Council. It deals with policy issues, including the setting of gambling licence fees where this is required and/or permitted by relevant legislation.

Licensing Act Sub-Committee

- 19.2 This Committee is made up of a selection of Members from the Strategic Licensing Committee. Three Members will sit on hearings to determine new applications, variations, transfers, provisional statements and club gaming/club machine permits. In all cases, the Sub-Committee will only be convened where, in respect of the various applications, representations have been received and not withdrawn. In addition, Members will sit on hearings to deal with the decision to give a counter notice to a temporary use notice and in respect of any licence review. With respect to all other applications, officers have the delegated authority to make the necessary determinations.
- 19.3 Members on the Sub-Committee, when determining applications, making a decision to give a counter notice to a temporary use notice or hearing a licence review, will have regard to relevant gambling legislation, in particular the Gambling Act 2005 and associated regulations and orders, this Policy, the Gambling Commission Guidance to Licensing Authorities 5th Edition (September 2016), the Human Rights Act 1998, the Equality Act 2010, any relevant legal case law, other relevant Council policies and any other relevant guidance that may from time to time be made available by the Gambling Commission or other appropriate organisations or stakeholders.

19.4 Decisions

- 19.5 The Council will ensure that licensing and regulatory decisions are properly reasoned and evidence-based and taken at the most appropriate level. The Council will adopt a presumption in favour of decisions being made at the lowest appropriate level within the Council so that decisions of similar complexity and impact are generally made at similar levels within the Council.
- 19.6 The decisions that the Council can take, either by way of a Licensing Act Sub-Committee hearing, including where the hearing is for the purposes of a premises licence review, or by an officer under delegated authority, are dependent on the type of licence or permit being considered and the specific circumstances associated with the licence/permit.

19.7 However, broadly, the Council has the power to:

- grant or reject/refuse new and renewal applications
- grant or reject/refuse applications for variations and transfers
- revoke or cancel existing licences/permits under certain circumstances, including for the non-payment of fees
- suspend a premises licence
- add, remove, amend and exclude licence/permit conditions
- review premises licences

19.8 In addition, the Council may choose to issue written warnings and prosecute (including offering a simple caution) in respect of specified criminal offences. Further details, in this regard, are provided in Part 4 of this Policy.

19.9 Any decision to grant, reject/refuse, revoke, cancel or suspend a licence/permit or to add, remove, amend or exclude conditions or to issue a written warning will be made in accordance with relevant legislative provisions, the Council's scheme of delegation and any other appropriate procedures. The Council will base any decision to reject/refuse, revoke or suspend on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met, and/or objections do not relate to the licensing objectives.

19.10 When applications are to be determined, the officer and/or Licensing Act Sub-Committee will take into consideration the facts of the application, any information and evidence provided by the responsible authorities, any information and evidence from other interested parties, together with the options set out in the licensing officer's report. The licensing officer will not normally make a specific recommendation but may do so in exceptional circumstances.

19.11 In order to provide applicants with the opportunity to consider and respond by way of written and/or verbal representations, as appropriate, the Council will provide the relevant details that have given rise to the need for an officer decision and/or hearing.

19.12 The Council will not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions. Equally the Council will not attach conditions that limit the use of premises for gambling unless it is necessary to do so in accordance with the requirements set out in Section 153 of the Act. In determining applications for premises licences and permits, the Council will request as much information as it requires to satisfy itself that all the requirements set out at Section 153 of the Act are met.

19.13 Following the determination of an application by the Council (or any other regulatory enforcement decision), the applicant or licensee and any other relevant party will receive a copy of the decision in writing. The reasons for the decision will be clearly set out and will reflect the extent to which the decision has been made with regard to the Council's Policy and any

Commission guidance. It will be delivered as soon as is practicable after the decision has been made. This will include information on the right of appeal, where this is relevant.

19.14 The Council will publish a register of licensing decisions. It may also publish details of licence applications that were refused, or withdrawn before they were determined, where it considers it is in the public interest to do so. Such information will be published as soon as practicable after a decision has been taken, whether or not the decision is the subject of an appeal.

20.0 Appeals

20.1 Parties aggrieved by a decision of the Council have a right of appeal to the Magistrates' Court. Appeals must be lodged with the Court in accordance with the relevant statutory provisions. The Council strongly advises parties to promptly seek appropriate independent legal advice if they wish to consider pursuing an appeal.

20.2 With respect to premises licences, parties aggrieved by a decision may further appeal to the High Court; however, this is only in respect of a point of law.

20.3 Any party to a decision may apply for judicial review (although the Court may decline an application) and ask the Court to grant a particular type of order if they believe that the decision taken by the Council is:

- illegal, i.e. beyond the powers available to the Council;
- subject to procedural impropriety or unfairness with a failure in the process of reaching the decision; or
- irrational such that no sensible person could have reached that decision.

21.0 Responsible authorities

21.1 The Act requires applicants to give notice of premises licence applications to certain public bodies - 'responsible authorities' - that are listed in Section 157 of the Act. This requirement also applies to certain permit applications; however, the extent of the notice requirements applicable to permits are generally less onerous and are different depending on the individual permit type.

21.2 Responsible authorities have the right to make representations, in writing, in relation to premises for which applications for gambling licences/permits have been submitted to the Council and in relation to any licence review. They may also apply to the Council for a review of an existing licence.

21.3 The responsible authorities are:

- The Council in its capacity as the licensing authority, the planning authority and the authority which has functions in respect of minimising or preventing the risk of pollution of the environment or of harm to human health
- Gambling Commission

- Chief Officer of Police for West Mercia Police
- Shropshire and Wrekin Fire & Rescue Authority
- Shropshire Safeguarding Children Board
- Her Majesty's Revenue and Customs (HMRC)
- In relation to a vessel (including pleasure boats), the navigation authorities, as defined in the Water Resources Act 1991, that have statutory functions in relation to the waters where the vessel is usually moored or berthed, or any waters where it is proposed to be navigated at a time when it is used for licensable activities, namely:
 - Environment Agency in England and Wales (Scottish Environment Protection Agency in Scotland)
 - British Waterways Board
 - Maritime and Coastguard Agency (Secretary of State for Transport)

The contact details for each of the responsible authorities are available on the Council's website at <http://shropshire.gov.uk/licensing/licensing-types/gambling-act/responsible-authorities/>

22.0 Body competent to advise about the protection of children from harm

22.1 The principles that the Council will apply in exercising its powers to designate, in writing, a body competent to advise the Council about the protection of children from harm are set out below.

22.2 The body needs to:

- be responsible for the whole geographical administrative area of the Council;
- be independent and have an independent chair that can hold all agencies including the council to account, individually and collectively;
- comprise of a wide range of agencies, including lay members who represent the local community, that contribute to safeguarding and promoting the welfare of children;
- have statutory responsibilities for coordinating and monitoring the effectiveness of services that work together to safeguard and promote the welfare of children; and
- be reportable to democratically elected persons rather than any particular vested interest groups

22.3 Having taken into consideration the principles set out above, the Council has designated the Shropshire Safeguarding Children Board as the body competent to advise about the protection of children from harm and by doing so this Board is also a designated responsible authority under the provisions of the Gambling Act 2005.

23.0 Interested parties

23.1 Interested parties have the right to make representations in relation to premises for which applications for gambling licences/permits have been submitted to the Council and in relation to any licence review. Interested

parties will be expected to submit their representations in writing to the Council. Interested parties may also apply to the Council for a review of an existing licence.

23.2 An 'interested party' is defined in Section 158 of the Act as a person who:

- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- (b) has business interests that might be affected by the authorised activities, or
- (c) represents persons who satisfy (a) or (b)

23.3 It is a matter for the Council to decide whether a person is an interested party with regard to a particular premises and this will be decided on a case by case basis. However, the principles that will be applied when determining whether a person is an interested party in relation to a premises licence, or in relation to an application for or in respect of a premises licence are set out below.

- The 'status' of each person in each case will be determined on their own merits.
- Specific regard will be given to what a potential interested party says about their status to make representations.
- Adherence to a set of strict and rigid rules will be avoided with a reasonable and proportionate approach adopted in each case.
- When determining whether a person 'lives sufficiently close to the premises', the Council will consider the following non-exhaustive list of relevant factors:
 - size of the premises
 - nature of the premises
 - distance of the premises from the location of the person making the representation
 - potential impact of the premises, e.g. number of customers, routes likely to be taken by those visiting the establishment
 - circumstances of the person who lives close to the premises; this is not their personal characteristics, but their interests which may be relevant to the distance from the premises
 - living sufficiently close to the premises may be different for different parties, e.g. a private resident, a residential school for children with truanting problems, a residential hostel for vulnerable adults
- 'Business interests' will be given a wide interpretation and is deemed to include, but is not limited to, the activities of sole traders, partnerships, companies, charities, faith groups and medical practices.
- When determining whether business interests may be affected, the Council will consider the following non-exhaustive list of relevant factors:
 - size of the premises
 - 'catchment' area of the premises, i.e. how far people travel to visit the premises

- whether the person making the representation has business interests in that catchment area that might be affected
 - nature and scope of the likely impact
- A representation, by an existing gambling business, stating that it is going to be affected by another gambling business starting up in the area will not be considered a relevant representation, unless it is supported by other specific evidence, as such a representation relates to demand or competition and not to the licensing objectives.
 - Trade associations, trade unions, residents' and tenants' associations will generally not be viewed as interested parties unless they are representing a specific member who is held to be an interested party in accordance with the provisions of Section 158 of the Act.
 - A school head or governor will generally not be viewed as an interested party unless they are representing the interests of pupils or parents who are held to be interested parties in accordance with the provisions of Section 158 of the Act.
 - A community group will generally not be viewed as an interested party unless they are representing the interests of vulnerable people who are held to be interested parties in accordance with the provisions of Section 158 of the Act.
 - Persons who are democratically elected, e.g. Councillors and Members of Parliament, are considered to be interested parties. The Council will not require such elected persons to provide evidence that they have been asked to represent any particular person providing the elected person represents the area/location that will be affected by the licence/permit application or review.

[Note: If any individual wishes to approach a Shropshire Council Councillor to act as their representative, care must be taken to ensure that the Councillor in question is not a member of the Strategic Licensing Committee and in particular absolutely must not be a member of the Licensing Act Sub-Committee dealing with the licence/permit application or licence review. If there is any doubt, the individual is advised to contact the Council's Licensing Team for clarification.]

- Parish and Town Councils are also considered to be interested parties. The Council will not require such Councils to provide evidence that they have been asked to represent any particular person providing the geographical area (or any location within this area) of the Council will be affected by the licence/permit application or review.
- In all other cases, any person wishing to represent an interested party/parties will be required to produce written evidence that the person(s) they are representing either live sufficiently close to the premises to be likely to be affected by the authorised activities or has business interests that might be affected by the authorised activities.

24.0 Review of premises licence

- 24.1 A premises licence may be reviewed by the Council of its own volition on the basis of any reason it thinks is appropriate or following the receipt of an

application requesting a review from a responsible authority or an interested party. However, where an application requesting a review is received from a third party, it is for the Council to decide whether the review is to be carried out.

- 24.2 The Council will carry out licence reviews in pursuit of the principles set out in Section 153 of the Act. All reviews will be determined by the Licensing Act Sub-Committee.
- 24.3 Before carrying out a review, the Council will normally undertake a process of ensuring compliance by a licence/permit holder through constructive discussions, an initial investigation by a Council officer, informal mediation and/or dispute resolution. If the concerns are not resolved then the Council will carry out a formal review and, where appropriate, may impose additional conditions or revoke the licence.
- 24.4 Where the Council is willing to enter into constructive discussions with the relevant licence/permit holder, the licence/permit holder will be asked, as a minimum, to provide an up-to-date local risk assessment which sets out the controls it has put in place to mitigate the risks that pertain to the concerns raised and to offer suggestions as to the nature of additional conditions that could be placed on the premises licence to mitigate the risks and address the concerns. Where the licence/permit holder fails to provide an up-to-date local risk assessment and/or does not offer reasonable or practical suggestions to mitigate the risks and address the concerns, the Council will carry out a review under the relevant provisions of the Act.
- 24.5 The Act does not provide a pre-defined list of issues that might prompt a licence review; however, the Council is likely to consider carrying out a review where there are reasonable concerns relating to:
- the licensing objectives being undermined or that compliance with the objectives is at risk;
 - the fundamental purpose of the Council's Policy being undermined or that compliance with the purpose is at risk;
 - complaints from residents, responsible authorities or other interested parties about the operation of the premises;
 - premises licence conditions not being observed;
 - the premises operating outside of the principles set out in the Council's Policy; and/or
 - an inherent conflict with the Commission's codes of practice and guidance, the licensing objectives or the Council's own Policy.
- 24.6 The Council must follow prescribed procedures when undertaking a review as set down in the Gambling Act 2005 (Premises Licences) (Review) Regulations 2007 (SI 2007/2258), as amended.
- 24.7 Where a responsible authority or an interested party (the applicant) intends to submit a review application, they are strongly advised to contact the licensing team to discuss their concerns in advance of submitting their application. This

is on the basis that the Council prefers to provide licence/permit holders the opportunity to first enter into constructive discussions to secure compliance without recourse to a formal licence review where it is practical to do so.

24.8 In the event that an application for a review is to be submitted, the following process applies:

- Applicant submits the application to the Council on the required form (the relevant form is available on the Council's website) together with a statement of the reasons why a review is being requested and with any supporting information and documents.
- Applicant provides written notice of the application to the premises licence holder and to all responsible authorities (contact details are available on the Council's website) within seven days of making their application. Failure to do so will halt the application process until notice is received by all parties.
- Representations (see paragraph 25.0 on how to make representations) to the application must be made within 28 days, commencing seven days after the date on which the application was received. During these seven days the Council will publish notice of the application in accordance with prescribed rules.

24.9 It is the Council's decision whether to grant an application for a review; however, it will do so, unless it considers that the grounds on which the review is sought are:

- not relevant to the licensing objectives, the Commission's codes of practice and guidance, or the Council's Policy⁹;
- frivolous;
- vexatious;
- 'will certainly not' cause the Council to revoke or suspend a licence or remove, amend or attach conditions on the premises licence;
- substantially the same as ground(s) cited in a previous application relating to the same premises, taking into account the period of time that has passed since the previous application or representations were made; or
- substantially the same as representations made at the time the application for a premises licence was considered, taking into account the period of time that has passed since the previous application or representations were made.

24.10 Where the Council has given notice of its intention to initiate a review or having decided to grant a review following an application, the Council will carry out the review as soon as possible after the 28 day period for making representations has passed.

24.11 The purpose of the review will be to determine whether the Council should take any action in relation to the licence, namely:

⁹ General objections to gambling as an activity, that relate to demand for gambling premises, or raise issues relating to planning, public safety, and traffic congestion are unlikely to be considered an appropriate basis for review, and are, therefore, likely to lead to an application for review being rejected by the Council.

- add, remove or amend a licence condition imposed by the Council;
- exclude a default condition or remove or amend an exclusion;
- suspend the premises licence for a period not exceeding three months; or
- revoke the premises licence.

24.12 The Council may take the above action on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them. Equally, the Council may take the above action on the grounds that the premises licence holder was offering a type of gambling that they were not licensed for and therefore not permitted to offer.

24.13 The Council will hold a hearing, unless the applicant and any person who has made representations consent to the review being conducted without one. The licensing authority must have regard to any relevant representations when reviewing the matter and must have regard to the principles in Section 153 of the Act.

24.14 Once the review has been completed the Council will notify its decision as soon as practicable to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- Chief Officer of Police, West Mercia Police
- HMRC

24.15 The applicant, any person who made representations on the application, the person (if any) who applied for the review and the Commission may appeal a decision in respect of a licence review. See paragraph 20.0 in relation to appeals.

25.0 Making representations

25.1 Any objections to premises licence applications or requests for a review must be based on the licensing objectives. The attention of applicants and persons wishing to make representations is drawn, in particular, to the factors that will not be relevant to the exercise of the Council's functions, and will, therefore, not be considered for the purposes of applications or reviews. These factors include, but are not limited to:

- preventing public nuisance and anti-social behaviour (unlike the Licensing Act 2003, the Gambling Act 2005 does not include this as a specific licensing objective);
- the expected demand for gambling facilities;
- the law relating to planning or building matters, e.g. whether or not planning permission may be granted for a particular building;

- moral or ethical objections to gambling; and
- dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers).

25.2 Where applicants, responsible authorities and interested parties wish to make representations in respect of an application and/or licence review, the parties will be given the opportunity to provide written representations. Oral representations will only be allowed in exceptional circumstances.

25.3 Officers have the delegated authority to determine whether a representation, on the balance of probabilities, is irrelevant (does not relate to the licensing objectives), is frivolous or vexatious or is certain not to influence the determination of the application and such a decision would result in such representations not going before the Licensing Act Sub-Committee.

26.0 Exchange of information

26.1 The principles that the Council will apply in relation to the exchange of information with the Commission and other persons/bodies are set out below.

26.2 The Council recognises that shared regulation depends on effective partnerships and collaboration and that the exchange of information between the Council and the Commission and other appropriate persons/bodies is an important aspect of this and benefits all parties.

26.3 Where the Council is required or wishes to exchange information with other persons/bodies, the information will be relevant and it will be appropriate, necessary and proportional to do so for the purposes of carrying out its functions under the Act and to also enable those other persons/bodies to carry out their functions under the Act.

26.4 The exchange of information will be undertaken in accordance with the Data Protection Act 1998 and the associated 'Guide to data protection', 'Data Sharing Code of Practice (May 2011) and 'Guide to the General Data Protection Regulation (GDPR) (May 2018)' are published by the Information Commissioner's Office (ICO), or such other guidance that may from time to time be made available. Both the Guide and the Code of Practice are available on the ICO website at <https://ico.org.uk/>.

26.5 The Council has not established any information exchange protocols specifically for the purposes of the Gambling Act and does not currently intend to do so. However, where there are existing information exchange protocols established in relation to other matters, the Council will have due regard to any relevant principles set out in such protocols and apply them as if they were established for the purposes of information exchange with other persons/bodies under the Act. If at any time during the lifetime of this Policy it becomes necessary to establish specific information exchange protocols under the Gambling Act, the Council will take appropriate steps to do so.

Exchange of information between the Council and the Commission

- 26.6 The Council will share information about gambling activity across Shropshire to enable the Commission:
- to develop an overarching view of all gambling activity across Great Britain;
 - to identify risks;
 - to feed information and intelligence back to the Council (and to other licensing authorities) to support it to carry out its regulatory responsibilities;
 - to avoid duplication or over-regulation and to maximise the efficient use of resources; and
 - to fulfil its duty to advise the Secretary of State about the incidence of gambling and the manner in which it is conducted.
- 26.7 Specifically, the Council will provide information to the Commission where the information forms part of the registers that the Council is required to maintain under the Act and where information is in the Council's possession in connection with any provision of the Act.

Exchange of information between the Council and other persons

- 26.8 The Council will exchange information with other persons/bodies for use in the exercise of functions under the Act. These other persons/bodies are:
- a police officer or police force
 - an enforcement officer
 - a licensing authority
 - HMRC
 - the First Tier Tribunal
 - the Secretary of State
 - Scottish Ministers
- 26.9 Specifically, the Council is more likely to exchange information with West Mercia Police and licensing authorities that share geographical borders with the Shropshire Council area; however, the Council will also exchange information on a wider basis where it is appropriate to do so.
- 26.10 The Council may exchange information with other organisations and operators to achieve the most appropriate outcomes for the parties concerned. This will only occur where the law permits such information exchange, e.g. where the Council has obtained permission.

Freedom of information

- 26.11 As a public body, the Council is subject to the provisions of the Freedom of Information Act 2000 (FOIA). Information disclosed in relation to freedom of information requests will be disclosed in accordance with the legislation and the 'Guide to freedom of information' issued by the ICO or such other

guidance that may from time to time be made available. The Guide is available on the ICO website at <https://ico.org.uk/>.

26.12 The information submitted to the Council in pursuance of applications will be kept confidential unless it is necessary to share it for the purposes of the Council exercising its functions under the Act. The Council will undertake to keep personal names and addresses (in particular those provided in respect of Club Gaming Permit and Club Machine Permit applications) confidential; however, the Council cannot give an assurance that this confidentiality can be maintained in all circumstances because under the FOIA, there is a statutory Code of Practice with which the Council must comply and which deals, amongst other things, with obligations of confidence.

26.13 Persons who wish to access information about themselves that the Council may hold should submit a FOIA request.

Confidentiality of those making representations

26.14 Representations, including personal information, will be subject to publication in accordance with the necessary regulatory processes associated with the processing of applications and reviews. In addition, representations, including personal information, may be subject to release to other parties or to disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA), The General Data Protection Regulation (GDPR) (May 2018) and the Environmental Information Regulations 2004).

26.15 If persons making representations want information, including personal data that they have provided to be treated as confidential, they must be aware that, under the FOIA, there is a statutory Code of Practice with which the Council must comply and which deals, amongst other things, with obligations of confidence.

26.16 In view of this, where persons want information and personal data to be treated as confidential, the Council expects persons making representations to explain why they regard the information and/or personal data they have provided as confidential. The Council will take full account of the explanation provided but cannot give an assurance that the requested confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by an IT system will not, of itself, be regarded as binding on the Council.

26.17 The Council will give due consideration to all representations and treat any information and/or personal data as confidential where it may, on the balance of probabilities, have a disproportionate and unnecessary adverse impact on any individual or business, particularly where they are not directly affected by the application or review that is the subject of the representation. Nevertheless, for the same reasons that are set out above, the Council cannot give an assurance that the information it may deem ought to be treated as confidential can be maintained as such in all circumstances.

27.0 Working in partnership

- 27.1 The Council aims to work in partnership when dealing with matters relating to the licensing/permitting of gambling establishments and activities, including the adoption of a partnership approach to address problems that may arise. Such partnerships will include (but are not restricted to) the Gambling Commission, relevant gambling trade associations, other local authorities, West Mercia Police, consumer groups and problem gambling support groups. With respect to betting shops, the Council will pay due regard to the 'LGA – ABB framework for local partnerships on betting shops'.
- 27.2 The Council works in partnership with the Gambling Commission specifically on a shared regulation approach. In doing so, the Council takes the lead on regulating local gambling and the Commission focusses on operators and issues of national or regional significance.
- 27.3 The Council will work cooperatively with local businesses to reduce the risk to the licensing objectives to acceptable levels. However, it must be recognised that the Council, as the primary local regulator, will ensure that all relevant provisions relating to the effective administration of the licensing functions are robustly enforced to take account of the Gambling Act licensing objectives and the fundamental purpose of this Policy.

28.0 Setting fees

- 28.1 The Council's compliance and enforcement work and the costs of dealing with illegal gambling is covered by fees from premises licences and permits.
- 28.2 The Council aims to ensure that the income from fees, as nearly as possible, equates to the costs of providing the service to which the fees relate; in this respect, the Council is committed to continuous improvement across the fee setting process.
- 28.3 The Council aims to make its fee setting as transparent as possible. Costs are tracked to enable the Council to evidence, as much as is reasonably practicable, how it arrives at the specified fee levels. Fees are calculated on a cost recovery basis only.
- 28.4 The Strategic Licensing Committee reviews and sets the fees annually under delegated authority from the Council.

PART 3

ACTIVITIES SUBJECT TO AUTHORISATIONS

CONSULTATION VERSION JULY - SEPT 2021

PART 3 – ACTIVITIES SUBJECT TO AUTHORISATIONS

29.0 Introduction

- 29.1 This part of the Policy focusses on the activities that are subject to authorisations and sets out how applicants obtain and hold a licence, permit or registration and, where relevant, how they provide notifications. These steps will include the standards that applicants must attain and the conditions that apply.
- 29.2 Where appropriate and unless specifically indicated to the contrary, any reference to 'licence' is deemed to include a licence, permit, registration and notice and any reference to 'applicant' is deemed to include existing licence/permit/registration holders.

30.0 Appointments

- 30.1 The Council runs an appointment system for all licensing matters. Where an applicant wishes to see an officer for any reason, they must make an appointment as they will otherwise not be seen.

31.0 General principles relevant to all licence types

- 31.1 The appropriate application form must be fully completed and accurate, contain or be accompanied by all the relevant information and documents and be accompanied by the appropriate fee. If any part of the application form is incomplete or the relevant information or documents are not provided, the applicant will be requested to provide the missing information/documentation and informed that the application has not been correctly made and will not be processed until such time as all the information/documentation is provided. The full fee for the licence is payable at the time the application is submitted.
- 31.2 The Council will aim to visit all premises before granting any new licence.
- 31.3 Where the law is not specific about a consultation period, the Council will allow 28 days for responsible authorities/interested parties to make representations.
- 31.4 Applicants will be permitted to make minor changes to their proposals, but the Council will not permit applicants to make material changes to their application during the process. Material changes to an application are likely to result in an applicant being invited to withdraw their application and submit a new

application, accompanied by the appropriate fee, or it may result in an application being refused.

- 31.5 The Council will provide assistance to applicants to help them through the application process; however, the responsibility for providing information rests with applicants. The Council will treat repeated delays in providing information as a strong indicator that it ought to consider refusing the application.
- 31.6 The Council expects applicants to work with it in an open and cooperative way and to disclose anything which the Council would reasonably expect to know. The Council will attach significant weight to an applicant's failure to work in an open and cooperative way.
- 31.8 Where an applicant has failed to declare relevant information or provided false information, the application is likely to be refused; where this relates to an existing licence, the licence is likely to be revoked. Applicants are reminded that it is an offence without reasonable excuse to provide false or misleading information.
- 31.9 All fees for applications/notices are payable at the time the application/notice is submitted. Where an application/notice is withdrawn or not granted the fee will not be refunded except in exceptional circumstances at the discretion of the Council.
- 31.10 Annual fees are non-refundable. Outgoing licence/registration holders will not be eligible for a refund of any part of an annual fee paid by them. Similarly, if a licence/registration is surrendered or lapses, no part of the annual fee will be refundable.
- 31.11 In the event that an application for a licence is paid by cheque, the application will not be valid until such time as the cheque has cleared. In the event that the cheque does not clear and the licence has been issued, the Council will cancel the licence on the basis of non-payment of the application fee.
- 31.12 Where a licence has lapsed, been surrendered or revoked a new application must be submitted in accordance with the relevant new licence procedures before the Council will consider the application.
- 31.13 Where renewals and annual fees apply, the Council will notify licence holders that their licence is due to expire at least four weeks before the actual expiry date. Where the licence holder fails to pay the fee, the licence will cease to exist.
- 31.14 When a licence expires and is subject to renewal provisions, the Council will not permit any 'periods of grace', beyond those set down in the relevant legislation, for the submission of a renewal application unless there is

satisfactory evidence of exceptional circumstances that are accepted by the Council.

31.15 Where changes are made to a premises layout, an application for a variation to the premises licence will only be required where there are material changes to the layout of the premises. What constitutes a material change will be a matter for the Council to determine but the Council will adopt a common-sense approach in this regard.

31.16 All applicants must be aged 18 or over.

31.17 All applicants must provide evidence of Public Liability Insurance with a minimum cover of £5,000,000.00, except for the purposes of Small Society Lotteries.

31.18 The relevant application forms and manner in which applications must be made, together with the forms to notify relevant responsible authorities, can be found on the Council's licensing web pages.

31.19 The Council will accept applications electronically (fax or email) and by post.

31.20 For those licence types that require a local risk assessment the Council expects applicants, as a minimum, to use their risk assessment to assess specific risks to the licensing objectives in the local area, determine the extent to which mandatory and default conditions mitigate the risks and to assess whether and what additional control measures are required.

32.0 Meaning of 'premises'

32.1 'Premises' is defined as including 'any place' and no more than one premises licence can apply to any place. However, a single building can be subject to more than one premises licence, providing each licence is for different parts of the building, and the different parts of the building can reasonably be regarded as being different premises.

32.2 Premises licences can be granted for passenger vessels. A vessel is defined as:

- anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water;
- a hovercraft; or
- anything, or part of any place, situated on or in water (structures that are an extension of the land are not vessels, even if they arch over water, e.g. piers, bridges are not vessels and they remain caught by the definition of 'premises').

32.3 Vehicles (trains, road vehicles, aircraft, sea planes and amphibious vehicles, other than a hovercraft) may not be the subject of a premises licence and, therefore, all forms of commercial betting and gaming is unlawful in a vehicle

in Great Britain. Certain allowances are made for private and non-commercial gaming or betting to take place in a vehicle, but these are subject to a number of stringent requirements to ensure that the gambling cannot, at any point, become a commercial activity.

- 32.4 Specifically with respect to temporary use notices, the Act refers to a 'set of premises' and provides that a set of premises is the subject of a TUN where 'any part' of the premises is the subject of a notice. The reference to 'a set of premises' prevents one large premises from having a TUN in effect for more than 21 days in a year by giving notification in relation to different parts of the premises and re-setting the clock. Note that this definition of a 'set of premises' differs to the definition of 'premises'.
- 32.5 A licensed family entertainment centre (FEC) is classified as 'premises' and only premises that are wholly or mainly used for making gaming machines available may hold a FEC premises licence. As a result, it is generally not permissible for such premises to correspond to an entire shopping centre, airport, motorway service station or similar. Typically, the machines would be in a designated and enclosed area.

33.0 Principles to be applied in relation to the meaning of premises

- 33.1 Where large, multiple unit premises such as pleasure parks, tracks or shopping malls apply for a number of discrete premises licences, the Council will pay particular regard to ensuring that appropriate safeguards are in place. Any issues concerning the sub-division of a single building or plot will be closely examined and significant emphasis will be given to compliance with the mandatory conditions relating to access between premises.
- 33.2 In most cases the Council will expect that a single building will be the subject of an application for a premises licence. However, the Council accepts that this does not mean that a single building cannot be the subject of separate premises licences for separate parts of the building, e.g. the basement and ground floor, providing they are configured in an acceptable manner; the location and the suitability of any division will be matters that the Council will wish to discuss with the operator. Nevertheless, the Council is likely to consider those applications where a single building is the subject of a single premises licence application more favourably.
- 33.3 The Council does not consider that areas of a building that are artificially or temporarily separated, e.g. by ropes or moveable partitions, can properly be regarded as different premises.
- 33.4 Where a premises to which a premises application relates is located within a wider venue, the Council will request a plan of the whole venue on which the premises must be identified as a separate unit.
- 33.5 The Council is unlikely to issue a premises licence unless the proposed premises are genuinely separate premises that merit their own licence. Where there is any indication that the premises is an artificially created part,

of what is readily identifiable as a single premises, the Council is likely to refuse such an application.

- 33.6 An application must be made to the Council where the premises is wholly or partly situated within Shropshire. In circumstances where the premises lie within Shropshire but also in another licensing authority's area, the Council would expect the operator to discuss the matter with both (or all, if more than two) authorities and reach agreement about which authority they will submit their application to. The operator will then have to notify the 'other' authority of the application and that 'other' authority will be entitled to make representations as a responsible authority.
- 33.7 Premises licences for vessels will be accepted by the Council only in relation to vessels that are usually moored or berthed within the Shropshire area.
- 33.8 The Council accepts premises licence applications for pleasure boats providing they are usually moored or berthed within the Shropshire area. As with multi-purpose buildings, the Council will licence the part(s) of the vessel where gambling takes place and will expect the usual restrictions on access for children to be robustly applied.
- 33.9 Where a premises licence is sought in connection with a vessel that will be navigated while licensable activities take place, the Council will be concerned with the promotion of the licensing objectives on board the vessel. It will not focus on matters relating to safe navigation or operation of the vessel, the general safety of passengers or emergency provision. (All such matters are subject to regulations which must be met before the vessel is issued with its Passenger Certificate and Safety Management Certificate.)
- 33.10 With respect to multiple activity premises, i.e. different licensed activities taking place within an area, such as at a track or holiday park, e.g. an area could include family entertainment centres (FECs), adult gaming centres (AGCs) and bingo, whilst also having an alcohol licence. In such circumstances, the Council will pay particular attention, through checks on plans and site visits, to ensure that the relevant gaming machine entitlements (machines available for use) are not exceeded and, where applicable, that appropriate signage to prevent unlawful entry is in place.
- 33.11 The Council considers that it is not permissible for gaming machines, which should be contained within a FEC premises, to be located in corridors and walkways which form part of the larger building. This is because the machines are not subject to the controls necessary to minimise gambling-related harm and to protect children and vulnerable people. Locating machines in corridors and walkways exposes young people to ambient gambling that the Act was designed to prevent through the removal of machines from takeaways, taxi offices, etc.

34.0 Criminal record disclosure

- 34.1 Criminal record disclosure is relevant to those persons who wish to apply for Unlicensed Family Entertainment Centre Gaming Machine Permits and Prize Gaming Permits because the Council has a responsibility to ensure the suitability of the applicant for these particular permits. In addition, this is also applicable to persons submitting Small Society Lottery applications. Refer to **Appendix E** for further details in this respect.
- 34.2 For all other permits and premises licence applications, the Council will not consider the suitability of the applicant, including in relation to any crime; this will already have been considered by the Commission under the procedures for granting operator and personal licences.

Part 3A - Premises Licences

- 35.0 Where an individual or company uses premises, or causes or permits premises to be used, to offer gambling, they must apply for a premises licence. Premises licences, and the regulatory tools associated with them, are a key means by which the Council ensures that risks to the licensing objectives are mitigated effectively.
- 35.1 The Council can grant premises licences without conditions or subject to conditions and it can also review or revoke such licences. Premises licences are issued by the Council and authorise the provision of gambling facilities on:
- casino premises
 - bingo premises¹⁰
 - betting premises, including tracks
 - adult gaming centres
 - family entertainment centres
- 35.2 Except in the case of tracks (where the occupier of the track who holds the premises licence may not be the person who actually offers the gambling), premises licences may only be issued to those who hold a relevant operating licence, or who have applied for one. Premises licences may be transferred to someone else holding a valid operating licence.
- 35.3 In addition to licences, there are other forms of authorisation that the Council may grant, including authorisations for the temporary use of premises, occasional use notices and different permits for unlicensed family entertainment centres, prize gaming, gaming machines on alcohol-licensed premises and club gaming and club machine permits. The Council also registers persons who wish to provide small society lotteries.

¹⁰ Bingo is equal chance gaming and is commonly either cash bingo or prize bingo. The Commission has published its view of what bingo is and how it differs from other forms of gambling. This can be found in the Commission's advice note 'What Constitutes Bingo'.

35.4 The following sections of the Policy set out the Council's specific principles on which it proposes to determine applications for the different licence types (these are in addition to the general principles set out in Section 2 of the Policy), together with the practical steps that applicants are required to take in order to submit valid applications.

36.0 Casinos

36.1 The Council has not passed a resolution not to issue casino premises licences under Section 166 (1) of the Act. Should the Council decide to do so in the future details of the resolution will be included in this Policy, including the date on which such a resolution will take effect.

36.2 Despite the fact that the Council has not passed such a resolution, the Council is currently not enabled by the Secretary of State (in accordance with regulations made under Section 175 of the Act) to grant a premises licence for a small or large casino. In practice, this means that the Council cannot grant such a licence.

37.0 Other premises licenses (not provisional statements)

Description

37.1 A premises licence is issued in accordance with Part 8 of the Gambling Act 2005.

37.2 Any person who operates premises for the purposes of the following activities, must hold the appropriate premises licence:

- playing bingo
- using Category B gaming machines (adult gaming centre)
- using Category C gaming machines (family entertainment centre); or
- betting

Principles

37.3 The Council will check with the Gambling Commission to ensure the applicant has a valid operator's licence issued by the Gambling Commission.

37.4 Whilst operators can apply for a premises licence in respect of premises that have yet to be constructed or altered, the Council expects operators, wherever practicable, to ensure that premises are completely constructed or fully altered, in accordance with scaled plans, before submitting a premises licence application. This is to assist the Council in its approach to be satisfied that the premises is going to be ready for use in the near future and to enable Council officers, and any other body with inspection powers, to fully inspect the premises for compliance with all necessary legal requirements.

- 37.5 Where buildings are not completely constructed or fully altered, the Council expects operators to avail themselves of the provisional statement application process in relation to the licensing of premises. Operators need to refer to the principles set out in relation to provisional statements.
- 37.6 Where an operator prefers to submit a full premises licence application in relation to buildings that are not completely constructed or fully altered, the Council would prefer to discuss with the individual operator which route, i.e. full premises licence or provisional statement, is most appropriate in order to avoid the operator having to pay a fee for an application that the Council is unlikely to be in a position to grant. Nevertheless, where an operator chooses to submit a full premises licence application, the Council will determine any such application on its merits. The Council will, however, consider such applications in a two-stage process:
- first, the Council will decide whether, as a matter of substance after applying the principles in Section 153 of the Act, the premises ought to be permitted to be used for gambling; and
 - second, in deciding whether or not to grant the application the Council will consider if appropriate conditions can be put in place to cater for the situation that the premises is not yet in the state in which it ought to be before gambling takes place.
- 37.7 Where conditions are put in place in respect of buildings not completely constructed or fully altered, the Council will require evidence that the completed works comply with the original (or changed) plan attached to the premises licence. Depending upon the individual circumstances, the Council is likely to achieve this either through physical inspection of the premises by a Council officer, written confirmation from the applicant or a report from an independent surveyor that relevant conditions have been satisfied.
- 37.8 Where plans, submitted at the time of an original premises licence application, are changed in any *material respect* during the fitting of the premises after the grant of the licence, the Council expects operators to make a fresh premises licence application in order to preserve the rights of interested parties and responsible authorities to make representations in respect of the application.
- 37.9 Where an application to vary a premises licence for betting is received in order to extend the opening hours, the Council will pay particular regard to ensuring that the reason for the application is in line with the requirements of the operating licence conditions.
- 37.10 With respect to adult gaming centres (AGC), the Council will have particular regard to the location of and entry to the AGC to minimise the opportunities for under 18 year olds to gain access. This will be of particular importance in areas where young people may be unsupervised, e.g. where an AGC is in a complex, such as a shopping centre.

Period of licence

37.11 A premises licence does not have a defined period of validity; it does not have an 'expiry date'. Once granted, a premises licence continues to have effect unless and until it ceases to have effect in accordance with other relevant provisions of the Act.

37.12 A licence ceases to have effect when:

- it is surrendered
- the holder of the licence fails to pay the annual fee
- it lapses
 - the company ceases to exist or goes into liquidation
 - the licence holders dies
 - the licence holder becomes bankrupt
 - the licence holder becomes incapable by reason of mental or physical incapacity

Application process

37.13 The following sets out a summary of the main application process requirements as it relates to:

- new applications;
- applications to vary or transfer a licence,
- applications for the reinstatement of a lapsed licence.

37.14 However, it is essential that applicants consider the requirements of the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 (SI 2007/459), as amended, to ensure they fully satisfy the application requirements.

37.15 All applicants must hold an operating licence issued by the Commission (or have made an application for such a licence) authorising them to carry on the specific gambling activity for which their premises licence application relates prior to applying for a premises licence from the Council.

37.16 In addition, applicants must:

- Submit a completed application form
- Pay the appropriate fee
- Where applicable, provide evidence if the premises has previously been granted a provisional statement
- Provide evidence that they hold an operating licence
- Provide evidence that they have the right to occupy the premises to which their application relates
- Provide a scale plan of the premises; specific elements must be shown on the plan and these are dependent on the actual gambling activity for which the licence is being sought

- Provide evidence that the building is completely constructed so that it can be fully inspected
- Set out how they intend to satisfy the relevant mandatory and default conditions applicable to the type of gambling activity that will be undertaken at the premises
- Submit their local risk assessment (refer to Social Responsibility Code provision 10.1.1) in accordance with Ordinary Code provision 10.1.2
- Set out the specific steps that will be taken to promote the licensing objectives
- Provide notice of their application to the relevant responsible authorities
- Publish notice of their application in a local newspaper and on the premises to which the application relates (not applicable to the transfer or reinstatement of a licence)

37.17 Where the issue date and the effective date of the licence are the same, the first annual fee for the licence must be paid within 30 days of that date. Where the issue date and the effective date of the premises licence are not the same, different timescales apply.¹¹

38.0 Provisional Statement

Description

38.1 Provisional statements are issued in accordance with Part 8 of the Gambling Act 2005.

38.2 For any premises that are yet to be constructed or altered or where the person has not yet acquired a right to occupy the premises, an application may be submitted to the Council for a provisional statement where premises will be operated for the purposes of the following activities:

- playing bingo
- using Category B gaming machines (adult gaming centre)
- using Category C gaming machines (family entertainment centre); or
- betting

Principles

38.3 Where the Council is considering an application for a provisional statement and the applicant has also applied to the Commission for an operating licence, the Council will not speculate on or otherwise take into account the likelihood of an operating licence being granted.

38.4 Once the Council has granted a provisional statement, it is constrained in the matters it can consider when an application for a premises licence is made subsequently in relation to the same premises. The Council will not take into account any further representations from responsible authorities or interested parties unless they concern matters that could not have been addressed at

¹¹ Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (SI2007/479)

the provisional statement stage, or they reflect a change in the applicant's circumstances. Consequently, the Council will only refuse the premises licence, or grant it on terms different to those attached to the provisional statement, by reference to matters:

- that could not have been raised by way of representations at the provisional licence stage
- that, in the Council's opinion, reflect a change in the applicant's circumstances
- where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application; this must be a substantial change to the plan.

38.5 With respect to where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application, the Council will discuss any concerns they have with the applicant before making a decision.

Period of licence

38.6 A provisional statement does not have a defined period of validity; it does not have an 'expiry date'. Once granted, a provisional statement continues to have effect until it is replaced by a full premises licence or is surrendered or lapses. A provisional statement lapses if:

- the company ceases to exist or goes into liquidation
- the provisional statement holder dies
- the provisional statement holder becomes bankrupt
- the provisional statement holder becomes incapable by reason of mental or physical incapacity

Application process

38.7 The following sets out a summary of the main application process requirements as it relates to a provisional statement.

38.8 However, it is essential that applicants consider the requirements of the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 (SI 2007/459), as amended, to ensure they fully satisfy the application requirements.

38.9 The application form must be fully completed, contain or be accompanied by all the relevant information and documents and be accompanied by the appropriate fee. If any part of the application form is incomplete or the relevant information or documents are not provided, the applicant will be requested to provide the missing information/documentation and informed that the application has not been correctly made and will not be processed until such time as all the information/documentation is provided. The full fee for the licence is payable at the time the application is submitted.

38.10 Applicants must:

- Submit a completed application form
- Pay the appropriate fee
- Provide a scale plan of the premises; specific elements must be shown on the plan and these are dependent on the actual gambling activity for which the licence is being sought
- Set out how they intend to satisfy the relevant mandatory and default conditions applicable to the type of gambling activity that will be undertaken at the premises
- Submit their local risk assessment (refer to Social Responsibility Code provision 10.1.1) in accordance with Ordinary Code provision 10.1.2
- Set out the specific steps that will be taken to promote the licensing objectives
- Provide notice of their application to the relevant responsible authorities
- Publish notice of their application in a local newspaper and on the premises to which the application relates

Part 3B – Permits

39.0 Unlicensed Family Entertainment Centre Gaming Machine Permit (UFEC)

39.1 A UFEC permit is issued in accordance with Schedule 10 of the Gambling Act 2005.¹²

Description

39.2 UFEC are premises (not vessels or vehicles) which are 'wholly or mainly' used for making category D gaming machines available. The permit cannot, for example, be granted for an entire shopping centre, airport or bowling alley.

Principles

39.3 The Council will:

- have regard to the licensing objectives and the Guidance to licensing authorities 5th Edition (September 2016) issued by the Gambling Commission
- give weight to protecting children and other vulnerable persons from being harmed or exploited by gambling
 - expect applicants to demonstrate how they intend to protect children and other vulnerable persons from being harmed or exploited
- where other activities have been introduced into an UFEC premises resulting in gaming machines being ancillary to the business, the Council will notify the permit holder that the premises are no longer being used as a UFEC and the permit will lapse

¹² Travelling fairs may provide an unlimited number of Category D gaming machines provided that facilities for gambling amount to no more than an ancillary amusement at the fair. They do not require a permit to provide these gaming machines but must comply with legal requirements about how the machine operates.

39.4 The Council cannot attach conditions to a UFEC permit however, it can refuse to grant the permit by notifying the applicant of the intention to refuse and the reasons for it and then giving the applicant an opportunity to make representations.

Period of licence

39.5 A permit ceases to exist after a period of 10 years unless it is renewed, lapses, is surrendered or forfeited by the Court. A permit lapses if:

- the company ceases to exist or goes into liquidation
- the permit holder ceases to occupy the premises
- the permit holders dies
- the permit holder becomes bankrupt
- the permit holder becomes incapable by reason of mental or physical incapacity
- the Council informs the permit holder that the premises are not being used as an UFEC

Application Process – new and renewal applications

39.6 For new applications, applicants must:

- Submit a completed application form
- Pay the appropriate fee
- Provide a satisfactory basic criminal record disclosure from the Disclosure and Barring Service (see **Appendix E**)
- Provide evidence that they have the right to occupy the premises to which their application relates
- Provide a scale plan of the internal layout of the premises including the position of the machines, staff/supervisor locations and any restricted access provision
- Provide evidence that the premises will be used as a UFEC
- Provide a business plan
- Provide evidence that they fully understand the maximum stakes and prizes of the gambling permissible in UFEC
- Submit a local risk assessment (refer to Social Responsibility Code provision 10.1.1) in accordance with Ordinary Code provision 10.1.2
- Provide a staff training programme particularly to ensure staff have a full understanding of:
 - the harm and exploitation that is caused by problem gambling
 - their responsibilities to safeguard children, young persons and adults with care and support needs
 - measures to reduce crime and disorder associated with gambling
 - the relevant legal provisions that restrict the use of gaming machines and other gambling activities
 - the maximum stakes and prizes of the gambling permissible in UFEC

- Provide information of category D machine suppliers that the applicant intends to use; they must be Commission-licensed suppliers
- Provide evidence as to how they intend to protect children and other vulnerable persons from being harmed or exploited

Renewal applications

- 39.7 The renewal application process is the same as the process set out above for new applications.
- 39.8 The renewal application must be submitted no more than 6 months before but no less than 2 months before the expiry date of the permit. Failure to apply within the prescribed time period will result in the renewal application being refused. Where the applicant wishes to continue to apply for a permit, they will then be required to submit a new application in accordance with the procedures above.

Right of Appeal

- 39.9 The applicant or the holder of a permit may appeal if the Council has
- rejected an application for a UFEC permit or renewal of a UFEC permit
 - given notice that the premises are not being used as an UFEC
 - given notice that the holder is incapable of carrying out an UFEC business by reason of mental or physical incapacity

Change of permit holder's name and lost, stolen or damaged permit

- 39.10 There are specific provisions that allow a permit holder to make changes to their name and to obtain a copy of a lost, stolen or damaged permit providing the correct application is submitted and the required fee paid and for the purposes of a lost or stolen permit evidence that the loss or theft has been reported to the Police, e.g. crime reference number.

40.0 Club Gaming Permit and Club Machine Permit

- 40.1 These permits are issued in accordance with Schedule 12 of the Gambling Act 2005 applicant's attention is also drawn to the Gambling Act 2005 (Club Gaming and Club Machine Permits) Regulations 2007, as amended (SI2007/1834 & SI2007/2689), and Gambling Act 2005 (Gaming in Clubs) Regulations 2007 (SI2007/1942).
- 40.2 A 'fast track' procedure exists for members' clubs and miners' welfare institutes that hold a club premises certificate under Section 72 Licensing Act 2003. Further details are available from the licensing team.

Description

- 40.3 A club gaming permit is a permit authorising gaming in members' clubs and miners' welfare institutes; specific detailed provisions apply. A club machine

permit is a permit authorising up to three gaming machines (categories B, C or D) in members' clubs, miners' welfare institutes and commercial clubs. There are a number of legal requirements that must be satisfied before an application can be submitted.

- 40.4 Where applicants are considering making an application for these permits, the Council recommends they contact the licensing team prior to making the application to ensure the correct permit is applied for.

Principles

- 40.5 The Council will accept permit applications for clubs that do not have permanent premises or hold alcohol premises licenses.
- 40.6 The Council cannot attach conditions to a club gaming and club machine permit; however, it can refuse to grant the permit by notifying the applicant of the intention to refuse and the reasons for it.
- 40.7 Where the Council is satisfied that the club is not a 'true' members' club, miners' welfare institute or commercial club or the premises are used wholly or mainly by children and/or young persons the Council will refuse the application.
- 40.8 Where an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities, a permit held by the applicant has been cancelled in the previous ten years or an objection has been lodged by the Commission or the police, the Council may refuse the application.

Period of licence

- 40.9 A permit ceases to exist after a period of 10 years unless it is renewed, lapses, is surrendered or forfeited by the Court. A permit lapses if:
- the club ceases to be a members' club, miners' welfare institute or commercial club

Application process – new and renewal applications

- 40.10 Applicants must:

- Submit a completed application form
- Pay the appropriate fee
- Provide a staff training programme particularly to ensure staff have a full understanding of:
 - the harm and exploitation that is caused by problem gambling
 - their responsibilities to safeguard children, young persons and adults with care and support needs
 - measures to reduce crime and disorder associated with gambling

- the relevant legal provisions that restrict the use of gaming machines and other gambling activities
- the maximum stakes and prizes of the gambling permissible in the club
- Provide details of the categories of machine to be used
- Provide information of the machine suppliers that the club intends to use; they must be Commission-licensed suppliers
- Provide a scale plan of the internal layout of the premises including the position of the machines, staff/supervisor locations and any restricted access provision
- Submit a copy of the club constitution (see further requirements below)
- Submit substantial evidence of club activities, including bridge and whist activities
- Submit register of members to include full names and addresses
- Annual accounts for the previous three years unless the application relates to a new constituted club

40.11 As a minimum the club constitution must make the following clear:

- What is the primary purpose and aims of the clubs activities?
- Who makes commercial decisions on behalf of the club?
- What are the governance arrangements?
- What is the position in respect of permitting access to children into the club premises?
- Whether there are any shareholders?
- Is the members' club permanently established?
- What periods of membership are available?
- Any age restrictions applicable to membership of the club
- How long between applying for membership and participating in any gaming activity is required?
- What if any long-term membership benefits exists?
- What are the profits used for?
- What is the process for members to permit guests into the club premises?

40.12 The club must also provide the following information:

- That the constitution has been approved by members of the club
- List of committee members and evidence of their election by members of the club
- Copies of club meeting minutes for the previous 12 months
- The number of nights per week that gaming is made available
- How does the club advertise gaming?
- What are the stakes and prizes offered?
- Do you have weekly/monthly/annual league winners?
- Is the club tied in with other clubs through tournaments or leagues? If yes, provide details.
- What percentage of members do not participate in gaming activity?
- What activities are provided for club members via the internet?
- Do you teach members to promote gaming?

- Does your club receive any sponsorship? If yes, who by?
- What, if any, gaming participation fees are charged?
- Is the club advertised and listed in directories including on the internet? If yes, provide details.

Renewal

- 40.13 The renewal application process is the same as the process set out above for new applications.
- 40.14 The renewal application must be submitted no more than 3 months before but no less than 6 weeks before the expiry date of the permit. Failure to apply within the prescribed time period will result in the renewal application being refused. Where the applicant wishes to continue to apply for a permit, they will then be required to submit a new application in accordance with the procedures above.

Variation and lost stolen or damaged

- 40.15 There are specific provisions that allow a club to vary their permit and to obtain a copy of a lost, stolen or damaged permit providing the correct application is submitted and the required fee paid and for the purposes of a lost or stolen permit evidence that the loss or theft has been reported to the Police e.g. crime reference number.

Right of Appeal

- 40.16 The applicant or holder of a permit may appeal if the Council has:
- rejected an application for a Club Gaming Permit/Club Machine Permit or renewal of a Club Gaming Permit/Club Machine Permit
 - cancelled a permit

Annual Fee

- 40.17 Permit holders must pay to the Council the first annual fee within 30 days of the issue of the permit and an annual fee before each anniversary of the issue of the permit thereafter. Failure to do so will result in the permit being cancelled.

41.0 Licensed Premises Gaming Machine Permit

- 41.1 Licensed premises gaming machine permits are issued in accordance with Schedule 13 of the Gambling Act 2005.

Description

- 41.2 A licensed premises gaming machine permit authorises a premises, holding an alcohol premises licence in accordance with the Licensing Act 2003 (providing the premises have a bar at which alcohol is served), to make

available category C and D machines. This replaces and is not in addition to the automatic entitlement to two machines.

Principles

- 41.3 The Council will expect that gambling will remain ancillary to the main purpose of the premises. Should it become aware that this is not the case and the holder of the permit has not complied with reasonable requests by authorised officers to reduce the level of gambling or applied for the appropriate gambling premises licence, the Council will take appropriate enforcement action including utilising licence review provisions under either the Gambling Act 2005 or the Licensing Act 2003.
- 41.4 The Council cannot attach conditions to a Licensed Premises Gaming Machine Permit; however, it can refuse to grant the permit by notifying the applicant of the intention to refuse and the reasons for it. In addition, where the Council intends to grant a permit, it can do so for a smaller number of machines and/or a different category.
- 41.5 Where an operator of an alcohol licensed premises wishes to make gaming machines available in any areas of their premises that are not licensed for the purposes of selling/supplying alcohol, the operator will be required to apply for an adult gaming centre premises licence.

Period of licence

- 41.6 A permit does not have a defined period of validity; it does not have an 'expiry date'. Once granted, a permit continues to have effect unless and until it ceases. A permit ceases if:
- the alcohol premises licence ceases to have effect
 - the permit holder ceases to be the holder of the alcohol premises licence
 - the permit is surrendered
 - the permit is cancelled, including where the permit holder fails to pay the annual fee
 - the permit is forfeited by the court

Application Process – new applications

- 41.7 Applicants must:
- Submit a completed application form
 - Pay the appropriate fee
 - Provide a copy of the valid alcohol premises licence or evidence that an alcohol premises licence is being or has been applied for
 - Specify the number and category of gaming machines
 - Provide information of the machine suppliers that the club intends to use; they must be Commission-licensed suppliers

- Submit a business plan setting out the main purpose of the business together with details indicating the contribution that the gaming machines provide to the overall business
- Provide a staff training programme particularly to ensure staff have a full understanding of:
 - the harm and exploitation that is caused by problem gambling
 - their responsibilities to safeguard children, young persons and adults with care and support needs
 - measures to reduce crime and disorder associated with gambling
 - the relevant legal provisions that restrict the use of gaming machines and other gambling activities
 - the maximum stakes and prizes of the gambling permissible in the club
- Provide a scale plan of the internal layout of the premises including the position of the machines, staff/supervisor locations and any restricted access provision.

Right of Appeal

41.8 The applicant or holder of a permit may appeal if the Council has:

- rejected an application for a permit
- granted an application for a permit for a smaller number of machines and/or different category
- gives a notice that cancels or varies the entitlements of the permit

Variation, transfer, change of name and lost stolen or damaged

41.9 There are specific provisions that allow a permit holder to vary, transfer or change the name on their permit and to obtain a copy of a lost, stolen or damaged permit providing the correct application is submitted and the required fee paid and for the purposes of a lost or stolen permit evidence that the loss or theft has been reported to the Police e.g. crime reference number.

Annual Fee

41.10 Permit holders must pay to the Council the first annual fee within 30 days of the permit being issued and an annual fee before each anniversary of the issue of the permit thereafter. Failure to do so will result in the permit being cancelled.

42.0 Automatic entitlement to two gaming machines

42.1 This notification is issued in accordance with Section 282 of the Gambling Act 2005.

Description

42.2 There are specific notification procedures available to alcohol premises licence holders to make available two gaming machines of category C or D for use in alcohol licensed premises with a licence for on sales.

Principles

- 42.3 All alcohol licensed premises which provide gaming machines for use on the premises must comply with any relevant Code of Practice issued by the Gambling Commission under Section 24 of the Gambling Act 2005
- 42.4 The Council recognises that it has no discretion to consider notifications or to turn them down, other than in respect of whether the applicant holds an on-sales alcohol premises licence and the fee has been paid. However, the Council is strongly of the opinion that, although the automatic entitlement is a light touch approach under the Act, there remains a risk which operators should be aware of and take into consideration. As such, operators giving notifications are strongly encouraged to consider the development of a staff training programme, particularly to ensure staff have a full understanding of:
- the harm and exploitation that is caused by problem gambling
 - their responsibilities to safeguard children, young persons and adults with care and support needs
 - measures to reduce crime and disorder associated with gambling
 - the relevant legal provisions that restrict the use of gaming machines and other gambling activities
- 42.5 The Council will give serious consideration to removing, subject to it following the correct procedures, the 'automatic authorisation' where there is evidence 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 relating to the location and operation of gaming machines;
 - the premises are mainly used for gaming; or
 - an offence under the Act has been committed on the premises.

Notification Process

- 42.6 Applicants must:
- Submit a completed notification form
 - Pay the appropriate fee

Period of Notification

- 42.7 The notification duration is indefinite as it is linked to the Licensing Act 2003 premises licence. If the premises licence holder changes, for example because the licence is transferred, the new licence holder will need to give a new notification.

43.0 Prize Gaming Permit

43.1 A Prize Gaming permit is issued in accordance with Schedule 14 of the Gambling Act 2005.¹³

Description

43.2 Gaming is classed as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid or raised by the gaming. Normally the prizes are determined by the operator before play commences. A Prize Gaming Permit is a permit issued by the Council to authorise Prize Gaming on specified premises. Vessels and vehicles are not premises.

Principles

43.3 The principles that the Council proposes to apply when considering applications for a Prize Gaming Permit are set out below. The Council will:

- have regard to the licensing objectives and the Guidance to licensing authorities 5th Edition (September 2016) issued by the Gambling Commission
- give weight to protecting children and other vulnerable persons from being harmed or exploited by gambling
- expect applicants to demonstrate how they intend to protect children and other vulnerable persons from being harmed or exploited

43.4 The Council cannot attach conditions¹⁴ to a Prize Gaming permit; however, it can refuse to grant the permit by notifying the applicant of the intention to refuse and the reasons for it and then giving the applicant an opportunity to make representations.

Period of licence

43.5 A permit ceases to exist after a period of 10 years unless it is renewed, lapses, is surrendered or forfeited by the Court. A permit lapses if:

- the company ceases to exist or goes into liquidation
- the permit holder ceases to occupy the premises
- the permit holder e.g. a partnership otherwise ceases to exist
- the permit holders dies
- the permit holder becomes bankrupt
- the permit holder becomes incapable by reason of mental or physical incapacity

Application Process – new applications

¹³ Section 292 of the Gambling Act 2005 provides that travelling fairs are also able to offer equal chance prize gaming without a permit, provided that, taken together, the facilities for gambling are an ancillary amusement at the fair.

¹⁴ Specific requirements are set out in the Gambling Act 2005 that amount to 'conditions'.

43.6 Applicants must:

- Submit a completed application form
- Pay the appropriate fee
- Provide a satisfactory basic criminal record disclosure from Disclosure and Barring Service (see **Appendix E**)
- Provide evidence that they have the right to occupy the premises to which their application relates
- Provide a scale plan of the internal layout of the premises
- Set out the types of gaming that will be offered
- Provide a business plan
- Provide evidence that they fully understand the maximum stakes and prizes of the gambling permissible for a Prize Gaming Permit and that the gaming offered is within the law
- Provide a staff training programme particularly to ensure staff have a full understanding of:
 - the harm and exploitation that is caused by problem gambling
 - their responsibilities to safeguard children, young persons and adults with care and support needs
 - measures to reduce crime and disorder associated with gambling
 - the relevant legal provisions that restrict the use of gaming machines and other gambling activities
 - the maximum stakes and prizes of the gambling permissible for a Prize Gaming Permit and that the gaming offered is within the law
- Provide evidence as to how they intend to protect children and other vulnerable persons from being harmed or exploited

Renewal applications

43.7 The renewal application process is the same as the process set out above for new applications.

43.8 The renewal application must be submitted no more than 6 months before but no less than 2 months before the expiry date of the permit. Failure to apply within the prescribed time period will result in the renewal application being refused. Where the applicant wishes to continue to apply for a permit, they will then be required to submit a new application in accordance with the procedures above.

Right of Appeal

43.9 The applicant or the holder of a permit may appeal if the Council has

- rejected an application for a Prize Gaming permit or renewal of a Prize Gaming permit

Change of permit holder's name and lost, stolen or damaged permit

43.10 There are specific provisions that allow a permit holder to make changes to their name and to obtain a copy of a lost, stolen or damaged permit providing

the correct application is submitted and the required fee paid and for the purposes of a lost or stolen permit evidence that the loss or theft has been reported to the Police e.g. crime reference number.

44.0 Part 3C - Temporary and Occasional Use

Temporary Use Notice (TUN)

44.1 A TUN is issued in accordance with Part 9 of the Gambling Act 2005 and Gambling Act 2005 (Temporary Use Notices) Regulations 2007 (SI2007/3157).

Description

44.2 A TUN allows the use of premises (not vehicles, but does include vessels whether moored or moving) for gambling where there is no premises licence but where an operator wishes to use the premises temporarily for providing gambling facilities.

44.3 Certain restrictions exist in relation to a TUN. These restrictions are:

- it can only be used to offer gambling of a form authorised by the operator's operating licence
- gambling under a TUN may only be made available on a maximum of 21 days in any 12-month period for any or all of a named set of premises
- it can only be used to permit the provision of facilities for equal chance gaming, and where the gaming in each tournament is intended to produce a single overall winner
- gaming machines may not be made available under a TUN
- cash games are not permitted under a TUN; cash games are where each hand provides a winner

Principles

44.4 As a result of the six week timescale specified in the Act for the purposes of fully completing the TUN process, the Council strongly encourages operators to make contact with the licensing service to discuss their plans and requirements as soon as possible (ideally at least six months) prior to the anticipated date of the gambling event.

44.5 Where applicants chose to submit a TUN by post, the Council expects the applicant to take steps to ensure the notice has been received by the Council within three days of the date of posting to assist the Council to process the notice within the tight timescales laid down in the Act.

44.6 The Council will send a written acknowledgement confirming receipt of the TUN as soon as reasonably practical.

- 44.7 Where the Council considers it necessary to object to a TUN it will give a notice of objection within fourteen days beginning with the date when which the TUN was received by the Council.
- 44.8 When making objections to a TUN the Council, and other relevant bodies, will have regard to the same principles that the Council considers when determining premises licence applications, in particular, the aims of the licensing objectives.
- 44.9 Where the Council issues a counter-notice, the principles that will be applied are the same as those in determining premises licence applications; in particular, the Council will aim to permit the provision of facilities for gambling under a TUN providing to do so accords with the Commission's relevant code and guidance and the Council's Policy, and is reasonably consistent with the licensing objectives.
- 44.10 The Council will give serious consideration to objecting to a TUN where it appears that the effect would be to permit regular gambling in a place that could be described as one 'set of premises' (refer to section above setting out the meaning of 'premises').
- 44.11 Where the Council is made aware or establishes that the premises to which a TUN relates has been the subject of one or more TUN for more than a total of 21 days in the past 12 months, the Council will issue a counter-notice that has the effect of stopping the TUN coming into effect.
- 44.12 Where the Council receives a TUN from a high profile operator (e.g. a casino) to hold an event in a larger venue (e.g. a stadium or an arena) and this TUN includes the need to hold a remote operating licence, the Council will contact the Commission for further advice and guidance before processing the TUN.

Notification process

- 44.13 Applicants must:
- Submit a completed notification form (must be received by the Council at least three months and one day before the day on which the gambling event will begin and must be received within seven days of the date the notice has been signed)
 - Pay the appropriate fee
 - Provide evidence that they hold an operating licence
 - Set out how they intend to satisfy the relevant mandatory and default conditions applicable to the type of gambling activity that will be undertaken at the premises
 - Submit their local risk assessment (refer to Social Responsibility Code provision 10.1.1) in accordance with Ordinary Code provision 10.1.2
 - Provide a copy of the notice to the Gambling Commission, West Mercia Police and the HMRC (the notice must be received within seven days of the date the notice has been signed) (where the TUN relates to a vessel please refer to paragraph 21.0 regarding responsible authorities)

- Where applicable, provide a copy of the notice to any other Licensing Authority in whose area the premises is also situated (the notice must be received within seven days of the date the notice has been signed)

44.14 Where no objections are made within 14 days of the date of the TUN, the Council will endorse the TUN as valid and return it to the person who gave the TUN.

Objection process

44.15 Where written objections are received, the Council will enter into constructive discussions with the applicant and objectors with the aim of resolving the objections. Where resolution cannot be achieved, the Council will hold a hearing to listen to representations from:

- the person who gave the TUN;
- all objectors; and
- any person who was entitled to receive a copy of the notice.

44.16 Where modifications are accepted by the applicant, the applicant must submit a new TUN, incorporating the modifications, and the Council will treat the original notice as withdrawn. The person who made the original objection and proposed the modification may not object to the new TUN, but others to whom it is copied may object. Where no new objections are made, there will be no need for a hearing.

44.17 After a hearing has taken place or has been dispensed with and the Council considers that the TUN should not have effect, the Council will issue a counter-notice (copying it to all those who received copies of the TUN) setting out the reasons for its issue and providing for the TUN:

- not to have effect;
- to have effect only in respect of a specified activity;
- to have effect only in respect of activity carried on during a specified period of time or at specified times of day; or
- to have effect subject to compliance with a specified condition.

44.18 Where the Council decides not to issue a counter-notice, the TUN will take effect. The Council will give notice of its decision to the person who gave the TUN and to others to whom the TUN was copied.

Conditions

44.19 While the gambling is taking place, the operator must ensure a copy of the TUN must be displayed prominently on the premises.

Right of appeal

44.20 An appeal against the Council's decision may be made by the applicant, or any person entitled to receive a copy of the TUN, to the Magistrates' Court

within 14 days of receiving notice of the Council's decision. There is a further right of appeal to the High Court on a point of law.

Lost, stolen or damaged endorsed notice

44.21 There are specific provisions that allow a notice holder to obtain a copy of a lost, stolen or damaged endorsed notice, providing the correct application is submitted and the required fee paid.

45.0 Occasional Use Notice (OUN)

45.1 An OUN is issued in accordance with Section 39 of the Gambling Act 2005.

Description

45.2 A OUNs is a permit that allows licensed betting operators to use tracks for short periods for conducting betting, where the event upon which the betting is to take place is of a temporary, infrequent nature. A betting premises licence for the track is not required in these circumstances.

Principles

45.3 An OUN must be submitted for each day that betting activity will be conducted on the premises.

45.4 Betting activity is only allowed for a maximum of 8 days in a calendar year, if betting activity is to be held over a period of 8 consecutive days, the operator will be required to submit 8 separate notices.

45.5 The period of 8 days applies to the venue and not the individual who has submitted the OUN.

45.6 An event running past midnight and ending on the following day accounts for two occasional use days, even though in practice it is one event.

45.7 If the maximum number of days is reached in a calendar year the OUN will not be accepted by the Council.

45.8 There is no need for a track to be permanently established for an OUN to be given.

45.9 The Council expects the betting to be limited to betting on the outcomes of a race, competition or other sporting event taking place at the track.

45.10 Betting operators cannot provide gaming machines at a track by virtue of an OUN.

Application process

45.11 All applicants must be a person who is either responsible for the administration of events on the track or the occupier of the track.

45.12 Applicants must:

- Submit a completed notification form
- Provide evidence that the applicant is either responsible for the administration of events on the track or the occupier of the track
- Specify the day(s) the notice is to have effect
- Provide a copy of the notice to West Mercia Police

46.0 Lotteries

46.1 Large Society Lotteries are regulated by the Gambling Commission through operating licenses and are not the concern of the Council.

46.2 There are several other types of lottery which do not require registration with the Council:

- Incidental Non Commercial Lotteries are lotteries that are incidental to a non-commercial event (such as a school fete).
- Customer Lotteries, which are lotteries promoted by the occupiers of business premises, who sell tickets only to customers present on their premises.

46.3 There are also three types of private lotteries as defined in the Gambling Act 2005 which do not require registration with the Council, referred to as:

- Private Society Lotteries (such as might be organised internally by a private members club),
- Work Lotteries (such as when employees at a workplace organise a sweepstake on the Grand National), and
- Resident's Lotteries (such as when persons all residing in a single premises organise a lottery amongst themselves).

46.4 Further details on these types of lotteries can be found in the Gambling Commission advice note "Organising Small Lotteries", which can be found at: <http://www.gamblingcommission.gov.uk/PDF/Organising-small-lotteries.pdf>

47.0 Part 3D - Lotteries

47.1 Small Society Lotteries

A small society lottery (SSL) registration is issued in accordance with Schedule 11 of the Gambling Act 2005.

Description

- 47.2 Society lotteries are lotteries promoted for the benefit of a non-commercial society. A society is non-commercial if it is established and conducted:
- for charitable purposes (as defined in Section 2 of the Charities Act 2006)
 - for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity
 - for any other non-commercial purpose other than that of private gain.
- 47.3 A small society lottery:
- does not have proceeds (the total value of tickets sold) that exceed £20,000 for a single draw
 - does not have aggregated proceeds from lotteries in excess of £250,000 in any one year.
 - has a maximum prize for any draw not exceeding £25,000.
- 47.4 Small society lotteries do not require a licence but must be registered with the local authority in the area where the principal office of the society is located.

Principles

- 47.5 The Council expects operators of SSL to ensure that:
- the total value of prizes combined with the expenses of running the lottery do not exceed 80% of the total proceeds of that lottery.
 - rollovers between lotteries are only permitted where every lottery affected is also a SSL promoted by the same society, and the maximum single prize is £25,000
 - every ticket in the lottery must cost the same and the society must take payment for the ticket fee before entry into the draw is allowed
 - SSL are conducted in a socially responsible manner
 - effective measures are in place to minimise the risk of lottery tickets being sold to children under the age of 16
 - tickets (physical or virtual e.g. email or text message) issued must include¹⁵:
 - the name of the promoting society;
 - the price of the ticket, which must be the same for all tickets;
 - the name and address of the member of the society who is designated as having responsibility at the society for promoting small lotteries or, if there is one, the External Lottery Manager (ELM); and
 - the date of the draw, or information which enables the date to be determined.
 - written records are maintained of any unsold and returned tickets for a period of one year from the date of the lottery draw
 - tickets are not sold by persons under the age of 16

¹⁵ The requirement to provide this information can be satisfied by providing an opportunity for the participant to retain the message electronically or print it.

- tickets are not offered for sale in a street except from a kiosk or similar static structure (Note: The Council is minded to prohibit the sale of tickets in the street by applying such a condition to the registration.¹⁶)
- tickets are not sold door to door
- any other necessary permissions, e.g. street trading consents, are in place
- it is made clear to consumers before they buy a lottery ticket exactly which society or charity the lottery proceeds are going to
- publish what proportion of money raised for lottery ticket sales in the previous year was returned directly for the purposes of the society

47.6 SSL operators will need to be careful when employing external help that such an individual or firm is correctly licensed by the Commission as an ELM, if required to be so. That requirement depends on the extent to which they, or the SSL itself, will be in control of:

- how the scheme operates
- banking arrangements for handling the proceeds
- who is selling the tickets, and who is paying the prizes
- who is promoting the lottery

47.7 During the currency of a registration the applicant and any appointed persons must notify the council in writing within 7 days of any cautions or convictions relating to the offences listed in Schedule 7 of the Act.

47.8 Where the Council has refused or revoked a registration and the applicant has submitted representations, the Council will reconsider the decision and notify the applicant of the outcome including the reasons for the decision.

48.0 Application process – new

48.1 Applications for new SSL registrations must:

- Submit a completed application form
- Pay the appropriate fee
- Provide a satisfactory basic criminal record disclosure from the Disclosure and Barring Service (DBS) (see note below and **Appendix E**)
- Confirm that it does not also hold a duplicate registration with another Council where the aims and objectives of the societies are the same.
- Provide copies of both the societies terms and conditions and constitution or similar document
- Submit a declaration, stating that the person making the application on behalf of the society represents a bona fide non-commercial society.
- Provide evidence that they have procedures in place for:

¹⁶ This is to bring the sale of small society lottery tickets in line with the way in which the Commission requires societies running large lotteries to operate.

- checking the age of apparently underage purchasers of lottery tickets; and
- taking action where there are unlawful attempts to purchase tickets.

Note:

- 48.2 The requirement to provide a satisfactory basic criminal record disclosure from the DBS applies to the applicant and both appointed persons. The Council recognises that an applicant may also be an appointed person.
- 48.3 The basic criminal record disclosure from the DBS must be no more than three years old at the time the application is submitted.
- 48.4 A satisfactory enhanced DBS report will be accepted as an alternative to the basic criminal record disclosure from the DBS.
- 48.5 Once a registration has been issued the Council will add the details of the registration to a register available to the public or the Gambling Commission on request.

49.0 Returns to the Council¹⁷

49.1 The following information must be submitted as a return to the Council:

- the arrangements for the lottery – specifically the date on which tickets were available for sale or supply
- the dates of any draw
- the value of prizes, including any donated prizes and any rollover
- the total proceeds of the lottery
- the amounts deducted by the promoters of the lottery in providing prizes, including prizes in accordance with any rollovers
- the amounts deducted by the promoters of the lottery in respect of costs incurred in organising the lottery
- the amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds)
- whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds, and, if so, the amount of expenses and the sources from which they were paid.

49.2 Returns must:

- be sent to the Council no later than three months after the date of the lottery draw, or in the case of ‘instant lotteries’ (scratch cards) within three months of the last date on which tickets were on sale
- be signed (electronic signatures are acceptable if the return is sent electronically) by two members of the society, who must be aged eighteen or

¹⁷ Paragraph 39, Schedule 11

older, they must be appointed for the purpose in writing by the society or, if it has one, its governing body, and be accompanied by a copy of their letter or letters of appointment

50.0 Annual Fee (Renewal)

50.1 Small Society Lotteries incur an annual fee, however the Council processes these as if they are 'renewals' and the renewal registration process is the same as the process set out above for new registrations, with the exception that:

- a satisfactory basic criminal record disclosure from the DBS is only required where the previously submitted disclosure is more than three years old on the date the application is submitted
- copies of the society's terms and conditions and constitution or equivalent document are only required where there have been changes
- evidence of procedures for checking the age of apparently underage purchasers of lottery tickets and taking action where there are unlawful attempts to purchase tickets are only required where there have been changes

51.0 Decisions of the Council

51.1 The Council shall refuse a registration if within the previous five years:

- an operating licence held by the applicant has been revoked
- an application for an operating licence made by the applicant has been refused

51.2 The Council may refuse a registration if it thinks that:

- the applicant is not a non-commercial society
- a person who will or maybe connected with the promotion of the SSL has been convicted of a relevant offence
- information provided is false or misleading

51.3 The Council may revoke a registration:

- if it is considers that it would be obliged or permitted to refuse an application for the registration were it being made anew.
- where the society fails to submit the required returns within three months of a lottery
- where the society fails to comply with the requirements on operators as listed in the statement of principles above

51.4 Where the Council intends to refuse or revoke a registration it will notify the applicant of the intention to refuse or revoke and the reasons for it and giving the applicant an opportunity to make representations.

52.0 Right of Appeal

52.1 Where the Council takes a final decision to refuse to grant the registration or revokes it the society may appeal.

53.0 Part 3E - Activities Not Requiring Permissions

53.1 There are a number of gambling activities, under limited circumstances, that are permitted without any specific permissions. These are:

- non-commercial gaming
- non-commercial prize gaming
- non-commercial equal chance gaming
- incidental non-commercial lotteries
- private gaming, including poker as private gaming
- non-commercial betting
- non-commercial 'casino night' or 'poker night'
- casino night or poker night as non-commercial prize gaming
- casino night or poker night as non-commercial equal chance gaming
- casino night as private gaming
- non-commercial 'race night'
- race night as non-commercial gaming
- incidental non-commercial lottery
- race night as non-commercial prize gaming
- non-commercial equal chance gaming
- race night as private gaming
- race nights as betting events

53.2 Children and young persons are permitted to participate in non-commercial and private gaming and betting.

PART 4

INSPECTION, COMPLIANCE, ENFORCEMENT AND COMPLAINTS

CONSULTATION VERSION - SEPT 2021

PART 4 – INSPECTION, COMPLIANCE, ENFORCEMENT AND COMPLAINTS

54.0 Summary

- 54.1 This part of the Policy sets out the principles that will be applied when the Council carries out the inspection of premises and when it institutes criminal proceedings in respect of specified offences under the Act.
- 54.2 This includes the principles that will be applied in respect of general compliance, enforcement and the manner in which complaints will be dealt with.
- 54.3 The focus of the Council's inspection, compliance and enforcement role is on premises licences/permits/registrations for which it has responsibility to authorise.
- 54.4 The Gambling Commission will undertake compliance, regulation and enforcement as it applies to operator and personal licences. In addition, any concerns about the manufacture, supply or repair of gaming machines will be notified to the Gambling Commission and not dealt with by the Council.

55.0 Inspection, compliance and enforcement

- 55.1 The Council will generally use the least intrusive regulatory tool to achieve compliance and will ensure that any regulatory action is proportionate to the importance of the matters to which it relates, having regard to relevant risk assessments.
- 55.2 Council officers may undertake inspection, compliance and enforcement activities for the purpose of assessing compliance under the Act and to determine whether an offence is being committed. In doing so, the Council's officers will work closely with the gambling trade representatives and other enforcement authorities to achieve compliance with the relevant legislation, licence/permit/registration requirements and specific conditions of each licence/permit/registration.
- 55.3 The Council will undertake all inspection, compliance and enforcement work in accordance with the Council's Better Regulation and Enforcement Policy (or such similar policy that may from time to time be adopted) which is available on the Council's website at <http://shropshire.gov.uk/shropshire-council/policies/>. The Better Regulation and Enforcement Policy sets out clearly the overall approach adopted by the Council towards inspection, compliance and enforcement. It also specifically sets out the principles by which the Council intends to manage all criminal investigations; these principles also apply to the way in which criminal proceedings will be managed in relation to gambling related criminal offences specified under Section 346 of the Act.
- 55.4 The Council recognises that combating illegal gambling is of significant benefit to the licensed community as the provision of illegal unregulated gambling

impacts upon the reputation of the industry as a whole. The persistent and widespread existence of illegal gambling also reduces the incentive on operators to be correctly licensed.

- 55.5 Accordingly, where the Council uncovers evidence of illegal gambling it will work in partnership with the Commission to undertake criminal investigations into such activity with a view to prosecuting the individuals and companies responsible.
- 55.6 The Council will generally take prosecutions against those providing or facilitating illegal gambling, in effect gambling without a licence or permit, where the criminality is contained in one premises. The Commission will generally take the lead in prosecuting the offence for providing facilities for gambling where it is committed in the context of illegal gambling that appears organised and has a potentially national or regional impact, or where there are deliberate, reckless or significant breaches by a licensed operator.
- 55.7 The Council will generally agree to lead a multi-agency coordinated approach into investigations relating to illegal poker or illegal/illegally sited gaming machines in a specific premises, with the Commission, the police and, where appropriate, HMRC providing support, advice and expertise.
- 55.8 In relation to the prevention, investigation and prosecution of offences under the Act, and other offences related to gambling, the Council will give priority, based on the level of risk posed to the licensing objectives, to crimes in which there is a greater risk of harm or exploitation to children and vulnerable persons.
- 55.9 Whilst breaching a licence condition is a criminal offence, the Council will default, in the first instance, to its regulatory rather than criminal powers when considering such a breach. These regulatory powers include revocation, suspension and adding/removing/amending conditions. However, where there are significant breaches of licensing conditions that satisfy the criteria for invoking criminal powers in accordance with the Council's Better Regulation and Enforcement Policy this will mean that the Council will investigate matters with a view to instituting criminal proceedings irrespective of whether it has used its regulatory powers or not.
- 55.10 The Council will abide by the statutory principles of good regulation and the Regulators' Code. Inspection and enforcement activities will be carried out in a way that is transparent, accountable, proportionate, consistent and targeted, and promotes efficient and effective regulatory approaches that improve outcomes without imposing unnecessary burdens on business.
- 55.11 The Council will apply a risk-based approach to inspection and where relevant this will be informed by the Council's local area profile. Overall, it is the Council's intention to resource inspections of high-risk premises to a greater level than those deemed to be of a lower risk. This will ensure that resources are more effectively concentrated on potential problem premises. However, inspections of lower-risk premises will be undertaken at an appropriate level in

order to allow the Council to maintain a presence at such premises and to target controls on emerging risks.

55.12 Whilst the Council recognises that industry codes, developed through trade associations and similar organisations, do not have the force of a licence condition or code, the Council will use such codes to assist officers to conduct premises inspections.

56.0 Test purchasing and age verification

- 56.1 The Council will, where appropriate, utilise test purchasing operations to measure the compliance of licence/permit holders. The Council will follow current guidance (Age Restricted Products and Services: A Code of Practice for Regulatory Delivery published by the Better Regulation Delivery Office, April 2014), in order to ensure that tests are carried out in a manner that is risk-based and fair, with due regard to the welfare of young people involved in the test purchasing.
- 56.2 The Council will focus its regulatory test-purchasing on evaluating underage controls in place in licensed premises. The Council, where it is practical to do so, may consider test-purchasing in connection with evaluating the effectiveness of measures concerning self-exclusion and anti-money laundering policies and procedures (e.g. to regulate FOBT), but will only do so where it receives guidance and support from the Commission to undertake such operations.
- 56.3 The Council strongly encourages licence/permit holders to manage the business risk associated with preventing underage access to premises and permitting a young person to gamble, including the underage use of gaming machines. Where a licence/permit holder commissions a third party to test the effectiveness of their policies and procedures or put its own testing in place and where the results of the tests are shared with the Council and/or the Commission, the Council will be less inclined to conduct test purchasing.
- 56.4 Where the Council has concerns about underage access and age verification policies or where there are particular premises it plans to test purchase, the Council will, in the first instance, consult with the Commission and then also with relevant licence/permit holders and operators. This will enable the Council to avoid creating conflict between any ongoing investigation/enforcement activities being undertaken by the Commission, to identify what programmes are in place to manage the business risk and to take these into account when planning a test purchasing operation.
- 56.5 The Council will share its test purchasing results with the Commission.
- 56.6 The Council will follow any national inspection plans and strategies that are published on the Primary Authority register when considering proactive age restricted gambling sales activity including testing.¹⁸ However, where it is

¹⁸ Where other areas, e.g. Health and Safety, are covered by a Primary Authority Agreement the Council will also follow any requirements of that agreement.

necessary, the Council will undertake reactive test purchasing (Primary Authority plans do not prohibit this approach); the Council will still undertake relevant consultation, with appropriate parties, before doing so.

57.0 Complaints

57.1 Where appropriate, complainants will be encouraged to raise complaints with the relevant licence holder or business concerned. However, the Council will also respond to complaints in line with its Better Regulation and Enforcement Policy and will use complaint information to assist in the determination of licensing decisions and enforcement action.

58.0 Publication of information relating to the Council's regulatory functions

58.1 The Council will not normally publish details of the information found or the conclusions reached during its inspections and investigations. An exception may be made where there is speculation in the public domain and/or where those involved have made public statements which need to be responded to in order to avoid misconceptions arising.

58.2 The Council will normally publish details of all formal regulatory action taken under the Act. Such information will be published as soon as practicable after a decision has been taken, whether or not the decision is the subject of an appeal.

58.3 When investigating criminal matters, the Council will generally consider making a public announcement when suspects are arrested, when search warrants are executed, when charges are laid and at the conclusion of any trial. A public announcement may also be made at other stages of an investigation when this is considered appropriate.

58.4 The Council will, upon request, review any compliance or enforcement-related notices that are published on the Council's website in order to determine whether continued publication is appropriate, or whether publicity should be removed or amended.

PART 5

CONSULTATION

CONSULTATION VERSION JULY - SEPT 2021

59.0

PART 5 – CONSULTATION

TO BE FINALISED FOLLOWING THE CONCLUSION OF THE CONSULTATION PROCESS

59.1 Formal consultation was undertaken for a period XX weeks between XXXXX and XXXXX. However, a period of informal engagement with key stakeholders was also undertaken from XXXXXX to XXXXXXX to assist in the initial draft of the Policy that was the subject of the formal consultation process. Details of the consultees are set out at paragraph 60.0 below.

59.2 The representations received during the consultation process, together with the Council's responses, is available on the Council's website as part of the report that was presented to the Strategic Licensing Committee on the XXXXXX.

59.3 During the process of assessing the representations of those who were consulted, the Council had regard to guidance issued under the Act and gave appropriate weight to the views of those it consulted. In determining the weight to give particular representations, the following factors were taken into account:

- who made the representation (their expertise or interest);
- relevance of the factors to the licensing objectives;
- how many people expressed the same or similar views; and
- how far the representations related to matters that the Council should be including in its Policy.

60.0 Consultees

TO BE INSERTED FOLLOWING THE CONCLUSION OF THE CONSULTATION PROCESS

PART 6

**LICENSING CONTACT
DETAILS**

61.0 PART 6 – LICENSING CONTACT DETAILS

61.1 Contact details

61.2 For information, advice and guidance relating to this Policy and the licensing and permitting of gambling establishments and activities, please contact:

Licensing
Trading Standards and Licensing
Shropshire Council
Abbey Foregate
Shrewsbury
Shropshire
SY2 6ND
Tel: 0345 678 9026
Email: licensing@shropshire.gov.uk

61.3 Website: <http://www.shropshire.gov.uk/licensing/>

62.0 Licence Fee Payments Telephone: 0345 678 9026

Online: <http://www.shropshire.gov.uk/pay-for/>

CONSULTATION VERSION JULY - SEPT 2021

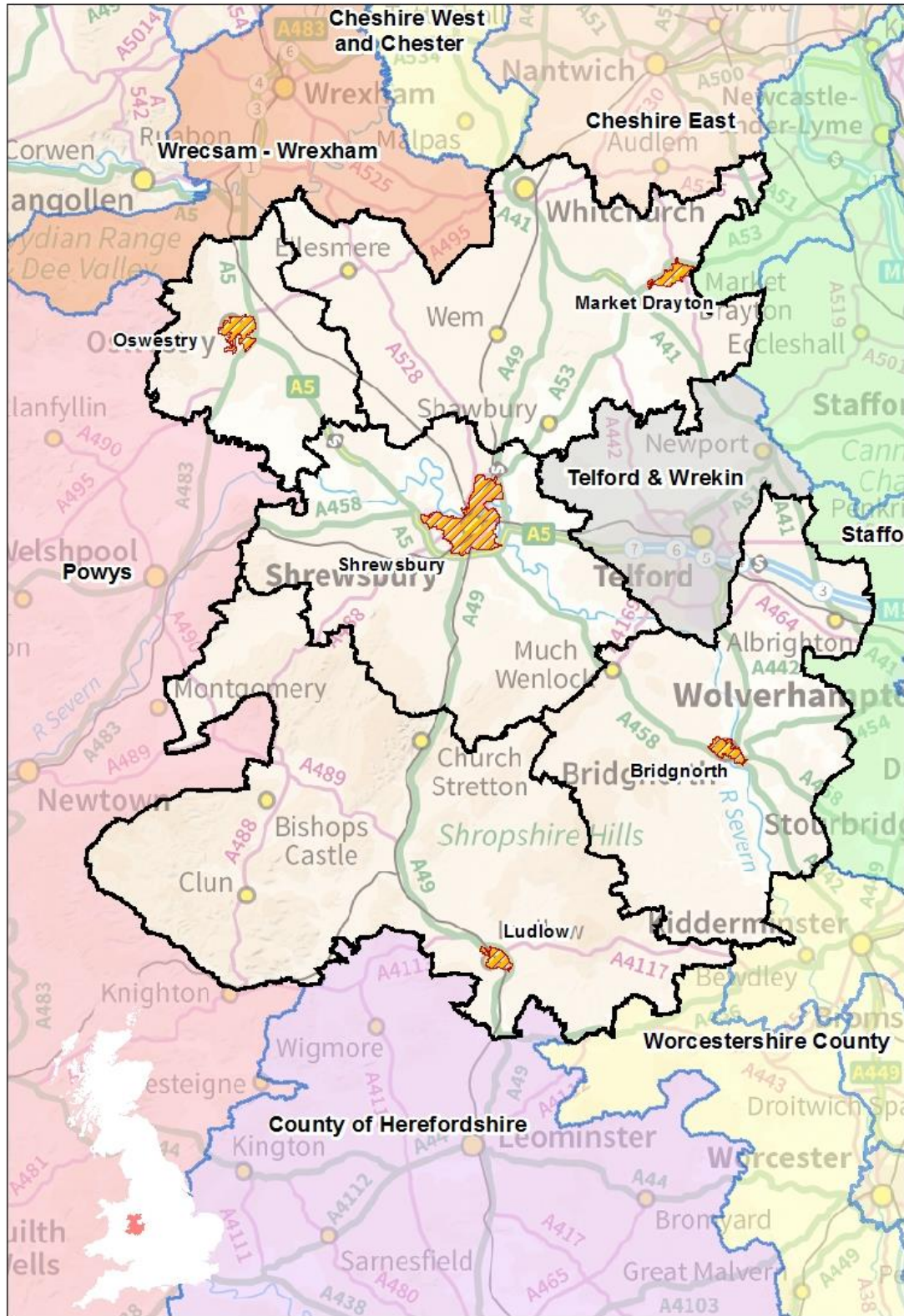
APPENDICES

CONSULTATION VERSION ONLY - SEPT 2021

APPENDIX A

MAP OF GEOGRAPHICAL AREA OF THE ADMINISTRATIVE AREA OF SHROPSHIRE COUNCIL

CONSULTATION RESPONSE ON JULY - SEPT 2021



Key

Yellow shaded area shows settlements of a population of over 10,000 people.

APPENDIX B

LOCAL AREA PROFILE

CONSULTATION VERSION JULY - SEPT 2021

NOT PROTECTIVELY MARKED



PROBLEM PROFILE:

LOCAL AREA PROFILE – GAMBLING PREMISES

AUTHOR:

NIKKI ARMSTRONG-SMITH

INTELLIGENCE ANALYST, RSTS&L

CREATED DATE:

30 MARCH 2021 - DRAFT

VERSION	DATE
V1	30.03.21

Regulatory Services, Trading Standards & Licensing

Public Health

Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND. Tel: 01743 258765

- INTRODUCTION

The Gambling Act 2005 outlines provisions relating to gaming, betting and lotteries. The Act also established a system of shared regulation; the Gambling Commission are the national regulator, with Licensing Authorities acting as the local regulators.

There are 3 key objectives of the Gambling Act 2005 which guide the way regulators perform their functions, as well as the way that gambling businesses conduct their activities:

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

Local Licensing Authorities (LA's) have regulatory obligations under the Act for licensing gambling premises and issuing permits, in order to manage gambling provision locally. Licensing Authorities also have the ability to set fees in England and Wales.

LA's have a range of specific responsibilities, including:

- licensing and regulating premises for gambling activities
- considering notices given for the temporary use of premises for gambling
- granting permits for gaming and gaming machines in clubs and miners' welfare institutes
- regulating gaming and gaming machines in alcohol licensed premises
- granting permits to family entertainment centres for the use of certain lower stake gaming machines
- granting permits for prize gaming
- considering occasional use notice for betting at tracks
- registering small society lotteries¹⁹

In September 2015, the Gambling Commission revised the recommended approach to gambling licensing and regulation with a number of 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, from April 2016 all industry operators will be required to undertake local area risk assessments to identify the risks gambling venues pose to the licensing objectives.

Licensing Authorities have a requirement to develop, consult on, and publish a statement of licensing policy every three years in order to set out the approach to regulation and assist operators in terms of compliance. LA's are currently revising this statement ahead of implementation during 2022. The Gambling Commission encourages LA's to produce a policy statement reflective of local issues in order to identify and reduce risks to the licensing

¹⁹ www.gamblingcommission.gov.uk

objectives (as outlined above). This increased focus on risk requires an understanding of local areas in terms of vulnerable groups and geographical locations potentially linked to gambling related harm. Consequently, the need to develop a local area profile has been identified in order to inform and support the Statement of Licensing Policy.

- AIM OF THE REPORT

The following local area profile aims to summarise existing national research regarding gambling-related harm, as well as providing a local evidence base regarding vulnerable groups and geographical areas of potential risk. Data from various sources will be utilised in order to provide an understanding of current and emerging issues in order to support the statement of licensing policy, as well as identifying issues that will need to be considered by operators during the application process.

The report will also serve to support the decision-making process in relation to future licence applications in order to minimise the risks associated with gambling premises. Ultimately the findings will assist the Licensing Authority in terms of meeting the objectives and ensuring the specific needs of local communities are considered and vulnerable groups are protected.

It is acknowledged that there are additional datasets that need to be obtained in relation to the vulnerable groups identified locally, and data gaps will be addressed in order to produce a final report. The initial draft report is based on the analysis of data made available within specific time constraints.

- BACKGROUND: EXISTING RESEARCH – VULNERABLE GROUPS

The Gambling Act 2005 identifies children and vulnerable people as a priority for regulatory focus. Existing research aims to understand the impact of gambling on vulnerable groups, however there is a lack of clarification regarding who is vulnerable and why. Similarly, the Act does not define what is meant by ‘harm’. The Gambling Commission has stated that whilst they did not want to explicitly define who vulnerable people are, for regulatory purposes this is likely to include people who gamble more than they want to;

‘people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to drugs or alcohol’²⁰.

The 2016 study ‘Exploring area-based vulnerability to gambling related harm: Developing the gambling-related harm risk index’ aimed to consider the types of people who may be at greater risk of harm from gambling and where they might be located. Via a process of consultation with key stakeholders, evidence assessment, and the availability of sufficient

²⁰ Gambling Commission 2012

local data, the following criteria were utilised to develop indices of risk to gambling-related harm:

- Problem gamblers who are seeking treatment
- Substance abuse/misuse
- Poor mental health
- Unemployment
- Ethnic groups
- Youth
- Financial difficulties/debt
- Homelessness

There is growing evidence that vulnerability to problem gambling may be higher within certain sub-groups, particularly²¹:

- Younger people, particularly men
- Those with other addictions (drugs, alcohol, nicotine)
- Those with mental health difficulties
- Unemployed, economically inactive, low socio-economic status, deprivation
- Some ethnic groups, eg new migrants
- Children of problem gamblers

The Gambling Commission acknowledge that more work is needed to assess the scale of gambling related harm and understand the factors that influence gambling behaviour in order to focus on prevention strategies. A report published by the Commission in 2018 considered how gambling related harms could be better understood, measured and monitored, and also developed a definition to be used in policy and practice²².

In order to explore vulnerability and harm at a local level, analysis will focus on key demographic and socio-economic datasets incorporating the above criteria where possible, in order to provide an evidence base in support of licensing objective 3 and ultimately assist in reducing the exposure of vulnerable people to gambling premises. It is recognised that there are gaps in terms of datasets utilised, however priority has been given to reliable local information made available in line with the time frame for completing this profile. Crime and Anti-Social Behaviour data has also been analysed, as these indicators are specifically linked to objective 1. The data has been mapped against ward boundaries, with the location of gambling premises also displayed in order to identify geographical areas of risk and correlations with other criteria. Rates provided have been calculated using mid-year 2019 population estimates.

²¹ Sheffield City Council JSNA 2018

²² Measuring Gambling Related Harms: A Framework For Action 2018

- GAMBLING PREMISES

Gambling is a significant leisure activity in the UK, and the Gambling Commission reported high levels of participation during 2019, see findings below.



*Please note, 2020 data has not been reviewed due to the impact of COVID on gambling activities.

Shropshire currently regulate 527 gambling premises; see below for a full breakdown of the licence type.

LICENCE TYPE	TOTAL
Alcohol Licensed Premises - Notification	229
Small Society Lottery Registration	225
Alcohol Licensed Premises - Permit	21
Betting Premises Other Than a Track	19
Club Machine Permits	18
Club Gaming Permits	6
Adult Gaming Centre	4
Family Entertainment	2
Bingo Premises	1
Betting Premises in Respect of a Track	1
Occasional Use Notice	1
Grand Total	527

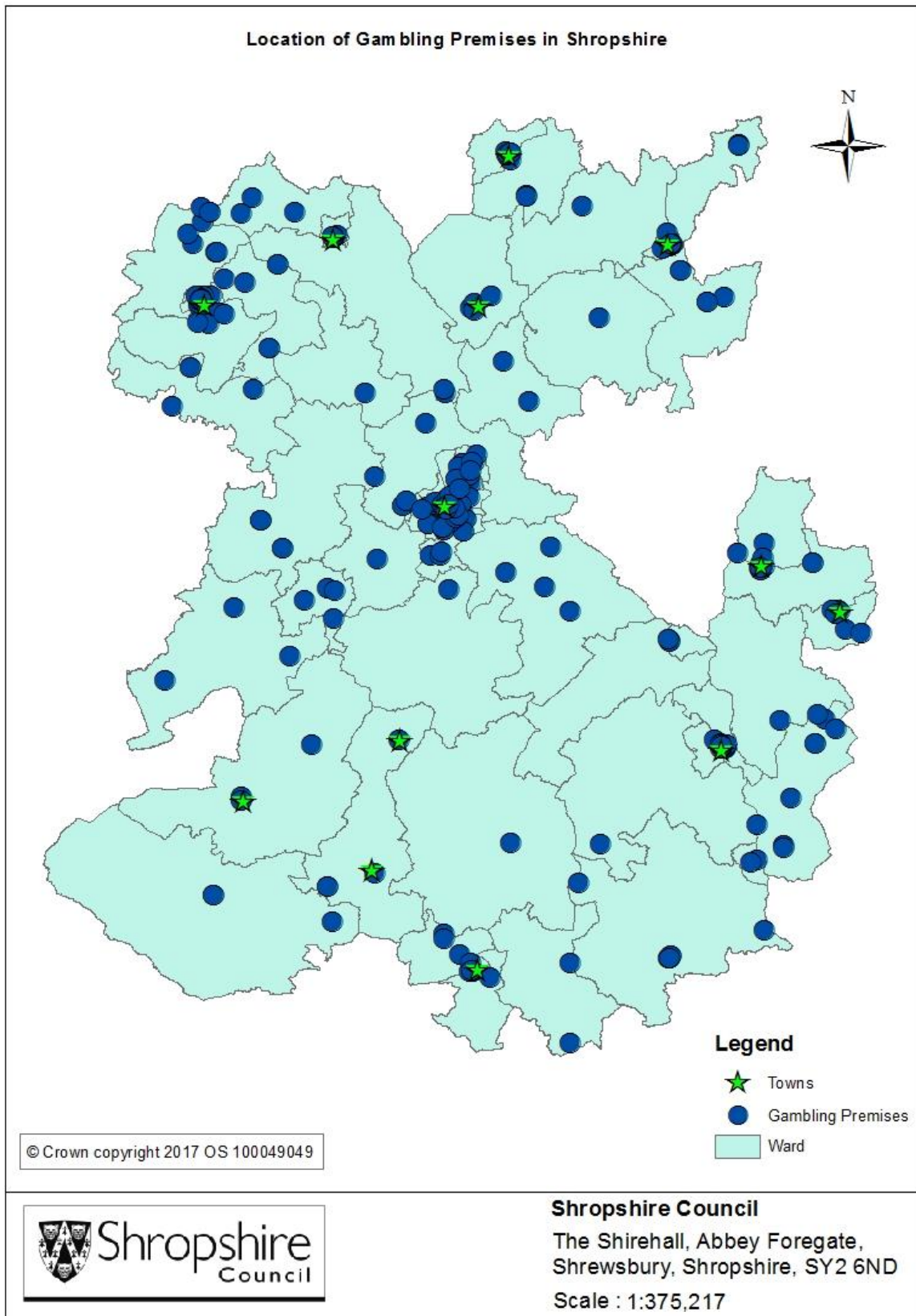
Figure 1: Breakdown of licence type

As illustrated, there is a clear link with premises licensed to sell alcohol; 47% of all gambling premises are also licensed to sell alcohol indicating further risk factors and vulnerable groups. For example, electronic gaming machines are often prevalent within licensed premises which increases the likelihood of impulsive gambling; this highlights the fact availability and convenience are important regulatory concerns.

For the purposes of this risk analysis, small society lotteries have been excluded from the remainder of the report; as people do not attend these premises in order to gamble, they do not pose a risk to those vulnerable to gambling related harm. Such premises are often schools, churches or community groups utilising raffles in order to raise financial funds, as such their inclusion will potentially distort the results in terms of identifying geographical areas of risk.

The place where a person gambles is an important factor in the management of risk to the licensing objectives, and local policies and plans should reflect the need for limits on gambling establishments in hotspot locations and areas of risk identified via the following profile. The

map below displays the current location of gambling premises across Shropshire, and indicates cluster sites in the main county towns, with a higher concentration of premises in the Shrewsbury and Atcham district;



*Please note 8 records were not geocoded

As illustrated, the highest number of premises are located in Shrewsbury. At a lower geographical level, the tables below identify the number and rate of premises licensed for gambling activities per ward.

WARD	TOTAL
Quarry and Coton Hill	28
Oswestry South	17
Whitchurch North	14
Bridgnorth East and Astley Abbots	13
Bayston Hill, Column and Sutton	11
Ludlow North	11

Figure 2: Number of premises per ward

WARD	RATE PER 1000 POPn
Quarry and Coton Hill	5.70
Oswestry South	3.77
Ludlow North	2.91
Alveley and Claverley	1.92
Bridgnorth East and Astley Abbots	1.89

Figure 3: Rate of premises per 1000 population by ward

Key findings: Quarry and Coton Hill in Shrewsbury recorded both the highest number and rate of premises licensed for gambling activities per 1000 population, indicating a key hotspot location regarding the supply and level of gambling activity. This ward encompasses Shrewsbury town centre; it is predominantly urban in nature and densely populated. The ward provides a wide range of shops and other amenities, and also has a comparatively higher number of premises licensed to sell alcohol. The only bingo hall in Shropshire is also located in this particular ward.

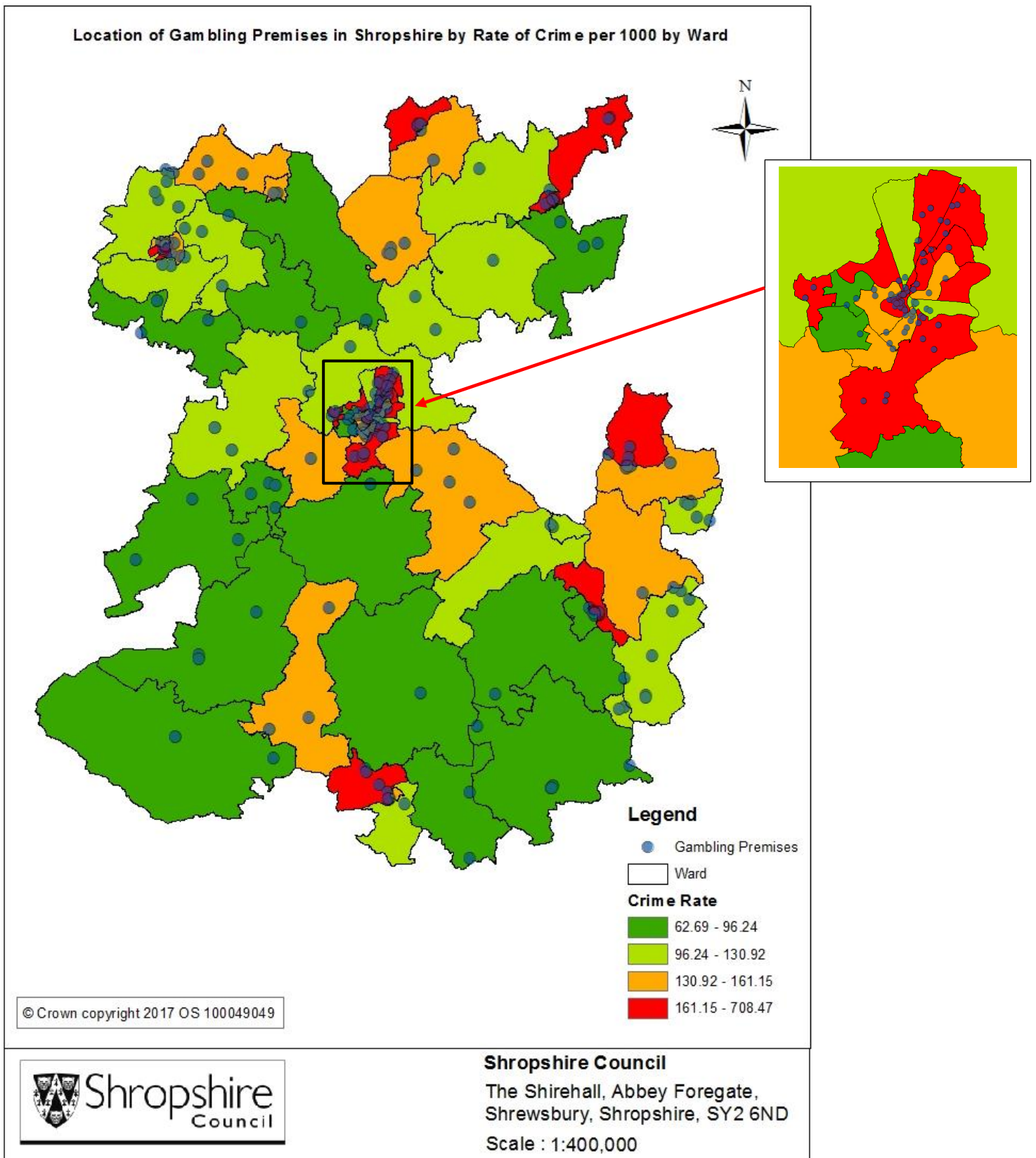
Aside from the physical location of premises licensed for gambling, local data is limited regarding the scope of gambling activity. Further data is required in order to determine local participation in gambling, and an information request has been submitted to Gamcare in order to establish the number of calls received from Shropshire based postcodes, and the number of people accessing support services. Open source research has identified a weekly Gamblers Anonymous group meeting in Telford, and several rehabilitation centres located in Shropshire. The 24-hour helpline number hosted by GamCare is provided via the Shropshire Council website in order to promote access to support services.

The remainder of the report focuses on risks associated with objective 1 of the Gambling Act, as well as identifying locations where individuals at risk of gambling related harm are located or more likely to frequent, in support of objective 3.

- CRIME AND ANTI-SOCIAL BEHAVIOUR TRENDS

Objective 1 of the Gambling Act focuses on preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime. In order to identify hotspot areas, and any correlation with the location of existing gambling premises, crime data obtained from West Mercia Police has been analysed for the period April 2018 – March 2021.

The map below displays the location of gambling premises, alongside the rate of crimes per 1000 population by ward in Shropshire.



The tables below identify the top 5 hotspot wards with regard to both the number and rate of recorded crimes.

WARD	TOTAL
Quarry and Coton Hill	3480
Bayston Hill, Column and Sutton	2047
Oswestry South	1809
Harlescott	1772
Whitchurch North	1606

Figure 4: Number of Crimes per ward

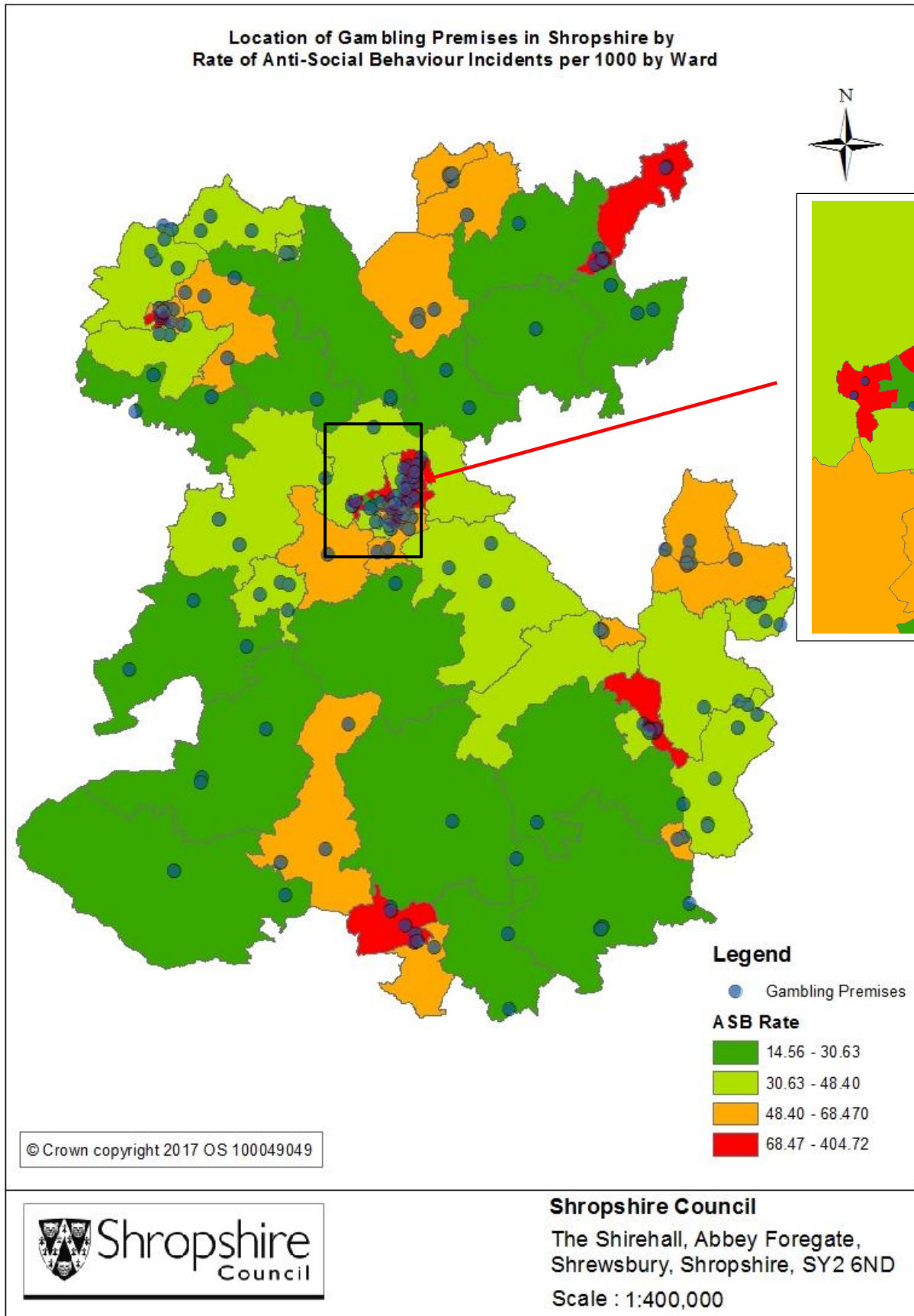
WARD	RATE per 1000 POPn
Quarry and Coton Hill	708.47
Oswestry South	401.02
Harlescott	353.55
Castlefields and Ditherington	325.63
Ludlow North	289.12

Figure 5: Rate of crimes per 1000 population by ward

Key findings: Quarry and Coton Hill has been identified as the hotspot ward in relation to recorded crime. As outlined previously, this ward includes Shrewsbury town centre and therefore incorporates a wide range of amenities including retail and commercial premises. A higher number of licensed premises are also located in this particular ward, indicating a correlation with the night-time economy. Oswestry South also features within the top 5 in relation to both crime volume and crime rate, as well as the number and rate of gambling premises.

Due to system changes, geocoded Anti-Social Behaviour (ASB) data provided by West Mercia Police is only available for the period 1st April 2018 – 31st March 2020. The map overleaf displays the location of gambling premises, alongside the rate of ASB incidents per 1000 population by ward.

CONSULTATION VERSION JULY-SEPT 2021



As illustrated, key cluster sites regarding gambling premises do correlate with wards recording a higher rate of ASB. The tables below identify the top 5 hotspot wards in relation to both the number and rate of ASB incidents.

WARD	TOTAL
Quarry and Coton Hill	1988
Harlescott	886
Castlefields and Ditherington	858
Market Drayton West	709
Oswestry South	651

Figure 6: Number of ASB incidents per ward

WARD	RATE PER 1000 POPn
Quarry and Coton Hill	404.72
Castlefields and Ditherington	183.57
Harlescott	176.78
Oswestry South	144.31
Ludlow North	118.08

Figure 7: Rate of ASB incident per 1000 population by ward

Key findings: Again, Quarry and Coton Hill has been identified as the hotspot ward in relation to ASB, primarily due to the nature of the town centre location. Harlescott, Castlefields & Ditherington, and Oswestry South also feature within the top 5 hotspots regarding the volume and rate of incidents per 1000 population; all three wards are predominantly urban and densely populated.

Recommendation: With regard to future licence applications in relation to premises located in the wards identified above, ensure the required measures are in place to minimise the impact on increased crime and disorder levels; for example door supervision, adequate staffing levels, CCTV and other appropriate crime prevention tactics. Also consider the use of ASB powers to tackle any ongoing nuisance issues at existing gambling premises.

- DEMOGRAPHICS

AGE PROFILE

The third objective of the Gambling Act states that children should be protected from being harmed or exploited by gambling, and as such recognises young people as a vulnerable group. The legal age for most gambling products in the UK is 18, with the exception of lotteries, scratch cards and football pools which is 16²³. Recent studies have shown that young people, particularly students are more likely to engage in online gambling which is an area regulated by the Gambling Commission.

In overall terms the levels of gambling by children has been falling over time; Gambling Commission data found that 11% of 11-16-year olds surveyed had spent some of their own money on gambling activities in the last seven days in 2019. However, consideration should be given to interventions which will ensure the prevention of underage gambling, as well as safeguarding measures in relation to the children of problem gamblers.

²³ Gambling Commission 2012

18% of the population in Shropshire are under 18, and 13% are of school age (aged 5-16 years). The table below displays the top 10 areas in relation to the rate of school children per 1000 population²⁴. The number of children by age is also displayed.

WARD NAME	Age 5	Age 6	Age 7	Age 8	Age 9	Age 10	Age 11	Age 12	Age 13	Age 14	Age 15	Age 16	Total 5-16	Rate per 1000 Popn
Porthill	60	40	68	53	51	58	48	57	54	129	117	120	855	175.13
Sundorne	68	56	61	75	72	56	62	59	66	68	52	51	746	172.81
Underdale	59	62	71	74	61	59	74	65	43	66	47	64	745	165.30
Ruyton and Baschurch	48	32	54	45	68	67	58	79	81	71	66	51	720	163.97
Copthorne	47	40	52	53	57	65	80	63	58	57	53	63	688	159.41
Harlescott	55	71	80	74	66	60	66	65	54	58	63	64	776	154.83
Monkmoor	39	64	43	61	86	50	62	49	59	48	57	57	675	149.80
Burnell	28	28	53	53	53	58	44	49	67	80	89	152	754	149.63
Meole	40	53	58	55	61	52	61	54	77	59	51	59	680	149.35
Cheswardine	52	57	45	66	58	64	64	52	46	37	56	58	655	146.96

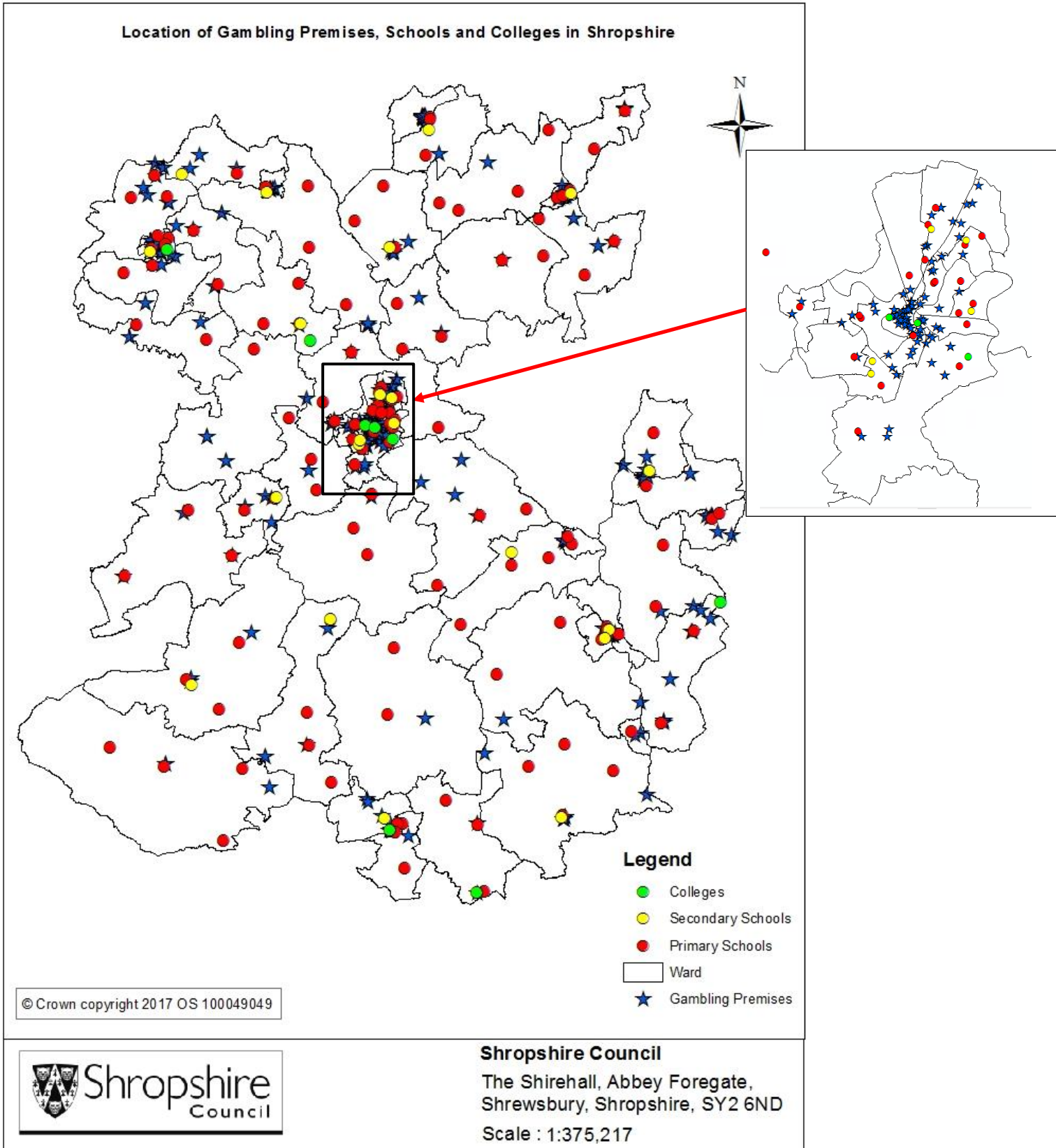
Figure 8: Top 10 Areas - Rate of school aged children per 1000 population

The supply and level of gambling activity in certain areas should be taken into consideration; for example, the proximity of gambling premises to schools. The map overleaf displays the location of all Shropshire schools and colleges alongside gambling premises, in order to identify locations where younger people will be present in greater numbers at certain points of the day.

Key findings: Porthill has the highest rate of school age children across Shropshire; the area is adjacent to the gambling premises cluster site in Quarry and Coton Hill ward and as such should be considered a risk area. As outlined previously, the highest number of gambling premises are located in Quarry and Coton Hill ward; this area also contains Shrewsbury Sixth Form College Welsh Bridge Campus, with the English Bridge Campus as well as Coleham Primary School located just outside the ward boundary.

Recommendation: With regard to future license applications in relation to premises located in the wards identified above, ensure the required measures are in place to prevent underage gambling and to protect young people from gambling related harm; for example age verification controls, door supervision, prevention material and signposting regarding support services. Consider test purchase exercises in order to monitor compliance.

²⁴ Mid-2019 Population Estimates, Office for National Statistics



ETHNICITY

The report ‘Exploring area based vulnerability to gambling related harm: Developing the gambling related harm risk index’ (2016) found good evidence to support those from certain ethnic groups, such as Asian/Asian British, Black/Black British and Chinese/other ethnicity as being potentially more vulnerable to gambling-related harm.

2011 Census data has been utilised in order to identify geographical areas with a higher number of residents from Asian/Asian British, Black/African/Caribbean/Black British ethnic groups, Arab or other ethnic groups. Timeliness of the data does pose a limitation, however used alongside the additional criteria this information provides a useful indicator in terms of identifying the geographical location of groups potentially vulnerable to gambling related harm. The table below displays the top 5 wards recording the highest percentage of residents from the identified ethnic groups outlined above.

Ward	% of Population
Burnell	6.66
Bowbrook	6.15
Porthill	4.06
Radbrook	3.32
Copthorne	3.26

Figure 9: Top 5 Wards – Percentage of residents from Asian, Black and Other Ethnic Groups

Recent studies have identified that new migrants may be disproportionately affected by gambling and can be particularly at risk of harm if coming from countries with stricter gambling restrictions.

Key finding: Porthill and Copthorne feature within the top 5 hotspot wards and have also been identified as risk areas in relation to the rate of 5-16 year olds per 1000 population.

- SOCIO-ECONOMIC FACTORS

INDICES OF DEPRIVATION 2019

The Indices of Deprivation 2019 provide a set of relative measures of deprivation for small areas across England, based on seven different indicators which include the following;

- Income Deprivation
- Employment Deprivation
- Education, Skills and Training Deprivation
- Health Deprivation and Disability
- Crime
- Barriers to Housing and Services

- Living Environment Deprivation²⁵.

The IMD score is an important tool for identifying disadvantaged areas and can provide a useful indicator in terms of highlighting potential areas of risk in relation to gambling-related harm.

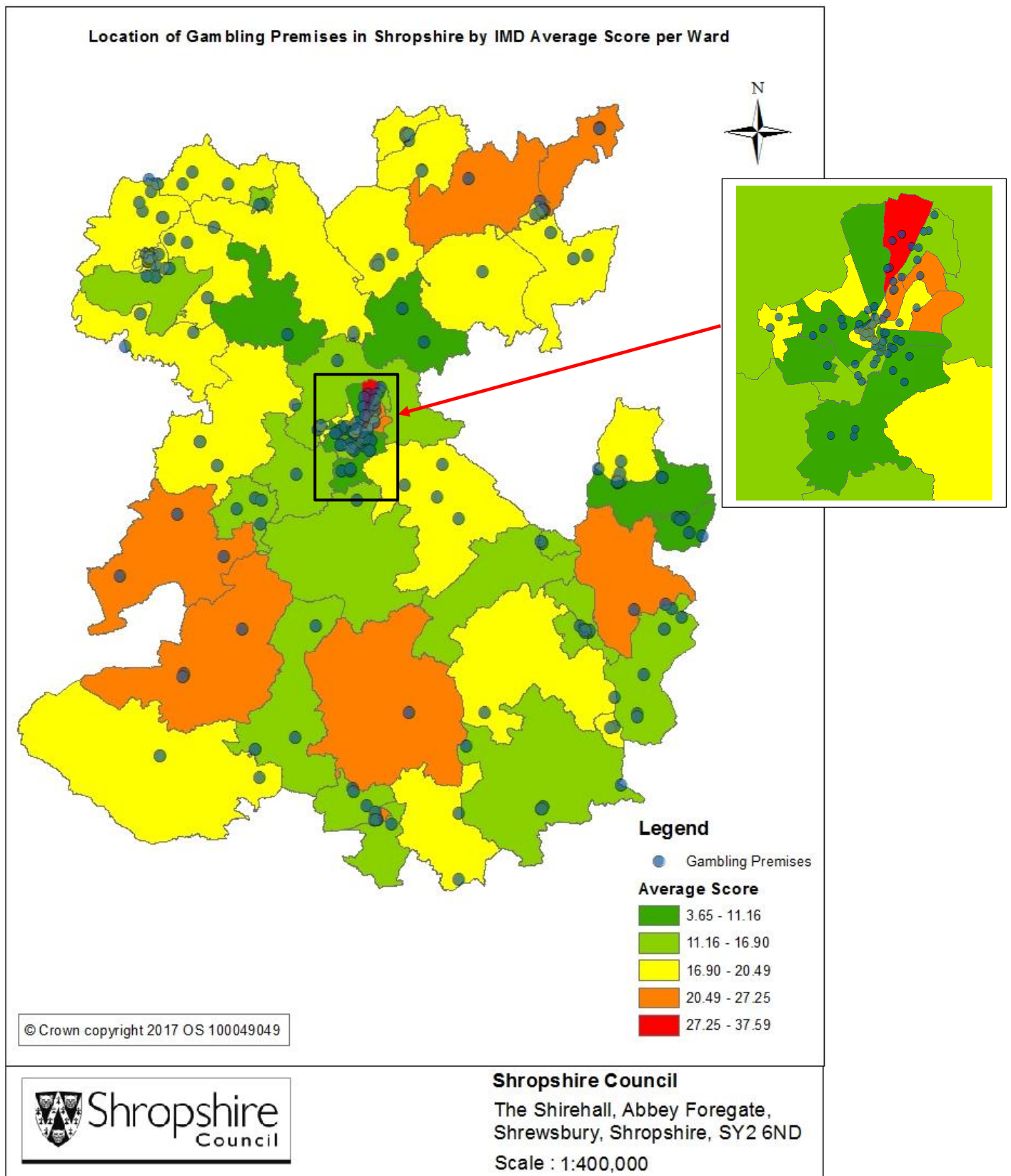
In order to establish a picture of overall deprivation at ward level in Shropshire, an average score measure is calculated, and ensures values can be ranked with a rank of 1 (most deprived) assigned to the highest score. The table below displays the 10 most deprived areas in Shropshire.

ELECTORAL DIVISION	AVERAGE SCORE RANK
Harlescott	1
Monkmoor	2
Ludlow East	3
Castlefields and Ditherington	4
Sundorne	5
Worfield	6
Market Drayton East	7
Prees	8
Corvedale	9
Bishop's Castle	10

Figure 10: Top 10 Wards – Average Deprivation Score

The map overleaf displays the average deprivation score per ward across Shropshire, alongside the location of gambling premises.

²⁵ Shropshire Snapshot Indices of Deprivation 2019; Shropshire Council



Key findings: 4 of the top 10 wards are located in Shrewsbury; as outlined previously Shrewsbury has the greatest concentration of gambling premises. Harlescott has the highest deprivation score, although this ward does not feature as a hotspot in relation to the number

or rate of gambling premises. Castlefields and Ditherington features in the top 5 most deprived wards and is adjacent to Quarry and Coton Hill ward which contains the highest number of gambling premises.

UNEMPLOYMENT

The number of economically active unemployed residents has been considered in order to indicate unemployment levels among resident populations. This data is based on the 2011 UK Census, therefore again the timeliness does pose a limitation, however used alongside the additional criteria provides a useful indicator. The table below displays the top 5 hotspot areas regarding the number of unemployed residents.

WARD	UNEMPLOYED
Oswestry East	304
Market Drayton West	246
Whitchurch North	221
Bayston Hill, Column and Sutton	198
Wem	197

Figure 11: Top 5 wards – number of residents unemployed (2011 Census)

In order to further identify areas of increased income and employment deprivation, the table below displays the top 5 wards based on the proportion of the resident population (aged 16-64) in February 2021 claiming Jobseeker’s Allowance plus those who claim Universal Credit who are out of work²⁶.

WARD	%
Castlefields and Ditherington	8.4
Highley	7.8
Quarry and Coton Hill	7.7
Sundorne	7.1
Harlescott	7.0

Figure 12: Top 5 wards – proportion of residents claiming JSA and UC

Regarding areas of increased income and employment deprivation, the location of job centres, payday loan shops, food banks and homeless shelters are key location types in terms of identifying areas frequented by those likely to be experiencing financial difficulties. The COVID pandemic has had a significant impact on the labour market which has led to greater financial hardship; more specifically increased food poverty has led to a higher number of food banks. Key locations should be identified, and risk assessed in line with hotspot areas previously highlighted in relation to gambling supply.

²⁶ www.nomisweb.co.uk

Key findings: Quarry and Coton Hill ward features as a risk area in relation to income deprivation and has previously been identified as a hotspot area regarding gambling activity. Due to the town centre location, this ward is also more likely to contain job centres and pay day loan provision. 4 of the top 5 wards regarding income deprivation are located in Shrewsbury; of note Castlefields and Ditherington, and Harlescott also experience comparatively higher rates of crime and anti-social behaviour.

Recommendation: Research indicates that those living in deprived areas, as well as those experiencing financial difficulties are potentially more vulnerable to gambling related harm. Consideration should therefore be given to future license applications for premises located in the areas posing a greater risk as identified above, alongside a focus on the availability of gambling awareness literature and support services.

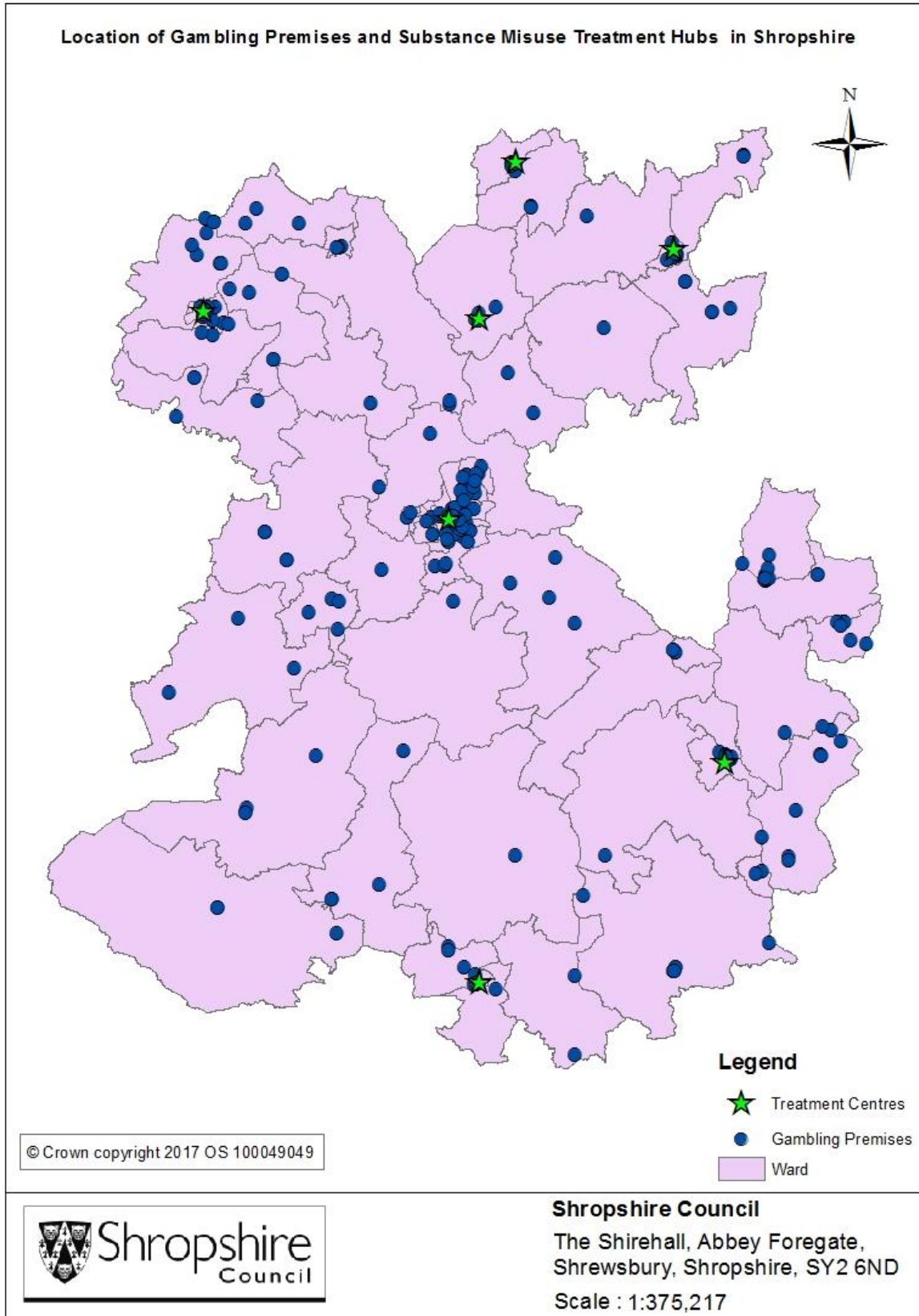
- SUBSTANCE MISUSE

Individuals already experiencing addictions, particularly in relation to substance misuse are potentially vulnerable to gambling related harm. Drug and alcohol treatment centres are therefore likely to draw vulnerable people into specific locations. The map overleaf displays the location of treatment hubs in Shropshire, and their proximity to gambling premises.

Needle exchange data requested 19/03/2021 – not yet received

Key findings: As would be expected, treatment hubs are located in town centre locations where the concentration of gambling premises is generally greater, particularly in Quarry and Coton Hill ward. In order to effectively identify geographical areas of concern, further data at ward level is required in relation to individuals accessing services and treatment for substance misuse issues.

Recommendation: As individuals attending drug and alcohol treatment centres are potentially more vulnerable to gambling related harm, ensure the adequate provision of gambling awareness literature alongside effective signposting regarding support services such as GamCare, in order to reduce the risks posed to the licensing objectives in hotspot areas identified.



- **CONCLUSION**

Findings indicate that the highest number of risk areas are located within the Shrewsbury and Atcham district, which would be expected as this is the most densely populated area in Shropshire. At a lower geographical level Quarry and Coton Hill ward poses the greatest risk primarily due to the location of gambling premises, alongside crime and ASB rates posing risks in relation to objective 1 of the Gambling Act. Outside of Shrewsbury, a higher number of identified risk factors are linked to Oswestry; of note, Oswestry South has the second highest number and rate of gambling premises across Shropshire.

The risk matrix displayed in appendix 1 details the ward areas across Shropshire posing the greatest risk, alongside the specific indicator. This allows for the identification of risk type; this maybe the location of certain premises, or the location of groups vulnerable to gambling related harm. However, all areas outlined within the profile should be considered risk areas and future applications for gambling premises located in these wards should be evaluated in line with the findings of this report in order to effectively manage and minimise the impact of gambling related harm in line with the three key objectives of the Gambling Act.

- **RECOMMENDATIONS**

This profile provides a starting point in terms of identifying local risk factors requiring consideration in order to aid compliance with the key licensing objectives. However, it is important to build on this profile via engagement with other partner organisations in order to enhance the range of local risk factors considered. Additional datasets are also required, and further in-depth analysis of key hotspot areas identified may also assist in targeting the provision of public health advice and specialised treatment services in order to ensure effective prevention strategies.

APPENDIX C

SAFEGUARDING OF CHILDREN, YOUNG PEOPLE AND ADULTS WITH CARE AND SUPPORT NEEDS

1.0 SAFEGUARDING OF CHILDREN, YOUNG PEOPLE AND ADULTS WITH CARE AND SUPPORT NEEDS

1.1 Introduction

1.2 Set out below is information for gambling premises licence and permit holders and their employees to help them report, to the relevant authorities, matters of concern that could relate to the safety of children and vulnerable persons, particularly as it relates to child sexual exploitation and trafficking.

2.0 General information

- 2.1 Shropshire Council's Licensing Service is helping to tackle child sexual exploitation and trafficking by working together with key partners particularly West Mercia Police, Children and Adult Services within the Council and the Safeguarding Children Board. The Board also works with the police, children's social care, schools, health services and the youth offending team, as well as specialist child sexual exploitation organisations such as the child sexual exploitation National Working Group (NWG) Network.
- 2.2 Through agencies working together and sharing information, we aim to identify and prevent sexual exploitation, disrupt the activities of perpetrators, protect children and young people and prosecute perpetrators of sexual exploitation. Sharing information with West Mercia Police and Children's Social Care helps to protect young people from harm. Safeguarding children and young people is everyone's business and everyone's responsibility.
- 2.3 Child sexual exploitation is a crime that can affect any child, anytime, anywhere – regardless of their social or ethnic background.
- 2.4 Sexual exploitation of children and young people involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive something, e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money, etc. as a result of them performing, and/or another or others performing on them, sexual activities. Violence, coercion and intimidation are commonly involved in such exploitative relationships.
- 2.5 Child sexual exploitation involves perpetrators grooming youngsters and using their powers to sexually abuse them. Sexual exploitation of children and young people can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older boyfriend, or a young person having sex in return for attention, gifts, alcohol or cigarettes.

3.0 How gambling premises licence and permit holders and their employees can help tackle child sexual exploitation

3.1 Gambling establishment licence and permit holders and their employees are in a good position to help identify victims of sexual exploitation because, through the operation of certain gambling activities, licence and permit holders

and their employees regularly come into contact with children, young and vulnerable people. This means that licence and permit holders and their employees are in an ideal position to help protect young and vulnerable people.

- 3.2 In particular, licence and permit holders and their employees should ask themselves the following questions when they see young and vulnerable people in their gambling premises:
- Do any of your customers appear to be under 18 years old?
 - Are they with a much older person and appear to be in a relationship?
 - Do you think that they are under the influence of alcohol or drugs?
 - Are children/young people being brought regularly to your premises by older people? If so, ask yourself why?
- 3.3 **If the answers to any of the questions above gives you even the slightest cause for concern, these concerns should be reported in accordance with the relevant provisions relating to the ‘Safety of children and vulnerable persons’ detailed in the Council’s Gambling Policy Statement.**
- 3.4 **If you have reason to suspect that a child is being abused or at risk of abuse it is your responsibility to report your concerns to and share information with West Mercia Police (Tel: 101) and Children’s Social Care (Tel: 0345 678 9021).**
- 3.5 Further information about Shropshire’s Safeguarding Children Board can be found at: (<http://www.safeguardingshropshireschildren.org.uk>)

4 SAFEGUARDING ADULTS

- 4.1 If an adult with care and support needs is experiencing or at risk of abuse or neglect and a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect, you may need to take urgent action to protect the adult. Your first priority is with the adult, to make them safe (including reporting to the police if immediate action is required). Ideally, support the adult to take action to stop the abuse, if they need to raise a concern with Shropshire Council to help them stop the abuse support that person to contact the First Point of Contact (FPoC 0345 678 9021), or you can report to FPoC on behalf of the adult if it is in the public interest to do so. In an emergency contact the police (999) or non-emergency 101.

4.2 Further information about the Keeping Adults Safe in Shropshire Board may be found at <https://new.shropshire.gov.uk/adult-social-care/where-can-i-get-help/concerned-about-someone/>

5 Modern slavery and human trafficking

5.1 How gambling premises licence and permit holders and their employees can help tackle modern slavery and human trafficking.

5.2 Modern slavery is a crime and a violation of fundamental human rights and can take various forms such as slavery, servitude, forced and compulsory labour and human trafficking.

5.3 In particular, gambling premises licence and permit holders and their employees should ask themselves the following questions:

- Is the victim in possession of a passport, identification or travel documents? Are these documents in possession of someone else?
- Does the victim act as if they were instructed or coached by someone else? Do they allow others to speak for them when spoken to directly?
- Was the victim recruited for one purpose and forced to engage in some other job? Was their transport paid for by facilitators, whom they must pay back through providing services?
- Does the victim receive little or no payment for their work? Is someone else in control of their earnings?
- Was the victim forced to perform sexual acts?
- Does the victim have freedom of movement?
- Has the victim or family been threatened with harm if the victim attempts to escape?
- Is the victim under the impression they are bonded by debt, or in a situation of dependence?
- Has the victim been harmed or deprived of food, water, sleep, medical care or other life necessities?
- Can the victim freely contact friends or family? Do they have limited social interaction or contact with people outside their immediate environment?

5.4 Report something suspicious you spot to police or other authorities - it could be at a house in your street where suddenly large numbers of young women have been moved in and which then receives visitors all times of day and night; a café, nail bar or car wash where workers seem reticent to engage, not appropriately dressed for their work or increasingly ill fed and unkempt.

5.5 If there is an immediate danger to the suspected victim or if you think that the suspected victim is under 18, inform the police and call 999 as a matter of urgency.

5.6 **Modern Slavery Helpline:** 0800 0121 700

- 5.7 For **England and Wales**, please call our **24-hour confidential Referral Helpline** on **0300 303 8151** anytime of the day or night to refer a victim of trafficking or receive advice.

CONSULTATION VERSION JULY - SEPT 2021

APPENDIX D

EXTRACT FROM THE SHROPSHIRE COUNCIL CONSTITUTION SETTING OUT DELEGATIONS

CONSULTATION VERSION JULY-SEPT 2021

Council Delegations

Gambling Act

Matter to be determined	Full Council	Strategic Licensing Committee	Licensing Act Sub-Committee	Public Protection Officer (Professional)* (unless otherwise specified)
Final approval of the Licensing Authority Policy Statement	X			
Policy not to permit casinos	X			
Fee setting		X		
Exemptions from fees				X (Team Manager responsible for the Licensing Function)
Application for premises licences			X where representations received and not withdrawn	X where no representations received or representations have been withdrawn
Application for a variation to a licence			X where representations received and not withdrawn	X where no representations received or representations withdrawn
Application for a transfer of a licence			X where representations received from Commission or responsible authority	X where no representations received from Commission or responsible authority
Application for a provisional statement			X where representations received and not withdrawn	X where no representations received or representations withdrawn

Initiating a review of a premises licence				X (Operations Manager)
Review of a premises licence			X	
Whether representations are irrelevant, frivolous, vexatious or ‘certain not to influence the determination’				X
Application for club gaming/club machine permits			X where objections made and not withdrawn	X where no objections made or objections withdrawn
Cancellation of club gaming/club machine permits			X	
Applications for other permits				X
Cancellation of licensed premises gaming machine permits				X
Consideration of temporary use notice				X
Decision to give a counter notice to a temporary use notice			X	

X indicates the lowest level to which decisions can be delegated
 *Or equivalent if post designations are amended

CONSULTATION VERSION JULY - SEPT 2021

APPENDIX E

CRIMINAL RECORD DISCLOSURE

CONSULTATION VERSION ONLY - SEPT 2021

1.0 Suitability of an applicant to hold a UFEC Permit, Prize Permit and Small Society Lottery Registration

1.1 The Council has a responsibility for determining the suitability of applicants to hold an UFEC or a Prize Permit and to ensure that persons submitting Small Society Lottery applications have no relevant convictions. The principles set out below will be taken into account.

1.2 The Council will not grant a permit to anyone unless it is satisfied that they are a suitable applicant. The Council will consider the following criteria when assessing the suitability of an applicant:

- the integrity of the applicant;
- the competence of the applicant to carry on the permitted activities in a manner consistent with the licensing objectives; and
- the financial and other circumstances of the applicant and in particular the resources likely to be available for the purpose of carrying on the permitted activities.

1.3 In order to ensure the Council is in a position to make as accurate an assessment of the applicant's suitability to hold a permit as is reasonably practicable, all applicants (including sole traders, partnerships and companies) on initial application and renewal must:

- provide a satisfactory basic criminal record disclosure from the Disclosure and Barring Service (applicants can apply to the Disclosure and Barring Service by telephone on 03000 200 190, online at www.gov.uk/request-copy-criminal-record or by email at customerservices@db.s.gsi.gov.uk,²⁷;
- have a satisfactory check in respect of enquiries made through the Council's Care First system (or equivalent if this is replaced or if it necessary to seek details from other local authorities), directly with West Mercia Police (or other relevant force), other local authorities and any other organisation, agency or person that the Council has deemed appropriate to seek information from;
- provide evidence of relevant qualifications, training and/or experience to demonstrate their competence to carry on the permitted activities
- provide evidence of their general level of solvency, in particular in terms of the financial resources they intend to use for the purposes of carrying on the permitted activities; and
- have two satisfactory references from either professional or business sources who have known the applicant for at least two years and are in a position to comment on the applicant's general character, standing in the community, experience of working in the gambling industry and financial position. (NB the Council will not accept references from family members.)

²⁷ The Council follows the Disclosure and Barring Service (DBS) Code of Practice for Registered Persons and Other Recipients of Disclosure Information (April 2009) and abides by the handling of DBS certificate information requirements on the secure storage, handling, use, retention and disposal of disclosure certificates and certificate information. Further information about the DBS can be found on the GOV.UK website at: <https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>. Where practical, the Council encourages the use of the DBS Update Service for all applicants.

NB For partnerships or companies, the above requirements apply to all partners and directors/company secretaries.

- 1.4 Persons who have not been resident within the United Kingdom for the five years prior to submitting an application, will be required to produce a certificate of good conduct or equivalent document (at their own cost) issued by the relevant Embassy or High Commission. The certificate must be authenticated, translated and sealed by the Embassy or High Commission. In the event that an applicant is not able to obtain a certificate of good conduct, they may submit a statutory declaration with regard to their conduct, which must be completed in the presence of a practising solicitor. The Council may contact the relevant Embassy, High Commission, solicitor or other appropriate body to verify any documents provided. Proof of a right to work in the United Kingdom will also be required. Contact details for Embassies and High Commissions can be found from the Foreign & Commonwealth Office (FCO) on the GOV.UK website at <https://www.gov.uk/government/world>. The FCO may be contacted for further assistance by telephone on 020 7008 1500, by email at fcocorrespondence@fco.gov.uk or by post at the FCO, King Charles Street, London, SW1A 2AH.
- 1.5 With specific reference to existing permit holders, where there is any cause for a permit to be reviewed, the Council will request the permit holder obtain a further basic criminal record disclosure, the cost of which lies with the permit holder. Where a permit holder refuses to obtain a further disclosure report, the Council will take this into consideration in determining their continuing suitability to hold a permit.
- 1.6 When assessing the suitability of an applicant to hold a permit, the Council will consider the applicant's criminal history as a whole, together with all other relevant evidence, information and intelligence including their history (e.g. complaints and positive comments from the public, level of previous compliance, and willingness to co-operate with Council officers) whilst holding a permit from the Council or any other authority. Particular attention will be given to patterns of behaviour, irrespective of the time-scale over which they have occurred, both in terms of proven criminal offences and other behaviour/conduct that may call into question the integrity, competence and/or financial standing of the applicant that may, in turn, indicate the safety and welfare of existing and potential customers may be at risk from the applicant.
- 1.7 In addition, the Council considers that an important element associated with the suitability to continue to hold a permit is the appearance and behaviour of the applicant. Consequently, the Council requires all permit holders to maintain a reasonable standard of appearance and behaviour when in contact and dealing with customers, the general public, other licensed/permitted operators, Council officers and elected members at all times.
- 1.8 Applicants and permit holders must also co-operate with any reasonable request made by an authorised officer of the Council, any police officer or other person with relevant enforcement powers under the Act.

1.9 The Council will also consider all criminal history, behaviour and conduct irrespective of whether the specific history, behaviour or conduct occurred whilst permit holders were directly engaged in permitted work at the time or whether they occurred during the permit holder's own personal time.

2.0 Criminal record disclosure

2.1 The Rehabilitation of Offenders Act 1974 applies to persons who wish to apply for a permit. This means that convictions (not all) and cautions become spent in accordance with the provisions of the 1974 Act.

2.2 Although cautions are generally not as serious as convictions, they do require an admission of guilt before they can be issued and are therefore a valuable indication as to an applicant's character and whether they are a suitable person to be granted or hold a permit.

2.3 The Council does not deem that a criminal record automatically bars an applicant from holding a permit; however, it will be a significant factor when determining whether a permit ought to be granted or not. Where an applicant has previous criminal convictions, these will be considered in line with the guidance set out under 'Relevance of Criminal Convictions and Cautions' below, taking into account the 'relevant offences' listed in Schedule 7 of the Gambling Act. However, the over-riding consideration will always be to ensure the safety and welfare of the permit holder's existing and potential customers.

2.4 Where an applicant is the subject of an outstanding charge or summons, their application may continue to be processed; however, depending on the circumstances, it is unlikely that a decision on the application will be made until the conclusion of the criminal proceedings.

2.5 Where the outstanding charge or summons involves a serious offence and/or the individual's offending history and behaviour/conduct indicates a pattern of unlawful or unacceptable behaviour/character traits, then the application is likely to be refused.

2.6 Where there is evidence/information that an applicant has been arrested or charged but not convicted of offences but the nature of this evidence/information suggests the applicant may not be a suitable person, the Council will give serious consideration to refusing an application or revoking an existing permit.

3.0 RELEVANCE OF CRIMINAL CONVICTIONS AND CAUTIONS

3.1 Introduction

3.2 The purpose of this section is to provide additional guidance to determine whether or not an applicant or an existing permit holder is a suitable person to hold a UFEC or Prize Gaming Permit as it relates specifically to convictions and cautions.

3.3 The guidance has been produced to assist the Council in its decision-making and to maintain the consistency of the decisions made. It has also been formulated to provide clearer information to current and potential applicants, with a view to minimising the cost and time spent on the licensing process by both the Council and the applicant.

3.4 The aim of the guidance is not to punish the applicant twice for a conviction or caution but to ensure that public safety is not compromised. The Council cannot review the merits of any conviction.

3.5 Each case is to be decided on its own individual merits and, where the circumstances demand, the decision-making body may depart from the guidance in which case the reasons for this will be made clear.

4.0 Legislation

4.1 Schedule 10 (Paragraph 7) and Schedule 14 (Paragraph 8) of the Gambling Act 2005 sets out that the Council may prepare a statement of principles that it proposes to apply in exercising its functions in relation to UFEC and prize gaming permits and in doing so may, in particular, specify matters that the Council proposes to consider in determining the suitability of an applicant for a permit.

4.2 The Council has prepared a statement of principles in respect of UFEC and prize gaming permits and has agreed that unless it is satisfied that the person is a suitable applicant in terms of integrity, competence and financial solvency, it will not issue an UFEC Permit or a Prize Permit.

4.3 The wording of the statement of principles makes it clear that the Council will only grant a permit if it is satisfied that the person is suitable.

5.0 Defining 'suitability of an applicant'

5.1 There is no legal definition as to what definitively constitutes a 'suitable applicant'. However, because of the potential vulnerability of the customers that permit holders may come into contact with, it is incumbent on the Council to take a very robust stance when deciding whether or not a person is suitable to hold a permit granted by the Council.

5.2 In essence, a suitable applicant will be:

- Honest and trustworthy
- Not abusive, violent or threatening
- Knowledgeable and competent in the area of gambling law and practice
- Able to communicate effectively with customers

6.0 The Council's approach when considering convictions

6.1 The disclosure of any convictions or cautions will not necessarily mean an applicant is an unsuitable applicant and, therefore, automatically prevented from being issued a permit. However, the Council will have regard to all live convictions and cautions and they will be assessed accordingly.

Consideration will be given, but not restricted to, the following:

- How relevant the offence(s) are to the permit being applied for.
- How serious the offence (s) were.
- When the offence(s) were committed.
- The date of conviction.
- The extent of any mitigating factors.
- Sentence imposed by the court.
- Whether the offence(s) form part of a pattern of offending or indicate a pattern of unacceptable behaviour.
- Any other character check considered reasonable, e.g. personal references.
- Any other factor that may be relevant.

6.2 If the Council has any doubts as to the suitability of an applicant/existing permit holder, then an application must be refused or permit revoked until those doubts can be effectively allayed through the provision of further adequate evidence.

6.3 If the applicant or holder of a permit has notified the Council of a conviction but is appealing against it to a higher court the matter will be referred to the Licensing Act Sub-committee for a decision as to whether the permit ought to be revoked.

7.0 Patterns of behaviour

7.1 A series of offences or a pattern of behaviour/conduct over a period of time is more likely to give cause for concern than an isolated conviction/incident. However, that is not to say that an isolated conviction/incident cannot give cause for concern in its own right, particularly where it relates to a serious matter. In such circumstances, the Council will give significant consideration to refusing to grant a permit or to revoking an existing permit.

7.2 A serious view will always be taken where an applicant shows any tendency towards criminal and/or unacceptable/inappropriate behaviour patterns. In such instances, the Council is unlikely to consider such an applicant/existing permit holder is a suitable proper person to hold a permit and will give significant consideration to refusing to grant a permit or to revoking an existing permit.

8.0 Rehabilitation periods

8.1 Detailed guidance (effective March 2014) on the Rehabilitation of Offenders Act 1974 is available on the GOV.UK website at <https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974>

8.2 A person with a conviction for an offence need not be automatically barred from obtaining a permit. However, they would be expected to remain free of conviction for an appropriate period of time (as set out in Tables A and B below) and demonstrate adequate evidence that they are a suitable person to hold a permit. The onus is on the person to produce such evidence.

NB Simply remaining free of conviction will not generally be regarded as adequate evidence that a person is a fit and proper person.

Table A

Sentence	Rehabilitation period (applies from the end date of the sentence, including any licence period)
Custodial sentence* of over 48 months, or a public protection sentence**	Never spent
Custodial sentence* of over 30 months and up to and including 48 months	7 years
Custodial sentence* of over 6 months and up to and including 30 months	4 years
Custodial sentence of 6 months or less	2 years
Community order	1 year

*Custodial sentence includes both an immediate custodial sentence and a suspended sentence.

**Public protection sentence means a sentence of imprisonment imposed for specified sexual and violent offences as set out in Schedule 15 of the Criminal Justice Act 2003. (Equivalent provisions of the Armed Forces Act 2006 are also applicable.)

Table B

Sentence	Rehabilitation period (applies from the date of conviction)
Endorsement for a road traffic offence imposed by the court or a FPN; or if a driving licence is revoked or refused on medical grounds by the DVLA (or other body responsible for issuing the driving licence)	5 years
Penalty points for a road traffic offence	3 years
Driving disqualification*	when the disqualification ceases to have effect
Community order with no specified end date	2 years
Fine	1 year
Conditional discharge	Period of the order
Absolute discharge	None
Conditional caution	3 months or when the caution ceases to have effect if earlier
Simple caution	Spent immediately
Compensation order	On the discharge of the order (i.e. when it is paid in full); individuals must obtain and retain proof of payment from the court
Binding over order; Attendance centre order; Hospital order (with or without a restriction order)	Period of the order

* Disqualified' – refers to the period of disqualification actually served in order to take account of the fact that a court may reduce the period of disqualification; an applicant must provide evidence to prove that the court agreed a reduction in the period of disqualification.

- 8.3 Where a person does not satisfy the rehabilitation periods referred to in the tables above, then the Council will refuse to grant a new permit or revoke an existing permit until the applicant is in a position to satisfy them.
- 8.4 The specific periods of rehabilitation are not intended to be taken as definitive time periods by which an applicant/permit holder is automatically granted a licence simply on the basis that the rehabilitation period has elapsed. Rather they are intended to give parameters for consideration when taken with the overall history of an applicant/permit holder in order to assist the Council to determine whether an applicant/existing permit holder is a suitable person or not. The rehabilitation periods will not be considered in isolation.

8.5 The Council will not grant a permit to an applicant who has been convicted of a specified sexual or violent offence unless significant and exceptional circumstances apply.

9.0 Gambling offences

9.1 In addition to the consideration of rehabilitation periods, where an existing permit holder is found guilty of gambling related offences or multiple breaches of permit requirements, permit holders will be referred to the Licensing Act Sub-Committee with a view to determining whether the permit should be revoked.

10.0 Right of appeal

10.1 Any applicant refused a permit on the grounds that they are not a suitable person, or who has had their permit revoked has a right of appeal by way of written complaint, to the Magistrates' Court within 21 days of the notice of decision.

11.0 Conclusion

11.1 Any applicant having a previous or current conviction should not, in principle, debar them from obtaining a permit. However, previous convictions are a significant factor in the decision-making process and it will inevitably be more difficult for such applicants to obtain a permit. It is this Council's policy to consider the protection of the public above all else by ensuring all holders of permits are honest and trustworthy, will not be a threat to the public, are competent in their role and able to communicate effectively. In doing so, the Council will focus on the background of an applicant as a whole and will not consider individual offences and their rehabilitation periods identified above in isolation from other factors, in particular patterns of unacceptable or inappropriate behaviour and conduct that may not necessarily be linked to proven convictions.

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Shropshire Council Equality and Social Inclusion Impact Assessment (ESIIA)
Part One Screening Record 2020

A. Summary Sheet on Accountability and Actions

Name of proposed service change
Gambling Act 2005 Policy Statement 2022 to 2025

Name of lead officer carrying out the screening
Mandy Beever

Decision, review and monitoring
--

Decision	Yes	No
Part One ESIIA Only?	✓	
Proceed to Part Two Full Report?		✓

If completion of a Part One assessment is an appropriate and proportionate action at this stage, please use the boxes below and sign off as indicated. If a Part Two report is required, please move on to full report stage.

Actions to mitigate negative impact or enhance positive impact of the service change in terms of equality and social inclusion considerations

There have not been any significant changes to the revised policy. This should not be perceived as a negative; rather it demonstrates that the fundamental principles that were established in the 2016 – 2019 policy and continued within the 2019 – 2022 policy are sound and remain relevant.

Across all nine national Protected Characteristic groupings and our tenth grouping in Shropshire of social inclusion, ahead of any specific feedback from the formal consultation, the impact is predicted to be ‘low positive’. The impact in reality is anticipated as being neutral – neither positive nor negative – with no anticipated need to take specific actions to mitigate or enhance the impact. The assessment seeks to take into account children and young people who are looked after by Shropshire Council and the families of children in need when considering the ‘age’ group as well as adults with care and support needs, e.g. adults with learning disabilities and their carers, when considering the ‘disability’ group.

The changes to the policy do not breach any individual or group’s human rights; the policy sets out processes and procedures that aim to protect human rights, in particular those rights that relate to a right to a fair trial, no punishment without law and right to respect for private and family life. If the policy were not followed, there is a risk that human rights may be breached.

There will be ongoing efforts to engage with people in the Protected Characteristic groupings, particularly where low levels of responses to consultation have been received.

Actions to review and monitor the impact of the service change in terms of equality and social inclusion considerations

The policy will be the subject of continuous evaluation and, if necessary, formally reviewed at any time. At the time of review all relevant stakeholders will again be consulted. Any gambling industry representative may request a review of the policy at any time. This is made clear in the policy itself. In addition, the Council's 'local area profile' will continue to develop over time and will be influenced by information and intelligence gathered from key partners and other stakeholders. This links into our strategic equality action to proactively collect equality data, as well as our organisation objective to make decisions based on current data and intelligence. As a result, the local area profile will be the subject of additional review and revision outside the wider policy review process.

There will be ongoing dialogue with all stakeholders and, in particular, with gambling industry representatives through direct contact with the Licensing Team. This will provide the opportunity for stakeholders to provide feedback on any matter. A dedicated telephone number and email address is and will continue to be generally publicised on the Council's website for all stakeholders, including members of the public, to provide feedback on the impact of the changes made to the policy. All feedback will be recorded either on the Idox system (or any subsequent replacement system) used to administer the licensing regime or in appropriate electronic files maintained by the Licensing Team Manager. This approach is likely to advance equality of opportunity and foster good relations on an ongoing basis.

With respect to 'age' and 'disability' groups and 'social inclusion', in particular around the Council's safeguarding responsibilities, there will be ongoing dialogue with the Shropshire Safeguarding Children Board and the Keeping Adults Safe in Shropshire Board. In addition, dialogue with West Mercia Police and those service areas within the Council that have particular responsibilities for the care of children, young people and adults with care and support needs, i.e. currently Children Services and Adult Services, will occur as a result of the increasing role that officers from these services play in the licensing processes.

Ongoing consideration will be given to the definition of 'vulnerable', as it relates specifically to gambling, through working with the Council's Feedback and Insight Team and taking account of the outcomes of the Local Government Association supported research, being led by Westminster and Manchester Councils, which aims to assess and map area vulnerability to gambling related harm. As and when the outcomes of this research are made available, together with other emerging information, trends and risks, the Council will have to consider the implications for the definition of 'vulnerable' and also the impact on its 'local area profile' and policy statement accordingly.

Elected Member involvement will continue through the Strategic Licensing Committee and the Licensing Act Sub-Committee, with issues brought before these Committees as appropriate.

Associated ESIIAs

ESIIAs directly linked to the Gambling Act 2005 Policy Statement

- Gambling Act 2005 Policy Statement 2019 to 2022 (June 2018)

- Gambling Act 2005 Policy Statement 2016 to 2019 (February 2016)

ESIIAs linked by general association demonstrating the approach adopted over time to address equality and social inclusion as it relates to licensing matters

- Licensing Act 2003 Statement of Licensing Policy 2019 – 2024 and associated 'Premises Licence Applications – Completing the Operating Schedule and Plan of the Premises Guidance' (October/November 2018)
- Hackney Carriage and Private Hire Licensing Policy 2019 – 2023 (March 2019)
- Proposed Removal of the Existing Five Hackney Carriage Zones (November 2018)
- Equality Act 2010 – Shropshire Council List of Designated Wheelchair Accessible Vehicles (June 2018)
- Amendment to the Hackney Carriage and Private Hire Licensing Policy 2015 – 2019 (March 2018)
- Street Trading Policy 2018 to 2023 (November 2017)
- Hackney Carriage and Private Hire Licensing Policy 2015 – 2019 (January 2015)

Actions to mitigate negative impact, enhance positive impact, and review and monitor overall impacts in terms of any other considerations. This includes climate change and health and well-being considerations

There are currently no direct climate change implications relating to this service/policy change; however, this will be kept under review by the Strategic Licensing Committee in their ongoing oversight role in relation to the administration and enforcement of the Gambling Act 2005.


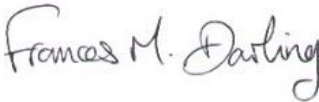

Of the ten Council Organisational Principles, the four listed below are a key focus in respect of delivering the objectives of the Gambling Act 2005 and the Council's Gambling Act 2005 Policy Statement. These Principles will drive the approach that the Council takes over the lifetime of the revised Policy and beyond and will be used to review and monitor the overall impacts.

- Put Shropshire back in the community
- Make digital the preferred way to work and transact
- Focus on outcomes for customers
- Make decisions based on current data and intelligence

In relation to health and well-being impacts, the Gambling Commission has emphasised the need to incorporate the work of Public Health colleagues to further support the greater need

to identify areas of concern and focus on gambling related harm. An initial informal consultation has been undertaken with Shropshire Council’s Public Health Team, including the Director of Public Health, and their response can be found within the associated Strategic Licensing Committee papers.


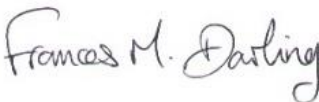
Scrutiny at Part One screening stage

People involved	Signatures	Date
Lead officer carrying out the screening Mandy Beever, Transactional and Licensing Team Manager		11 June 2021
Any internal support* Frances Darling – Head of Trading Standards and Licensing		22 June 2021
Any external support** Mrs Lois Dale, Rurality and Equalities Specialist		16 th June 2021

*This refers to other officers within the service area

**This refers either to support external to the service but within the Council, eg from the Rurality and Equalities Specialist, or support external to the Council, eg from a peer authority

Sign off at Part One screening stage

Name	Signatures	Date
Lead officer carrying out the screening Mandy Beever, Transactional and Licensing Team Manager		11 June 2021
Accountable officer’s name Frances Darling – Head of Trading Standards & Licensing		28 June 2021

*This may either be the Head of Service or the lead officer

B. Detailed Screening Assessment

Aims of the service change and description
<p>The Council’s existing Gambling Act policy statement (‘the policy’) was adopted from the 31 January 2019 and ceases to have effect on 30 January 2022. The policy requires updating to take account of the latest guidance issued to licensing authorities by the Gambling Commission.</p> <p>The Gambling Act 2005 requires that local authority Gambling Act Policy Statements give specific consideration to three key licensing objectives. The format and content of the Council’s policy aims to ensure these objectives are being met in order to:</p>

- to ensure that safeguarding provisions in relation to children, young people and adults with care and support needs remain robust;
- provide ongoing practical clarity to existing and potential licence holders; and
- assist council officers to correctly apply the legal provisions of the Gambling Act 2005.

In particular:

- There is a need to set out the overarching principles that the Council intends to consider when exercising its functions under the Gambling Act, including those that the Council will specifically consider in relation to each of the three licensing objectives (see additional notes below).
- Nationally, there is a greater need to focus on understanding and mitigating gambling related harm more broadly, rather than focussing on problem gambling alone. In this respect, the policy needs to emphasise the Council's focus on protecting children and young people, particularly in relation to child exploitation, and also adults with care and support needs.
- Nationally, gambling policy and the regulatory environment overall has an increasing focus on risk. Whilst not compulsory, it is now recommended that the Council creates a 'local area profile' to inform its understanding of risk and to allow appropriate decisions to be made and steps taken to mitigate these risks. From April 2016, gambling establishment operators have been required to undertake 'local area risk assessments' before submitting a premises licence application or variation and will be expected to give due consideration to the information available in the Council's 'local area profile'.
- The Gambling Act singles out children, young people and vulnerable persons for special regulatory attention; consequently, the policy has a focus on protecting these particular groups. In considering this, specific attention has been given to adults with care and support needs.
- The application processes applicable to each different type of licence is clearly set out to ensure that the requirements that must be satisfied before an applicant can obtain and then retain any such licence are met.
- The premises licence review process is clearly set out to ensure all stakeholders understand when and how this process may be utilised in accordance with the provisions of the Act.
- The way in which the Council deals with the exchange of information is robustly addressed.
- The Council's overarching approach to inspection, compliance, enforcement and complaints is clearly set out and appropriate links made to the Council's Better Regulation and Enforcement Policy.

The policy also sets out how the Council intends to proactively promote the three Gambling Act licensing objectives, namely:

- 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.

Intended audiences and target groups for the service change

- Persons who wish to apply for gambling licences and permits
- Persons who hold existing licences and permits, including those that are the subject of review
- The Council, in its capacity as the licensing authority, including licensing officers and members of the relevant licensing committees
- Shropshire’s Safeguarding Children Board
- Keeping Adults Safe in Shropshire Board (KASiS)
- The Gambling Commission
- Licensing consultants, solicitors and barristers advising and/or representing applicants and licence/permit holders
- Magistrates and judges hearing appeals against Council decisions
- Members of the public who access gambling premises and activities
- Other local authorities, particularly those that border the Shropshire Council area
- Shropshire Voluntary and Community Sector Assembly (VCSA)
- Police forces, in particular West Mercia Police
- West Mercia Police and Crime Commissioner
- Shropshire Clinical Commissioning Group
- Local NHS Trusts
- Shropshire Council Public Health
- Public Health England

The above list is not intended to be exhaustive or in order of priority and will be added to and amended as and when appropriate.

Evidence used for screening of the service change

- Legal requirement contained in the Gambling Act 2005 that the policy can only last for a maximum period of three years and then it must be reviewed, consulted upon, approved and re-published by the Council.
- The emphasis on the safeguarding role that local authorities have, which has strong links to all licensing regimes, including those applicable to gambling.
- The Council’s drive to increase the robustness of safeguarding practices, particularly with respect to children and adults with care and support needs.
- The Gambling Act 2005
- The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (SI 2006 No. 636)
- Shropshire Council’s Gambling Policy Statement (effective 31 January 2019)
<https://shropshire.gov.uk/media/12775/gambling-act-2005-policy-statement-2019-to-2022-final.pdf>

- Guidance to Licensing Authorities published by the Gambling Commission
<https://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx>
- Statement of gambling licensing policy – A Councillors Guide, March 2018 published by the Gambling Commission
<https://www.gamblingcommission.gov.uk/PDF/quick-guides/Councillors-guide.pdf>
- Gambling Regulation Councillor Handbook (England and Wales) June 2015 published by the Local Government Association
<https://www.local.gov.uk/sites/default/files/documents/L15-230%20Councillor%20handbook%20-%20gambling%20regulation%20FINAL.pdf>
- Gambling Regulation Councillor Handbook (England and Wales) Updated Guidance 2018 published by the Local Government Association
https://www.local.gov.uk/sites/default/files/documents/10.18%20Gambling%20regulation%20councillor%20handbook_v06_WEB_1.pdf
- The Council's own Local Area Profile – Gambling Premises, which will form part of the actual policy document.
- Exploring area-based vulnerability to gambling-related harm: Who is vulnerable? July 15
- Exploring area-based vulnerability to gambling-related harm: Developing the gambling related harm risk index (2016)
- Updated Gambling Commission Guidance April 2021
<https://beta.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

Specific consultation and engagement with intended audiences and target groups for the service change

Informal engagement ahead of the formal consultation process has been undertaken, which involved a number of key internal and external stakeholders, including Public Health representatives and gambling industry representatives in order to produce the existing policy.

Officers are currently of the opinion that there will be no need for significant changes. However, Officers will maintain ongoing dialogue with the Gambling Commission and other key stakeholders to ensure any changes that become necessary are captured and addressed accordingly during the lifetime of the policy.

The Local Area Profile has been refreshed and is incorporated into the draft Gambling Act 2005 Policy Statement 2022 to 2025; it may be found at **Appendix B** of the draft policy. The profile maps local areas of concern, including actual and future emerging evidence-based risks that may impact on the licensing of gambling premises and activities. Operators are encouraged to use the profile to help inform them of specific risks prior to submitting licence applications.

The Gambling Commission has emphasised the need to incorporate the work of Public Health colleagues to further support the greater need to identify areas of concern and focus on gambling related harm. An initial informal consultation has been undertaken with Shropshire Council's Public Health Team, including the Director of Public Health, and their response can be found at **Appendix 3** of the report presented to the Strategic Licensing Committee (SLC) on 9 July 2021.

It is anticipated that the formal consultation process will involve a variety of communication mechanisms including publishing full details on the ‘Get involved’ web page of the Council’s website, together with a press release on the Council’s news web page that will also be distributed through corporate and service social media platforms. Direct emails will be sent to key stakeholders alerting them to the consultation on the Council’s website.

Following the formal consultation process, an analysis of the responses received will be undertaken and the results collated for the SLC to consider. A revised policy document, with relevant tracked changes, will be made available to the SLC in time to ensure the revised policy is in force by 31 January 2022.

A full list of the organisations formally consulted will be included in the ESIIA for the final report to full Council after the formal consultation has concluded.

Initial assessment for each group

Please rate the impact that you perceive the service change is likely to have on a group, through inserting a tick in the relevant column. Please add any extra notes that you think might be helpful for readers.

Protected Characteristic groups and other groups in Shropshire	High negative impact <i>Part Two ESIIA required</i>	High positive impact <i>Part One ESIIA required</i>	Medium positive or negative impact <i>Part One ESIIA required</i>	Low positive or negative impact <i>Part One ESIIA required</i>
Age (please include children, young people, people of working age, older people, young people leaving care. Some people may belong to more than one group eg child for whom there are safeguarding concerns eg older person with disability)			<i>This could increase over time to medium positive in relation to safeguarding of vulnerable groups</i>	✓ (positive)
Disability (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)			<i>This could increase over time to medium positive in relation to safeguarding of vulnerable groups</i>	✓ (positive)
Gender re-assignment (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓ (positive)
Marriage and Civil Partnership (please include associated aspects: caring responsibility, potential for bullying and harassment)				✓ (positive)
Pregnancy & Maternity (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓ (positive)
Race (please include: ethnicity, nationality, culture, language, gypsy, traveller)				✓ (positive)

<p>Religion and belief (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)</p>				<p>✓ (positive)</p>
<p>Sex (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)</p>				<p>✓ (positive)</p>
<p>Sexual Orientation (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)</p>				<p>✓ (positive)</p>
<p>Other: Social Inclusion (please include families and friends with caring responsibilities; people with health inequalities; households in poverty; refugees and asylum seekers; rural communities; veterans and serving members of the armed forces and their families, people for whom there are safeguarding concerns; and people you consider to be vulnerable)</p>			<p><i>This could increase over time to medium positive in relation to safeguarding of vulnerable groups</i></p>	<p>✓ (positive)</p>

Identification of likely impact of the service change in terms of other considerations including climate change and health and well being

It is recognised nationally that there is a greater need to focus on understanding and mitigating gambling related harm more broadly, rather than focussing on problem gambling alone. In this respect, the revised policy statement emphasises the Council’s focus on protecting children and young people, particularly in relation to child exploitation, and also young people and adults with care and support needs.

The Gambling Commission has emphasised the need to incorporate the work of Public Health colleagues to further support the greater need to identify areas of concern and focus on gambling related harm. An initial informal consultation has been undertaken with Shropshire Councils Public Health Team, including the Director of Public Health, and their response can be found with the report going to the Strategic Licensing Committee on 9 July 2021.

There are additional potential impacts around gambling, for society as a whole, in terms of antisocial behaviour and crime and disorder. The Council is accordingly setting out within the policy how the Council intends to proactively promote the three Gambling Act licensing objectives, namely:

- 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

The Council’s ten Organisational Principles will also impact on the approach taken to implement and deliver the revised policy over its three-year lifetime. The following four Principles are of particular relevance:

- Put Shropshire back in the community
- Make digital the preferred way to work and transact
- Focus on outcomes for customers
- Make decisions based on current data and intelligence

Guidance Notes

1. Corporate and Service Area Policy and Practice on Equality and Social inclusion

This involves taking an equality and social inclusion approach in planning changes to services, policies or procedures, including those that may be required by Government.

The decisions that you make when you are planning a service change need to be recorded, to demonstrate that you have thought about the possible equality impacts on communities and to show openness and transparency in your decision-making processes.

This is where Equality and Social Inclusion Impact Assessments (ESIAs) come in. Where you carry out an ESIA in your service area, this provides an opportunity to show:

- What evidence you have drawn upon to help you to recommend a strategy or policy or a course of action to Cabinet;
- What target groups and audiences you have worked with to date;
- What actions you will take in order to mitigate any likely negative impact upon a group or groupings, and enhance any positive effects for a group or groupings; and
- What actions you are planning to review the impact of your planned service change.

The formal template is there not only to help the service area but also to act as a stand alone for a member of the public to read.

The approach helps to identify whether or not any new or significant changes to services, including policies, procedures, functions or projects, may have an adverse impact on a particular group of people, and whether the human rights of individuals may be affected.

This assessment encompasses consideration of social inclusion. This is so that we are thinking as carefully and completely as possible about all Shropshire groups and communities, including people in rural areas and people we may describe as vulnerable, for example due to low income or to safeguarding concerns, as well as people in what are described as the nine 'protected characteristics' of groups of people in our population, eg Age. We demonstrate equal treatment to people who are in these groups and to people who are not, through having what is termed 'due regard' to their needs and views when developing and implementing policy and strategy and when commissioning, procuring, arranging or delivering services.

When you are not carrying out an ESIA, you still need to demonstrate that you have considered equality in your decision-making processes. It is up to you what format you choose.-You could use a checklist, an explanatory note, or a document setting out our expectations of standards of

behaviour, for contractors to read and sign. It may well not be something that is in the public domain like an ESIIA, but you should still be ready for it to be made available.

Both the approaches sit with a manager, and the manager has to make the call, and record the decision made on behalf of the Council. Help and guidance is also available via the Commissioning Support Team, either for data, or for policy advice from the Rurality and Equalities Specialist. Here are some examples to get you thinking.

Carry out an ESIIA:

- If you are building or reconfiguring a building;
- If you are planning to reduce or remove a service;
- If you are consulting on a policy or a strategy;
- If you are bringing in a change to a process or procedure that involves other stakeholders and the wider community as well as particular groupings

For example, there may be a planned change to a leisure facility. This gives you the chance to look at things like flexible changing room provision, which will maximise positive impacts for everyone. A specific grouping that would benefit would be people undergoing gender reassignment

Carry out an equality and social inclusion approach:

- If you are setting out how you expect a contractor to behave with regard to equality, where you are commissioning a service or product from them;
- If you are setting out the standards of behaviour we expect from people who work with vulnerable groupings, such as taxi drivers that we license;
- If you are planning consultation and engagement activity, where we need to collect equality data in ways that will be proportionate and non-intrusive as well as meaningful for the purposes of the consultation itself;
- If you are looking at services provided by others that help the community, where we need to demonstrate a community leadership approach

For example, you may be involved in commissioning a production to tour schools or appear at a local venue, whether a community hall or somewhere like Theatre Severn. The production company should be made aware of our equality policies and our expectation that they will seek to avoid promotion of potentially negative stereotypes. Specific groupings that could be affected include: Disability, Race, Religion and Belief, and Sexual Orientation. There is positive impact to be gained from positive portrayals and use of appropriate and respectful language in regard to these groupings in particular.

2. Legal Context

It is a legal requirement for local authorities to assess the equality and human rights impact of changes proposed or made to services. It is up to us as an authority to decide what form our equality impact assessment may take. Carrying out ESIIAs helps us as a public authority to ensure that, as far as possible, we are taking actions to meet the general equality duty placed on us by the Equality Act 2010, and to thus demonstrate that the three equality aims are integral to our decision making processes. These are: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations.

Service areas would ordinarily carry out a screening assessment, or Part One equality impact assessment. This enables energies to be focussed on review and monitoring and ongoing evidence collection about the positive or negative impacts of a service change upon groupings in the community, and for any adjustments to be considered and made accordingly.

If the screening indicates that there are likely to be significant negative impacts for groupings within the community, the service area would need to carry out a full report, or Part Two assessment. This will enable more evidence to be collected that will help the service area to reach an informed opinion. Please contact the equality policy lead within the Council for more advice and guidance in this regard, as per details below.

For further information on the use of ESIIAs: please contact your head of service or contact Mrs Lois Dale, Rurality and Equalities Specialist and Council policy support on equality, via telephone 01743 258528, or email lois.dale@shropshire.gov.uk.

Shropshire Public Health response to Shropshire Council Gambling Act 2005 Policy Statement consultation

1 Problem definition

Gambling has been part of our culture and many people are able to gamble without experiencing harm. However, the harm from gambling has become a serious and worsening public health problem in the UK.¹

The UK has the tenth highest gambling spend per capita in the world equating to an average expenditure of approximately £200 per UK adult per year.¹ In 2015 approximately 0.7% of adults in Great Britain were classified as problem gamblers and a further 1.1% were at moderate risk of harms related to gambling.^{2,3} The most recent estimate of problem gambling prevalence showed a decline to 0.3% in 2020⁴ possibly due to the impact of the COVID-19 Pandemic.

Gambling-related harms are the adverse impacts from gambling on the health and wellbeing of individuals, families, communities and society. These harms are diverse, affecting resources, relationships, and health, and may reflect an interplay between individual, family, and community processes. The harmful effects of gambling can exacerbate existing inequalities.³

The Faculty of Public Health policy statement on gambling identified the following gambling-related health and social issues:

- Stress, depression, and alcohol and substance misuse.
- Family problems such as money troubles and family breakdown as well as neglect and violence towards the partner and children.
- Adverse impact on children both financially and emotionally by a family member gambling.
- Adverse Childhood Experiences (ACEs) which are defined as stressful experiences occurring during childhood that directly harm a child or affect the environment in which they live, the impact of which lasts into adulthood.
- Higher rates of marital breakdowns among problem gamblers compared with the general population.
- Inability to function at work coupled with financial problems leading to homelessness.
- Harms to wider society including fraud, theft, loss of productivity in the workforce and the cost of treating gambling addiction.
- Higher levels of health service use - problem gamblers are twice as likely to consult their GP for mental health concerns, five times as likely to be hospital inpatients, and eight times as likely to access psychological counselling when compared with people who do not identify as problem gamblers.

The Gambling Commission has also identified the following health problems to be associated with problem gambling:⁵

- For male gamblers, alcohol consumption is heavier in those classified as problem or at-risk gamblers with 17% drinking over 35 units versus 11% of male non-problem or non-at-risk gamblers.
- Problem gamblers are more likely to be smokers (33% versus 20% for non-problem or non-gamblers) and they are also more likely to be heavy smokers²³ (11% for problem gamblers versus 4% for non-problem or non-gamblers).

- For self-reported anxiety and/or depression; 47% of problem gamblers said they are moderately or severely anxious or depressed versus 20% of non-problem or non-gamblers.
- For diagnosed disorders 11% of problem gamblers have a diagnosed mental health disorder versus 5% of non-problem or non-gamblers.

2 Gambling, a public health problem requiring a public health approach

Gambling has the potential to cause harm to both individuals and to wider society, and it is an issue that cannot be tackled by interventions aimed solely at individuals but with interventions at population and system levels. Additionally, the harm caused by gambling is unequal in distribution, with those who are economically inactive and living in deprived areas suffering the most harm.¹

To incorporate a public health approach to problem gambling at local level, the Gambling Commission recommends:⁵

- Local public health teams recognise gambling-related harm as a public health issue and consider it as a key issue when assessing risk to the wellbeing of their communities.
- Whilst public health is not listed as a responsible authority under the 2005 Gambling Act, they can have an important strategic role in informing the way that licensing authorities carry out their gambling responsibilities.

3 Recommendation

From the foregoing, the following are recommended:

- The Director of Public is consulted to provide public health impact assessment to inform local gambling licensing decision making processes
- Public health services, such as stop smoking and drug and alcohol misuse services, should consider assessing clients for problem gambling in their management protocol.

Prepared by: Dr Gabriel Agboado, Consultant in Public Health Medicine.

4 References

- ¹ Faculty of Public Health (2018). Faculty of Public Health Gambling Policy Statement
- ² Conolly et al (2017). Gambling behaviour in Great Britain in 2015: Evidence from England, Scotland and Wales. <https://www.gamblingcommission.gov.uk/PDF/survey-data/Gambling-behaviour-in-Great-Britain-2015.pdf>
- ³ Wardle H et al. (2019). Gambling and public health: we need policy action to prevent harm. BMJ 2019; 365 doi: <https://doi.org/10.1136/bmj.l1807>
- ⁴ [Gambling Commission](#) (2021) Gambling behaviour in 2020: Findings from the quarterly telephone survey.
- ⁵ [Gambling Commission](#) (2018). Gambling-related harm as a public health issue: Briefing paper for Local Authorities and local Public Health providers

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<u>Committee and Date</u>
Strategic Licensing Committee
9 July 2021

<u>Item</u>
<u>Public</u>

Department for Transport – Statutory Taxi and Private Hire Vehicle Standards

Responsible Officer Mandy Beever, Transactional and Licensing – Team Manager
e-mail: Mandy.Beever@shropshire.gov.uk Tel: 01743 251702

1. Summary

- 1.1. On the 21 July 2020 the Secretary of State for Transport published new Statutory Taxi and Private Hire Vehicle Standards (the Standards) to all licensing authorities. The Standards are aimed at safeguarding children and vulnerable adults. Email notification of the implementation of the Standards can be found at **Appendix A** with a copy of the Standards being found at **Appendix B**.
- 1.2. This report sets out a proposal for the way in which the Standards are going to be implemented by the Council.

2. Recommendations

- 2.1. That the Strategic Licensing Committee agrees with the implementation of the Department for Transport's Statutory Taxi and Private Hire Vehicle Standards as detailed below:
 - a. Publicise the Standards on the Council's licensing webpages and in relevant correspondence
 - b. For the purposes of process and decision making, where any anomalies exist between the Standards and the Council's Hackney Carriage and Private Hire Licensing Policy 2019-2023, unless there are exceptional circumstances, the requirements of the Standards will take precedence
 - c. Incorporate the Standards within the revision process of the Hackney Carriage and Private Hire Licensing Policy 2023 to 2027

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1. The implementation of the Standards supports the Council's wider priorities and outcomes associated with keeping people from harm, promoting health, managing the environment and helping people to help themselves.

- 3.2. The Standards takes account of the Council's safeguarding responsibilities, particularly in relation to tackling child sexual exploitation, abuse, modern slavery and human trafficking of children and vulnerable adults.
- 3.3. The current Policy along with the Standards significantly increases the criteria that must be satisfied before a person will be deemed a 'fit and proper person' to be a private hire operator or to hold a vehicle licence as a vehicle proprietor. Drivers of hackney carriage or private hire vehicles will continue to be required to meet the robust criteria that were implemented in 2019. The criteria continue to be set against the findings of the Independent Enquiry into Child Sexual Exploitation in Rotherham 1997 – 2013 and now also take into account the wider implications of modern slavery, trafficking and exploitation.
- 3.4. An Equality and Social Inclusion Impact Assessment (ESIIA) has been undertaken, utilising evidence already held by the service area.
- 3.5. For all the Protected Characteristic groupings, the impact is rated as positive. The impact is also rated as 'medium positive' for people for whom there are or may be safeguarding concerns, given the greater ability of the Council to fully demonstrate that it robustly tackles exploitation, abuse, modern slavery and human trafficking of children and vulnerable adults. There are also associated likely improvements overall to public safety under the proposed changes, bringing particular benefits for vulnerable households. This applies in particular to the categories of Age, Disability, and the tenth category we use in Shropshire of "social inclusion".
- 3.6. Actions to enhance the anticipated positive impact of the proposal, which in itself builds upon the robust arrangements and procedures already in place. will include ongoing dialogue with the trade, and a formal consultation, as well as ongoing dialogue with the Shropshire Children Safeguarding Board and the Keeping Adults Safe in Shropshire Board. Dialogue with West Mercia Police and those service areas within the Council that have particular responsibilities for the care of children and young people and adults with care and support needs will provide further opportunity to ensure that the Council and its partners are acting in the best interests of these vulnerable groupings in the community at all times. The full ESIIA document can be found at **Appendix C**

4. Financial Implications

- 4.1. The financial implications associated with the recommendation are limited to the employee costs associated with undertaking the exercise. These costs are recovered through the licensing fees.

5. Climate Change Appraisal

- 5.1. The recommendations in this report have no direct effect on climate change

6. Background

- 6.1. The Independent Enquiry into Child Sexual Exploitation in Rotherham 1997 – 2013 found that taxi and private hire drivers played a prominent role in being directly linked to children who were abused.ⁱ
- 6.2. It was identified that statutory standards were an important first step in reforming the way the taxi and private hire vehicle sector is regulated and to ensure consistent standards between licensing authorities.
- 6.3. On the 21 July 2020 the Secretary of State for Transport published new Statutory Taxi and Private Hire Vehicle Standards to all licensing authorities. The Standards are aimed at safeguarding children and vulnerable adults.
- 6.4. The Standards were developed to set-out a range of robust measures to protect taxi and private hire vehicle passengers, particularly those most vulnerable.
- 6.5. Shropshire Council is under a legal duty, under section 177 of the Police and Crime Act 2017, to have regard to the Standards. In the interests of transparency, all licensing authorities should publish their consideration of the measures contained in the Standards and the policies and delivery plans that stem from these.
- 6.6. A comparison has been drawn between the Standards and the criteria set out in the current Hackney Carriage and Private Hire Licensing Policy 2019 to 2023. The comparison can be found at **Appendix D**
- 6.7. Unlike the Licensing Act 2003 and the Gambling Act 2005, the legislation that specifically controls the licensing of hackney carriages and private hire vehicles, drivers and operators, does not contain provisions that directly require the Council to prepare and publish a hackney carriage and private hire licensing policy in a particular manner.
- 6.8. It is recognised that the Council must ensure that its Hackney Carriage and Private Hire Licensing Policy is aligned with the Standards in order to secure the safety of passengers. Since the introduction of the Standards in July 2020, officers have taken steps to review the Standards and to ensure they are taken into consideration alongside the current Council Policy. Whilst progress is made to fully embed the changes that are required into the Council's Policy, delegated decisions have and continue to be informed by the detail contained within the Standards.
- 6.9. The Department for Transport expects the review of the Standards to be completed before 31 December 2021; the outcome of the officer work in this regard is presented in this report. There is also an expectation that any changes to the Council's Policy that are required as a result of the review will be made and implemented as soon as possible in 2022. However, due to the next review date for the Council's current Policy, which is 1 April 2022 to 31 March 2023, it is proposed to combine the formal consultation and implementation of the changes that are required as a result of the Standards with the normal process to review the Council's Policy.

- 6.10. It is the intention that the full review will commence in the Autumn of 2021 and conclude in late 2022/early 2023 in readiness for full implementation on 1 April 2023. It is acknowledged that this means the Council will not meet the expectations of the DfT; however, steps are being taken to ensure that the hackney carriage and private hire trades are aware of the Standards and that they form part of the Council's decision making process. This includes information on the Council's taxi licensing webpage, reference in Licensing Panel correspondence informing applicants and existing licence holders that officers with delegated authority to determine hackney carriage and private hire licensing matters will take the Standards into consideration when making decisions, and, where any matters are referred to the Licensing and Safety Sub-committee, Members will also give due regard to the Standards.
- 6.11. In preparing and publishing the proposed Policy, the Council demonstrates that it takes its hackney carriage and private hire licensing role seriously. It creates transparency for all stakeholders providing the manner in which the Council intends to undertake its hackney carriage and private hire licensing responsibilities. Furthermore, it provides the Council with a basis for a robust defence to any challenges that may be encountered in respect of decisions made and enforcement action taken.
- 6.12. There is already clear alignment between the Council's Policy and the majority of the requirements set out in the Standards. Nevertheless, for the purposes of decision making, where any anomalies exist between the Policy and the Standards between now and the 31 March 2023, this will be highlighted in any decision notice and, unless there are extenuating circumstances, the requirements of the Standards will take precedence over the requirements set out in the Council's Policy. Each application and review of an existing licence will continue to be determined on their own merits.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Department for Transport – Statutory Taxi and Private Hire Standards July 2020

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/928583/statutory-taxi-and-private-hire-vehicle-standards-english.pdf

Hackney Carriage and Private Hire Licensing Policy 2019 to 2023

<https://shropshire.gov.uk/media/12328/hcph-licensing-policy-2019-2023.pdf>

Alexis Jay Report – Independent Inquiry into Child Sexual Exploitation in Rotherham 1997 – 2013

<https://www.rotherham.gov.uk/downloads/file/279/independent-inquiry-into-child-sexual-exploitation-in-rotherham>

Cabinet Member (Portfolio Holder)

Councillor Dean Carroll Portfolio Holder for Adult Social Care, Public Health and Assets

Local Member

Cover all areas of Shropshire

Appendices

Appendix A - DfT Email – Statutory Taxi and Private Hire Vehicle Standards

Appendix B - Statutory Taxi and Private Hire Vehicle Standards

Appendix C - ESIIA DfT Statutory Taxi and Private Hire Vehicle Standards

Appendix D - Officers Comparison of DfT Statutory Taxi and Private Hire Vehicle Standards and Shropshire Council's Hackney Carriage and Private Hire Licensing Policy 2019 to 2023

ⁱ Alexis Jay Report – Independent Inquiry into Child Sexual Exploitation in Rotherham 1997 – 2013
<https://www.rotherham.gov.uk/downloads/file/279/independent-inquiry-into-child-sexual-exploitation-in-rotherham>

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From: Taxis <Taxis@dft.gov.uk>
Sent: 21 July 2020 09:23
Subject: Statutory Taxi and Private Hire Vehicle Standards

Licensing authorities

I am writing to advise you that the Secretary of State for Transport has issued today new Statutory Taxi and Private Hire Vehicle Standards to licensing authorities aimed at safeguarding children and vulnerable adults:
<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>.

The Statutory Standards set-out a range of robust measures to protect taxi and private hire vehicle passengers, particularly those most vulnerable. Government and licensing authorities must work together to ensure that, above all else, the taxi and private hire vehicle services the public use are safe. The Department for Transport will monitor licensing authorities' responses to the Statutory Standards.

Licensing authorities are under a legal duty, under section 177 of the Police and Crime Act 2017, to have regard to the Statutory Standards. In the interests of transparency, all licensing authorities should publish their consideration of the measures contained in the Standards and the policies and delivery plans that stem from these. The Secretary of State is asking all licensing authorities to provide an update to the Department of their consideration of the Standards six months after their publication, so by the end of January 2021. However, the Department is aware of the challenges caused by the current coronavirus pandemic and is mindful of this.

The update will enable officials to engage with those that do not adopt the Standards and seek from them a rationale for failing to act to protect passengers. An example of this is use of the National Register of Revocations and Refusals by licensing authorities, this facilitates the sharing of information to inform licensing decisions, yet not all authorities are playing an active role; thereby endangering the safety of passengers and the reputations of the honest and hardworking people in the trade.

The Statutory Standards are an important first step in reforming the way the taxi and private hire vehicle sector is regulated and should ensure consistent standards between

licensing authorities. Government fully expects licensing authorities to implement these measures as soon as possible. Given this, and following engagement with the sector, the Government will not, at this time, take forward out-of-area restrictions.

Later this year we will consult on revised best practice guidance that will reflect the enormous changes that the sector has undergone in recent years and make clear recommendations on the measures licensing authorities should consider to enable the trade to react to the demands of passengers.

Buses and Taxis Division
Department for Transport

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Department
for Transport

Statutory Taxi & Private Hire Vehicle Standards

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1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
 - (b) is experiencing, or is at risk of, abuse or neglect, and
 - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 1.5 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the [Working Together to Safeguard Children](#) statutory guidance.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,

holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 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).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

3. Administering the Licensing Regime

Licensing policies

- 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 licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.
- 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the [report by Dame Louise Casey CB](#) of February 2015 on safeguarding failings.

“It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride.”

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

“Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction.”

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 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.**

Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) 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 to meet a short-term demand; they should not be issued on a 'probationary' basis.

Whistleblowing

- 3.8 It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. **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.**

A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **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.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#):

Consultation at the local level

- 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. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women’s groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 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.** 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

- 3.14 **Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15 Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. 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.

4. Gathering and Sharing Information

- 4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

The Disclosure and Barring Service

- 4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.
- 4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).
- 4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.

The Disclosure and Barring Service Update Service

- 4.5 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 online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.
- 4.6 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.
- 4.7 Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 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.**

Licensee self-reporting

- 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. This must not

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

- 4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

- 4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the '[harm test](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

- 4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is [available](#).

Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police.** Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. **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.
- 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.*". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network 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 non-disclosure of relevant information by applicants.**

- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

Multi-agency Safeguarding Hub (MASH)

- 4.26 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on [Multi Agency Working and Information Sharing](#) recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 [Inquiry into Child Sexual Exploitation in Gangs and Groups](#) found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.

4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

Complaints against licensees

4.29 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.

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.

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. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.

4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.

4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an 'independent witness' to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

Overseas convictions

- 4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more
- 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 support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).
- 4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

5. Decision Making

Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. 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. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

Training decision makers

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
 - any implications of the Human Rights Act should be considered.
 - the rules of natural justice should be observed.
 - decisions must be reasonable and proportionate.
 - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
 - decision makers must avoid bias (or even the appearance of bias) and predetermination.
 - data protection legislation.

5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

The regulatory structure

5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.

5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:

- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
- Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.

5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.

5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.

5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

- 5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, **all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.** It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

Fit and proper test

- 5.12 Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be 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 of day or night?

- 5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. 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.

Criminal convictions and rehabilitation

- 5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. 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.

- 5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.
- 5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.

6. Driver Licensing

Criminality checks for drivers

- 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. The DfT's 2019 [survey of taxi and private hire vehicle licensing authorities](#) shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.
- 6.2 All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 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.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **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.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

6.6 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. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – *‘Together, we can tackle child abuse’* which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

‘County lines’ exploitation

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;

- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

Language proficiency

6.14 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.

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.

7. Vehicle Licensing

7.1 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.

Criminality checks for vehicle proprietors

7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.

7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.

7.4 A refusal to license 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 i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.

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.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

In-vehicle visual and audio recording – CCTV

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the police in investigating incidents of crime;
- assisting insurance companies in investigating motor vehicle accidents.

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.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or

drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- 7.13 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. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

Stretched Limousines

- 7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department'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.
- 7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

8. Private Hire Vehicle Operator Licensing

8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators 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 driver licensing regime.

Criminality checks for private hire vehicle operators

8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.

8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately

8.4 Refusal to license 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 private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

8.5 A private hire vehicle operator licence 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 should be required to advise the licensing authority of any change in directors or partners.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 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.**
- 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. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a ['responsible organisation'](#) to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
- 8.10 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.
- 8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

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 offences provided in the annex to this document (Annex – Assessment of previous convictions), 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.

Record keeping

8.13 Section 56 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- 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.

8.14 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

8.15 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

Use of passenger carrying vehicles (PCV) licensed drivers

8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **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.

- 8.17 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 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.

9. Enforcing the Licensing Regime

9.1 Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector. These steps will help prevent the licensing of those that are not deemed 'fit and proper' but does not ensure that those already licensed continue to display the behaviours and standards expected.

Joint authorisation of enforcement officers

9.2 Licensing authorities should, where the need arises, jointly authorises officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

Setting expectations and monitoring

9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.

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 (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

Suspension and revocation of driver licences

9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause

9.6 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.

9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.

9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.

9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

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.

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.

Offences involving violence against the person

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.

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.

Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

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.

Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Drugs

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.

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 demonstrate that they are not using controlled drugs.

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.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. 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. 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.

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.

Drink driving/driving under the influence of drugs

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.

Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile 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.

Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions ¹	Yes	Yes	Yes	Yes
Spent convictions ²	No	Yes	Yes	Yes
Spent cautions ^{1 & 2}	No	Yes	Yes	Yes
Additional police Information ³	No	No	Yes	Yes
Barred list(s) Information ⁴	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access

and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.

Shropshire Council Equality and Social Inclusion Impact Assessment (ESIA)
Part One Screening Record 2020

A. Summary Sheet on Accountability and Actions

Name of proposed service change
Introduction of the Department for Transport Statutory Taxi and Private Hire Vehicle Standards

Name of lead officer carrying out the screening
Mandy Beever, Transactional and Licensing Team Manager

Decision, review and monitoring
--

Decision	Yes	No
Part One ESIA Only?	X	
Proceed to Part Two Full Report?		X

If completion of a Part One assessment is an appropriate and proportionate action at this stage, please use the boxes below and sign off as indicated. If a Part Two report is required, please move on to full report stage.

Actions to mitigate negative impact or enhance positive impact of the service change in terms of equality and social inclusion considerations
--

It is recognised that the Council must ensure that its Hackney Carriage and Private Hire Licensing Policy is aligned with the DfT Statutory Standards ('the Standards') in order to secure the safety of passengers. Since the introduction of the Standards in July 2020, officers have taken steps to review the Standards and to ensure they are taken into consideration alongside the current Council Policy. Whilst progress is made to fully embed the changes that are required into the Council's Policy, delegated decisions have and continue to be informed by the detail contained within the Standards

The Standards take account of the Council's safeguarding responsibilities, particularly in relation to tackling child sexual exploitation, abuse, modern slavery and human trafficking of children and vulnerable adults.

For all the Protected Characteristic groupings, the impact is rated as positive. The impact is also rated as 'medium positive' for people for whom there are or may be safeguarding concerns, given the greater ability of the Council to fully demonstrate that it robustly tackles exploitation, abuse, modern slavery and human trafficking of children and vulnerable adults. There are also associated likely improvements overall to public safety under the proposed changes, bringing particular benefits for vulnerable households. This applies in particular to the categories of Age, Disability, and the tenth category we use in Shropshire of "social inclusion".

Children and young people who are looked after by Shropshire Council and the families of

children in need, have been considered in particular, with regard to the groupings of Age and Social Inclusion. Adults with care and support needs, e.g. adults with learning disabilities, have been considered in particular, in terms of the Protected Characteristic of Disability.

Actions to review and monitor the impact of the service change in terms of equality and social inclusion considerations

The Council intends to undertake a formal consultation on the revised Hackney Carriage and Private Hire Licensing Policy 2023 to 2027 (the Policy) to include the Standards during 2022 with informal consultations undertaken with stakeholders and the trade in the second half of 2021.

There will be ongoing dialogue with the trade through direct contact and 'Taxi Forums' or similar meetings that will provide the opportunity for the trade to provide feedback to the licensing team. A dedicated telephone number and email address is and will continue to be generally publicised on the Council's website for other stakeholders, including members of the public, to provide feedback on the impact of the changes made. In addition, these contacts, together with social media contacts, are publicised in hackney carriage and private hire vehicles to encourage passengers to provide feedback to the Council. All feedback will be recorded either on the Idox/Uniform system used to administer the licensing regime or in appropriate electronic files maintained by the Licensing Team Manager.

With respect to 'age' and 'disability' groups, in particular around the Council's safeguarding responsibilities, there will be ongoing dialogue, as required, with the Shropshire Children Safeguarding Board and the Keeping Adults Safe in Shropshire Board. In addition, dialogue with West Mercia Police and those service areas within the Council that have particular responsibilities for the care of children and young people and adults with care and support needs, i.e. currently Children Services and Adult Services, will occur as a result of the ongoing role that officers from these services play in the review process applicable to new licence applications and existing licences.

With reference to the introduction of the Standards, there is a commitment by licensing staff during the period up to and including the consultation of the Policy to notify all new applicants and existing licence holders who are being referred to the Licensing Panel the criteria by which their application will be determined. This will ensure that during the period until a revised Policy is adopted by the Council new applicants and existing licence holders are made fully aware.

Proactive and visible enforcement of the requirements of the Standards and the Hackney Carriage and Private Hire Licensing Policy 2019 to 2023 will be undertaken until the revised Policy is adopted by the Council. This will be undertaken in relation to the conditions applicable to each licence type, together with the associated legislation, including the relevant provisions of the Equality Act 2010, and will further enhance the positive impact of the changes made to the policy. Any complaints/information that indicate licensed drivers are breaching conditions of licence, will be fully investigated by the Trading Standards & Licensing Service, and, where sufficient evidence exists and it is in line with the Council's Better Regulation and Enforcement Policy, legal proceedings will be pursued. Furthermore, the full range of licensing sanctions, including licence revocation, where this is proportionate, will be utilised.

Ongoing promotion and compliance with the Council's Modern Anti-Slavery and Human

Trafficking Statement and Policy will further enhance the overall positive impact of the introduction of the Standards.

Elected Member involvement will continue through the Strategic Licensing Committee and the Licensing & Safety Sub-Committee, with issues brought before these Committees as appropriate.

Associated ESIIAs

Hackney Carriage and Private Hire Licensing Policy 2015 – 2019 (ESIIA undertaken in 2014/15)

Amendment to the Hackney Carriage and Private Hire Licensing Policy 2015 – 2019 (ESIIA undertaken in February/March 2018)

Equality Act 2010 – Shropshire Council List of Designated Wheelchair Accessible Vehicles (ESIIA undertaken in May/June 2018)

Removal of the existing five hackney carriage ('taxi') zones ('the zones') in Shropshire and application of a single taxi licensing regime throughout the administrative area of Shropshire Council (ESIIA undertaken in June to December 2018)

Hackney Carriage and Private Hire Licensing Policy 2019 – 2023 (ESIIA undertaken in March 2019)

Actions to mitigate negative impact, enhance positive impact, and review and monitor overall impacts in terms of any other considerations. This includes climate change and health and well being considerations

Health and well being considerations for vulnerable children and adults are to the fore in this proposal, including social, emotional and mental well being as well as physical well being. As such, the introduction of these national Standards may be regarded as an opportunity to enhance positive impacts for the health and well being of vulnerable people in society, building on partnership arrangements and engagement already in place in Shropshire.

The ongoing national and local concerns about children and adults with care and support needs exploitation, including sexual exploitation, human trafficking, modern slavery and the impact of hate crime, form a societal backdrop to this proposal. It will be pertinent to our own practice to reflect upon comparator practice elsewhere, particularly in other large rural counties with dispersed populations.

The relevant organisation objective with which the proposals may be said to most closely align is "operate as a single organisation", as a key way in which to ensure that the Standards have the desired impact will be to ensure that all members of staff are fully aware of the actions being taken by the Council to protect vulnerable groupings in this way.

In addition to the Council's corporate approach towards prioritising and measuring the overall economic, environmental and community outcomes (<https://www.shropshire.gov.uk/shropshire-council/corporate-plan/>), the licensing team will

continue to utilise the expertise within the Environmental Protection Team in Regulatory Services and Public Health to assess the impact of the introduction of the Department for Transport – Statutory Taxi and Private Hire Vehicle Standards (the Standards).


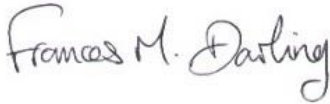
Scrutiny at Part One screening stage

People involved	Signatures	Date
Mandy Beever Transactional and Licensing Team Manager		25 June 2021
Any internal support* Kate Roberts, Public Protection Officer		28 th June 2021
Any external support** Mrs Lois Dale, Rurality and Equalities Specialist		28 th June 2021

*This refers to other officers within the service area

**This refers either to support external to the service but within the Council, eg from the Rurality and Equalities Specialist, or support external to the Council, eg from a peer authority

Sign off at Part One screening stage

Name	Signatures	Date
Lead officer carrying out the screening Mandy Beever, Transactional and Licensing Team Manager		25 June 2021
Accountable officer's name Frances Darling Head of Trading Standards and Licensing		29 June 2021

*This may either be the Head of Service or the lead officer

B. Detailed Screening Assessment

Aims of the service change and description

It is recognised that the Council must ensure that its Hackney Carriage and Private Hire Licensing Policy is aligned with the DfT Statutory Standards ('the Standards') in order to secure the safety of passengers. Since the introduction of the Standards in July 2020, officers have taken steps to review the Standards and to ensure they are taken into consideration alongside the current Council Policy. Whilst progress is made to fully embed the changes that are required into the Council's Policy, delegated decisions have and continue to be informed by the detail contained within the Standards.

The Council intends to undertake a formal consultation on the revised Hackney Carriage and Private Hire Licensing Policy 2023 to 2027 (the Policy) to include the Department for Transport – Statutory Taxi and Private Hire Vehicle Standards (the Standards) during 2022 with informal consultations undertaken with stakeholders and the trade in the second half of

2021.

Applicants and licence holders, including any who may not already be aware of the introduction of the Standards will be made aware of the implementation through normal licensing processes. The Standards will be available on the Council's website and promoted through appropriate social media channels. This will ensure that the hackney carriage and private hire trades, together with the public and other relevant stakeholders, have ongoing access to the Standards and how the Council intend to apply them. This will clearly set out the Council's expectations for applicants and licence holders.

With reference to the introduction of the Standards, there is a commitment by licensing staff during the period up to and including the consultation of the Policy to notify all new applicants and existing licence holders who are being referred to the Licensing Panel the criteria by which their application will be determined. This will ensure that during the period until a revised Policy is adopted by the Council new applicants and existing licence holders are made fully aware.

The Council's existing Hackney Carriage and Private Hire Licensing Policy came into effect on 1 April 2019 and is due to expire on 31 March 2023. It is essential that the Council has a revised policy from 1 April 2023 to ensure a robust framework continues to be in place to provide the basis upon which to deliver the Council's statutory hackney carriage and private hire licensing function, which is fundamental to protecting public safety.

It can take up to 18 months to fully consult, both formal and informal, with Stakeholders and Trade representatives. This period includes the time it takes to present any revisions of the Policy to the Strategic Licensing Committee and for adoption by the Council. Therefore, the Standards will be fully incorporated into the Policy after this work has been undertaken. Stakeholders and Trade representatives will be made fully aware of the criteria by which the Standards will be applied until the revised Policy is adopted. Licensing staff during the period up to and including the consultation of the Policy to notify all new applicants and existing licence holders who are being referred to the Licensing Panel the criteria by which their application will be determined.

The policy requires updating to take into account the changes that have occurred to the way in which the hackney carriage and private hire trades operate at a local and national level as a result of national legislative amendments. There is a need to address the impact of these changes in order to ensure the Council is in the best position possible to continue to protect people from harm.

As a result, licensing administrative and enforcement processes have been amended and further enhanced to improve safeguarding outcomes and the policy needs to be amended to reflect these current practices.

Intended audiences and target groups for the service change

- Vulnerable children, young people, and adults who may be at risk of exploitation and/or for whom there are or may be safeguarding concerns.
- Persons who wish to apply for hackney carriage and private hire vehicle, drivers or operator licences
- Persons who hold existing licences, including those that are the subject of review
- The Council, in its capacity as the licensing authority, including licensing officers,

members of the relevant licensing committees and the internal licensing panel (or other relevant decision-making bodies)

- Licensing consultants, solicitors and barristers advising and/or representing applicants/license holders
- Magistrates and judges hearing appeals against Council decisions
- Members of the public, particularly those with disabilities, who use/rely on hackney carriage/private hire services, irrespective whether this is because they live, visit or work in Shropshire
- Other local authorities, particularly Telford & Wrekin Council, City of Wolverhampton Council and others that border the Shropshire Council area
- Shropshire Safeguarding Children Board
- Shropshire Council Children Services
- Keeping Adults Safe in Shropshire Board
- Shropshire Council Adult Services
- Shropshire Council Highways and Transport (Passenger Transport and Environmental Maintenance Teams)
- Shrewsbury Business Improvement District
- Oswestry Business Improvement District
- Shropshire Voluntary and Community Sector Assembly
- Voluntary Groups/Organisations, particularly those who represent, work with or provide services for people with disabilities
- Shropshire Tourist Board, Shropshire Tourism and other tourism bodies
- Police forces, in particular West Mercia Police
- West Mercia Police Crime Commissioner
- Shropshire located Town and Parish Councils
- Shropshire MPs
- Government Departments
- Competitions and Markets Authority

Evidence used for screening of the service change

- Department for Transport – Statutory Taxi and Private Hire Vehicle Standards
- The Council’s continuing drive to increase the robustness of safeguarding practices, particularly with respect to children and adults with care and support needs.
- Feedback, over the life of the existing policy, from the hackney carriage/private hire trades, from licensing officers/managers, from enforcement and investigation officers and from other stakeholders that has been recorded and collated on an ongoing basis.
- Implementation of new legislation, parts of which relate to hackney carriage and private hire licensing, i.e. specific sections of the Deregulation Act 2015, the Equality Act 2010 and the Immigration Act 2016.
- The ongoing national and local concerns about child and adults with care and support needs exploitation, including sexual exploitation, human trafficking, modern slavery and the impact of hate crime.

Specific consultation and engagement with intended audiences and target groups for the service change

It is recognised that the Council must ensure that its Hackney Carriage and Private Hire

Licensing Policy is aligned with the DfT Statutory Standards ('the Standards') in order to secure the safety of passengers. Since the introduction of the Standards in July 2020, officers have taken steps to review the Standards and to ensure they are taken into consideration alongside the current Council Policy. Whilst progress is made to fully embed the changes that are required into the Council's Policy, delegated decisions have and continue to be informed by the detail contained within the Standards

The Council intends to undertake a formal consultation on the revised Hackney Carriage and Private Hire Licensing Policy 2023 to 2027 (the Policy) to include the Department for Transport – Statutory Taxi and Private Hire Vehicle Standards (the Standards) during 2022 with informal consultations undertaken with stakeholders and the trade in the second half of 2021.

The Strategic Licensing Committee will oversee the review of the Hackney Carriage and Private Hire Licensing Policy. The Committee is a group of Councillors drawn from across the whole of the Shropshire area. The Members of the Committee will consider and approve a draft policy for formal public consultation through the Council's website and directly with relevant stakeholders.

General information about the consultation will be made available on the Council's 'Get involved' section of its website and on the Council and licensing team social media platforms.

There is already clear alignment between the Council's Policy and the majority of the requirements set out in the Standards. Nevertheless, for the purposes of decision making, where any anomalies exist between the Policy and the Standards between now and the 31 March 2023, this will be highlighted in any decision notice and, unless there are extenuating circumstances, the requirements of the Standards will take precedence over the requirements set out in the Council's Policy. Each application and review of an existing licence will continue to be determined on their own merits.

Initial assessment for each group

Please rate the impact that you perceive the service change is likely to have on a group, through inserting a tick in the relevant column. Please add any extra notes that you think might be helpful for readers.

Protected Characteristic groups and other groups in Shropshire	High negative impact <i>Part Two ESIIA required</i>	High positive impact <i>Part One ESIIA required</i>	Medium positive or negative impact <i>Part One ESIIA required</i>	Low positive or negative impact <i>Part One ESIIA required</i>
Age (please include children, young people, people of working age, older people, young people leaving care. Some people may belong to more than one group eg child for whom there are safeguarding concerns eg older person with disability)			✓	
Disability (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)			✓	
Gender re-assignment (please include associated aspects:				

safety, caring responsibility, potential for bullying and harassment)				✓
Marriage and Civil Partnership (please include associated aspects: caring responsibility, potential for bullying and harassment)				✓
Pregnancy & Maternity (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
Race (please include: ethnicity, nationality, culture, language, gypsy, traveller)				✓
Religion and belief (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)				✓
Sex (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
Sexual Orientation (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				✓
Other: Social Inclusion (please include families and friends with caring responsibilities; veterans and serving members of the armed forces and their families, people with health inequalities; households in poverty; refugees and asylum seekers; rural communities; people for whom there are safeguarding concerns; people you consider to be vulnerable)			✓	

Identification of likely impact of the service change in terms of other considerations including climate change and health and well being

Health and well being

The implementation of the Standards supports the Council's wider priorities and outcomes associated with keeping people from harm, promoting health, managing the environment and helping people to help themselves.

The Standards takes account of the Council's safeguarding responsibilities, particularly in relation to tackling child sexual exploitation, abuse, modern slavery and human trafficking of children and vulnerable adults.

Human rights

The current policy aims to ensure that individual human rights are protected particularly in relation to Article 1, Protocol 1 - peaceful enjoyment of possessions (a licence is considered a possession in law and people should not be deprived of their possessions except in the public interest); Article 4 - prohibition of slavery and forced labour; Article 6 – right to a fair hearing; Article 7 - no punishment without law; Article 8 - respect for private and family life (in particular, removal or restriction of a licence may affect a person's private life); Article 10 - right to freedom of expression; and Article 14 - prohibition of discrimination.

These rights are clearly referenced within the existing Policy and it is made clear that officers and members of the relevant committees will have regard to these rights when determining applications for a licence and for renewals or reviews of a licence.

In preparing and publishing the proposed Policy, the Council demonstrates that it takes its hackney carriage and private hire licensing role seriously. It creates transparency for all stakeholders providing the manner in which the Council intends to undertake its hackney carriage and private hire licensing responsibilities. Furthermore, it provides the Council with a basis for a robust defence to any challenges that may be encountered in respect of decisions made and enforcement action taken.

Climate change

The direct environmental effects of this proposal are more around crime and disorder considerations than impacts upon the natural environment: this is notwithstanding that the proposal is in relation to statutory taxi and private hire standards, and therefore by definition applies to vehicles licensed for trade on the roads in Shropshire.

Guidance Notes

1. Corporate and Service Area Policy and Practice on Equality and Social inclusion

This involves taking an equality and social inclusion approach in planning changes to services, policies or procedures, including those that may be required by Government.

The decisions that you make when you are planning a service change need to be recorded, to demonstrate that you have thought about the possible equality impacts on communities and to show openness and transparency in your decision making processes.

This is where Equality and Social Inclusion Impact Assessments (ESIAs) come in. Where you carry out an ESIA in your service area, this provides an opportunity to show:

- What evidence you have drawn upon to help you to recommend a strategy or policy or a course of action to Cabinet;
- What target groups and audiences you have worked with to date;
- What actions you will take in order to mitigate any likely negative impact upon a group or groupings, and enhance any positive effects for a group or groupings; and
- What actions you are planning to review the impact of your planned service change.

The formal template is there not only to help the service area but also to act as a stand alone for a member of the public to read.

The approach helps to identify whether or not any new or significant changes to services, including policies, procedures, functions or projects, may have an adverse impact on a particular group of people, and whether the human rights of individuals may be affected.

This assessment encompasses consideration of social inclusion. This is so that we are thinking as carefully and completely as possible about all Shropshire groups and communities, including people in rural areas and people we may describe as vulnerable, for example due to low income or to safeguarding concerns, as well as people in what are described as the nine 'protected characteristics' of groups of people in our population, eg Age. We demonstrate equal treatment to people who are in these groups and to people who are not, through having what is termed 'due regard' to their needs and views when developing and implementing policy and strategy and when commissioning, procuring, arranging or delivering services.

When you are not carrying out an ESIIA, you still need to demonstrate that you have considered equality in your decision-making processes. It is up to you what format you choose.-You could use a checklist, an explanatory note, or a document setting out our expectations of standards of behaviour, for contractors to read and sign. It may well not be something that is in the public domain like an ESIIA, but you should still be ready for it to be made available.

Both the approaches sit with a manager, and the manager has to make the call, and record the decision made on behalf of the Council. Help and guidance is also available via the Commissioning Support Team, either for data, or for policy advice from the Rurality and Equalities Specialist. Here are some examples to get you thinking.

Carry out an ESIIA:

- If you are building or reconfiguring a building;
- If you are planning to reduce or remove a service;
- If you are consulting on a policy or a strategy;
- If you are bringing in a change to a process or procedure that involves other stakeholders and the wider community as well as particular groupings

For example, there may be a planned change to a leisure facility. This gives you the chance to look at things like flexible changing room provision, which will maximise positive impacts for everyone. A specific grouping that would benefit would be people undergoing gender reassignment

Carry out an equality and social inclusion approach:

- If you are setting out how you expect a contractor to behave with regard to equality, where you are commissioning a service or product from them;
- If you are setting out the standards of behaviour we expect from people who work with vulnerable groupings, such as taxi drivers that we license;

- If you are planning consultation and engagement activity, where we need to collect equality data in ways that will be proportionate and non-intrusive as well as meaningful for the purposes of the consultation itself;
- If you are looking at services provided by others that help the community, where we need to demonstrate a community leadership approach.

2. Legal Context

It is a legal requirement for local authorities to assess the equality and human rights impact of changes proposed or made to services. It is up to us as an authority to decide what form our equality impact assessment may take. Carrying out ESIIAs helps us as a public authority to ensure that, as far as possible, we are taking actions to meet the general equality duty placed on us by the Equality Act 2010, and to thus demonstrate that the three equality aims are integral to our decision making processes. These are: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations.

Service areas would ordinarily carry out a screening assessment, or Part One equality impact assessment. This enables energies to be focussed on review and monitoring and ongoing evidence collection about the positive or negative impacts of a service change upon groupings in the community, and for any adjustments to be considered and made accordingly.

If the screening indicates that there are likely to be significant negative impacts for groupings within the community, the service area would need to carry out a full report, or Part Two assessment. This will enable more evidence to be collected that will help the service area to reach an informed opinion. Please contact the equality policy lead within the Council for more advice and guidance in this regard, as per details below.

For further information on the use of ESIIAs: please contact your head of service or contact Mrs Lois Dale, Rurality and Equalities Specialist and Council policy support on equality, via telephone 01743 258528, or email lois.dale@shropshire.gov.uk.

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Statutory Standard	Hackney Carriage and Private Hire Licensing Policy 2019-2023	Officers Response	Action
3.1	This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023 (effective 1 st April 2019)		
3.2	This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Part 1 - Introduction, paragraph 1.1		
3.3	Contents noted		
3.4	Contents noted		
3.5	This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Part 1 - Introduction, paragraph 1.7 which sets out that the Councils will commence a review of the Policy in 2022 with the aim of a revised policy being effective from 1 April 2023. However, it will be the subject of continuous evaluation and, if necessary, formally reviewed at any time.		
3.6	This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Part 2 – Licensing Principles, Process and Delegation, paragraph 2.25 which sets out that the Council will work in partnership when dealing with hackney carriage and private hire licensing issues. Such partnerships to include, but are not restricted to, relevant hackney carriage and private hire trade associations, Telford & Wrekin Council, Wolverhampton City Council and other local authorities, West Mercia Police, Driver and Vehicle Standards Agency (DVSA), the Home Office, UK Border Agency, Her Majesty's Revenue and Customs (HMRC), Revenues and Benefits teams, disability groups and consumer groups.	Officers are keen to continue to foster relationship with local policing teams. However, it is recognised that the powers under Common Law Police Disclosure are interpreted differently by local police forces and licensing authorities	Full review of paragraph 2.25, engaging with the police forces and other relevant agencies, as part of the review of the Policy in 2022
3.7	This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Part 3a – Hackney Carriage and Private Hire Drivers, paragraph 3a.22 and Part 3f – Private Hire Operators, specifically paragraph 3f.20		

3.8	Shropshire Council is committed to the highest possible standards of openness, honesty, integrity and accountability and provides a whistleblowing policy to ensure that staff are aware of how they can report concerns	Officers take every opportunity to remind all staff that Whistleblowing Policy applies to all procedures. Shropshire Councils Audit Team are responsible for the policy document and issuing a corporate reminder	
3.9	Contents noted		
3.10	Shropshire Council is committed to the highest possible standards of openness, honesty, integrity and accountability and provides a whistleblowing policy to ensure that staff are aware of how they can report concerns	Officers take every opportunity to remind all staff that Whistleblowing Policy applies to all procedures. Shropshire Councils Audit Team are responsible for the policy document and issuing a corporate reminder	
3.11	Contents noted		
3.12	This standard is partially satisfied through the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Part 5 – Consultations, which sets out who was invited to put forward comments during the consultation period for the existing Policy	Officers are committed to identifying a wider range of consultees	The list of consultees will be expanded for future consultation to include the wider trade not associated with taxis/private hire and transport, included but not limited to Local Business Board, LEP, BID, Chamber of Commerce, Federation of Small Businesses, Campaign for Better Transport, Bus Companies, night-time economy groups etc
3.13	This standard is partially satisfied through the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Part 5 – Consultations, which sets out that the Council invited comments from the Neighbourhood		For future consultations consultees will be expanded to all

	Authority Working Group (which includes Telford & Wrekin Council and City of Wolverhampton Council) and the Regional Taxi Licensing Forum		neighbouring authorities. Further scoping will be undertaken to identify the need for councillor liaison meetings prior to consulting on the revised policy. Use of technology will be considered to deliver consultation meetings due to geographical areas.
3.14	This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019 -2023. Transitional arrangements are included to allow time for the trade to make the necessary decisions to remain compliant with the Policy. For example, a two-year provision was included in the current Policy to allow hackney carriage proprietors licenced prior to 1 st April 2019 to make a business decision and change their vehicle to meet the requirements for all hackney carriage vehicles to be wheelchair accessible from 1 st April 2021, Part 3b – Hackney Carriages, paragraph 3.10	Transitional arrangements are always considered when a change of policy is made and is widely consulted on with trade representatives Officers note that consideration needs to be given to the resources that are available, e.g. who makes the decision – panel/committee, officer time writing reports and completing application reviews	Further clarity will be provided in Appendix I as to how an amendment to Policy may affect an existing hackney carriage/private hire driver, vehicle proprietor or private hire operator
3.15	This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Part 2 – Licensing Principles, Process and Delegation, paragraph 2.7 and Appendix I, paragraph 1.7		Further clarity will be provided in Appendix I as to how an amendment to Policy may affect an existing hackney carriage/private hire driver, vehicle proprietor or private hire operator
4.1	This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023,		

	specifically Part 3a - Hackney Carriage and Private Hire Drivers, specifically paragraphs 3a.4 – 3a.10		
4.2	Comments noted		
4.3	Comments noted		
4.4	This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Part 3a - Hackney Carriage and Private Hire Drivers, paragraph 3a.11 which sets out that all hackney carriage and private hire vehicle drivers are required to undertake an enhanced criminal record disclosure (DBS check). This includes a barred lists check.		
4.5	This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Part 3 – Licensable Activities, paragraphs 3.6-3.7. It is a requirement of the Policy that new and renewal applicants must subscribe to the DBS Update Service within 30 calendar days of the DBS being issued	Officers note that by 31 st March 2023 all licensed drivers will be subscribed to the DBS Update Service	
4.6	Comments noted		
4.7	Not currently undertaken	Officers intend to include the requirement for this in the reviewed policy.	Scoping exercise is to be undertaken to understand the resource implications and what processes are required to enable this to be completed This will form part of the review of the Policy in 2022
4.8	This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Part 3 – Licensable Activities, paragraph 3.8		
4.9	Comments noted		
4.10	Comments noted		
4.11	This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023,	Officers are keen to continue to foster relationship with local	Full review of paragraph 2.25, engaging with the

	specifically Part 2 – Licensing Principles, Process and Delegation, paragraph 2.25 which sets out that the Council will work in partnership when dealing with hackney carriage and private hire licensing issues, ‘Such partnerships to include, but are not restricted to ...West Mercia Police...’.	policing teams. However, it is recognised that the powers under Common Law Police Disclosure are interpreted differently by local police forces and licensing authorities	police forces, as part of the review of the Policy in 2022
4.12	The Hackney Carriage and Private Hire Licensing Policy 2019-2023, provides for all licence holders to notify the Licensing Team within 72 hours of all warnings, driving endorsements (driving convictions)/disqualification periods relating to traffic offences, fixed penalties, penalty charge notices, community resolutions and any other similar sanctions, together with any charges or arrests that they are the subject of in connection with criminal offences, whether or not actually charged with the offence, and details of any allegations of involvement in criminal activity or where they have been questioned in connection with any alleged criminal activity or inappropriate/unacceptable behaviour or any other relevant pending matter. 72 hours was deemed appropriate to allow for arrests etc over a weekend/Bank Holiday		To be made to Policy for Appendix I, para 1.24 and conditions of licence
4.13	This standard is partially satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Part 3 – Licensable Activities, paragraph 3.1 which sets out that where an applicant has failed to declare relevant information or provided false information (e.g. failure to declare convictions including where the Council has brought the prosecution or is likely to be aware of the conviction through other means, giving false names or addresses, providing falsified references or failing to disclose in full the information requested by the Council), the application is likely to be refused; where this relates to an existing licence, the licence is likely to be revoked.	Details are included in the decision letters and also within the witness statements compiled during or an appeal process	Review of the Policy in 2022 to include amendments to Appendix I to include additional wording under 1.14 and amendment Part 3.1 to include within the life of the licence.
4.14	Where it is considered appropriate, the Council ensures that a referral is made to the DBS. Referrals of this nature are currently undertaken, however, this is not captured in the Policy.		Amendment to be made to Policy as part of the review in 2022, to

			include referrals to the DBS
4.15	Where it is considered appropriate, the Council ensures that a referral is made to the DBS. Referrals of this nature are currently undertake, however, this is not captured in the Policy.		Amendment to be made to Policy as part of the review in 2022, to include referrals to the DBS
4.16	Comments noted		
		Officers are keen to continue to foster relationship with local policing teams and improve communication	Full review of paragraph 2.25, engaging with the police forces, as part of the review of the Policy in 2022
4.17	This is not captured in the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023	Officers are keen to continue to foster relationship with local policing teams and improve communication	Further liaison with the Policing authorities to improve the flow of information, taking into consideration the different police forces that border the administrative area of Shropshire Council Outcome to be considered as part of the review of the Policy in 2022
4.18	Comments noted		
4.19	This is partially satisfied through the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Appendix A, paragraph 1.3 which provides that information can be shared with the police in order to protect children, young people and adults with care and support needs from harm.	Officers are keen to continue to foster relationship with local policing teams and improve communication	Further liaison with the Policing authorities to improve the flow of information, taking into consideration the different police forces that border the

			administrative area of Shropshire Council Outcome to be considered as part of the review of the Policy in 2022
4.20	This standard is satisfied though the application forms that new and renewal applicants must complete to apply for a licence		
4.21	This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Part 2 – Licensing Principles, Process and Delegation, paragraphs 2.17- 2.22	Officers note that the national register for hackney carriage and private hire licence revocations and refusals (NR3) is currently in partial use by the Council, for searching purposes only and information is not yet being recorded on the register	Officers to undertake necessary action to allow the details of revocations and refusals to be added to NR3
4.22	The reasons behind a licence being refused or revoked is captured in the computer system used to administer the licensing function, with a copy of the decision letters being attached to an individual's licence record		
4.23	Comments noted The information provided in this standard is acknowledged in the Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Part 1 - Introduction, paragraph 1.10		
4.24	This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Part 2 – Licensing Principles, Process and Delegation, paragraph 2.7 and Appendix I, paragraph 1.7		
4.25	This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Part 3 – Licensable Activities, paragraph 3.1. In addition, reference to this is made within decision letters and witness statements	Officers note that Part 3 – Licensable Activities, paragraph 3.1 could be further improved to made reference to during the life of the licence	Paragraph 3.1 to be expanded as part of the review of the Policy in 2022 to include within the life of the licence
4.26	Comments noted		
4.27	Comments noted		

4.28	This standard is partially satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Part 2 – Licensing Principles, Process and Delegation, paragraphs 2.10 and 2.14	The principles of a MASH are definitely supported in the Panel process as engagement occurs with Adult Safeguarding, Childrens Safeguarding and Passenger Transport Teams. The Licensing Safeguarding officer attends a monthly Child Exploitation Panel which includes representatives from childrens safeguarding, the police, schools and colleges safeguarding officers and other relevant professional bodies	Further liaison with the Policing authorities to improve the flow of information, taking into consideration the different police forces that border the administrative area of Shropshire Council Outcome to be considered as part of the review of the Policy in 2022
4.29	The Licensing System provides a robust system for recording complaints	Officers note that the Licensing Team are transitioning to a new systems provider and will be particularly concerned to ensure that a robust system for recording complaints is included	Providing a robust system for recording complaints forms part of the requirements for the new system and will include the ability to extracting data to provide data analysis and trends
4.30	This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Appendix I which sets out that where concerns are raised a licence will be reviewed	Officers note that the Licensing Team are transitioning to a new systems provider and are particularly concerned to ensure that the new system can extracting data to provide data analysis and trends which shows licensees with a high number of complaints recorded against them	Providing a robust system for recording complaints forms part of the requirements for the new system and will include the ability to extracting data to provide data analysis and trends
4.31	This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Part 4.	Officers have identified that further improvements can be made by the development of a webpage which provides information on how to	Webpage to be created for customers to know how to report

	<p>This standard is further satisfied though the conditions attached to hackney carriage and private hire vehicles which state that vehicle proprietors must display the Council issued sign which provides contact details for reporting complaints/compliments to the Council.</p> <p>This standard is further satisfied through the conditions attached to a private hire operators licence which requires operators to provide the outcome of the complaint to the Council.</p>	report compliments, comments or complaints	compliments, comments or complaints. Part 4 of the Policy to be amended as part of the review of the Policy in 2022 to reference how to report compliments, comments or complaints
4.32	<p>This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Part 4.</p> <p>This standard is satisfied though the conditions attached to hackney carriage and private hire vehicles which state that vehicle proprietors must display the Council issued sign which provides contact details for reporting complaints/compliments to the Council. Vehicles are inspected for compliance at regular intervals</p>	Officers have identified that further improvements can be made by the development of a webpage which provides information on how to report compliments, comments or complaints	Webpage to be created for customers to know how to report compliments, comments or complaints. Part 4 of the Policy to be amended as part of the review of the Policy in 2022 to reference how to report compliments, comments or complaints
4.33	Comments noted		
4.34	This standard is partially satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Part 3a - Hackney Carriage and Private Hire Drivers, paragraph 3a.16 and the conditions attached to a hackney carriage/private hire drivers licence, condition 1.10	It is noted that when aligning the Policy to the Statutory Guidance paragraphs must reference that some countries will not provide a Certificate of Good Character unless the individual has been resident for six months or more	To align the Policy requirements to the Statutory Guidance as part of the review of the Policy in 2022
4.35	This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Part 3a - Hackney Carriage and Private Hire Drivers, paragraph 3a.15 – 3a.16 and the conditions attached to a hackney carriage/private hire drivers licence, condition 1.10		
4.36	This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023,		

	specifically Part 3a - Hackney Carriage and Private Hire Drivers, paragraph 3a.15. In addition, where an applicant is to be referred to the Councils Licensing Panel they are encouraged to seek their own legal advice.		
5.1	Comments noted		
5.2	Comments noted	The Licensing Team are in the process of digital transformation designed to channel shift the customers from a largely paper and email based system to self-service, which it is anticipated will release staff allowing for them to discharge the function effectively and correctly.	Review the resources to ensure there is adequate provision
5.3	Committee Services maintains a list of Members who have been trained	Officers will ensure that the recommendations listed in Statutory Standards are incorporated in the training package	Revision of the training package to be delivered to members, based on recommendations in statutory standards Consideration to be given to providing refresher training immediately before a committee meeting
5.4	This standard is satisfied through the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023 specifically Part 1 – Introduction, paragraph 1.10 and Part 2, Licensing Principles, Process and Delegation, paragraph 2013 and through the Councils Constitution, specifically Part 4 Council Procedure Rules and Part 8 – Delegation to Officers	Officers have identified that further clarity could be provided by direct reference to the Councils Constitution within the Policy document	Further clarification, to include direct links to the relevant sections of the Councils Constitution, will be included as part of the review of the Policy in 2022
5.5	This standard is satisfied through the Members Code of Conduct and the Councils Employees Code of Conduct		
5.6	This standard is satisfied through Councils Constitution, specifically Part 4 Council Procedure Rules and Part 8 –	Officers have identified that further clarity could be provided by direct	Further extend Part 2 of Policy to include direct

	Delegation to Officers, which provides for cases to be referred to Licensing Panel, Delegated Officer or to Licensing & Safety Sub-committee	reference to the Councils Constitution within the Policy document	links to the relevant sections of the Councils Constitution as part of the review of the Policy in 2022
5.7	Comments noted		
5.8	Comments noted		
5.9	Comments noted		
5.10	This standard is satisfied though Councils Constitution, specifically Part 4 Council Procedure Rules and Part 8 – Delegation to Officers, which provides for cases to be referred to Licensing Panel, Delegated Officer or to Licensing & Safety Sub-committee	Officers have identified that further clarity could be provided by direct reference to the Councils Constitution within the Policy document	Further extend Part 2 of Policy to include direct links to the relevant sections of the Councils Constitution as part of the review of the Policy in 2022
5.11	This standard is satisfied though Councils Constitution, specifically Part 8 – Delegations to Officers which provides that immediate revocations are delegated to Operations Manager with responsibility for the Licensing Function		
5.12	This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Appendix I, paragraph 1.27		
5.13	This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Appendix I, paragraph 1.30		
5.14	This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Part 2 – Licensing Principles, Process and Delegation, paragraph 2.13		
5.15	This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Appendix I, paragraph 1.38		
5.16	This standard is partially satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Appendix I - Guidance to Determining the	Officers have compared the information contained within this Annex against the requirements of Appendix I of the Hackney	

Suitability of Applicants including the Relevance of Criminal Convictions and Cautions

Carriage and Private Hire Licensing Policy 2019-2023. The results of the comparison can be seen at Table 1 below

Officers consider that statutory guidance that focuses solely on the assessment of previous convictions in the manner currently set out in the Statutory Standards is not necessarily sufficient for the reasons set out below.

Experience has shown that including lists of offences, even where it is stated that they are non-exhaustive, leads to additional work to justify any decision made when it relates to an offence which is not on the list. There will always be a risk that an offence is relevant but is not on the list.

Further, the nature of the risk is such that any guidance must ensure the assessment is not only about considering convictions. Whilst clearly convictions are important, experience has demonstrated that non-conviction information is very often more relevant, particularly when trying to deal with safeguarding concerns.

There is a serious risk that the current approach in the Statutory

		Standards will assist drivers (and those who defend them) to gain and retain licences when they have exhibited totally unacceptable behaviours, which will undermine the high level of safeguarding steps that are currently already being undertaken by some local authorities.	
5.17	This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Appendix I, paragraphs 1.34 -1.40		
6.1	Comments noted		
6.2	This standard is satisfied when completing a DBS application. In addition, this standard is partially satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Part 3 – Licensable Activities, paragraph 3.9. It is a requirement of the Policy that all drivers will be subscribed to the Update Service by 31 st March 2022 by which point all drivers will be under the conditions as stated in the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023	Officers note that the recommendation is for routine checks every six months and will include the requirement in the Policy work going forward.	Scoping exercise is to be undertaken to understand the resource implications around the Update Service and checking for new information every six months and what processes are required to enable this to be completed. This will form part of the review of the Policy in 2022
6.3	This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Appendix I, paragraphs 1.38-1.39		
6.4	This standard is partially satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Part 3 – Licensable Activities, paragraphs 3.10	Officers note the further clarity is required in the policy for private hire operators	Reference to the requirements of 6.4 of the statutory standards to be added to the private hire operators

			section as part of the review of the Policy in 2022
6.5	Comments noted This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Appendix A - Safeguarding of children, young people and adults with care and support needs		
6.6	This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Appendix A - Safeguarding of children, young people and adults with care and support needs which provides general advice and information. However, this standard is further satisfied in the Policy, part 3a - Hackney Carriage and Private Hire Drivers, paragraph 3a.40, which provides that applicants must complete the Council's hackney carriage and private hire drivers and operators safeguarding awareness course on Raising Awareness of Safeguarding Children and Adults with Care and Support Needs		
6.7	Comments noted		
6.8	Comments noted		
6.9	Comments noted		
6.10	Comments noted		
6.11	This standard is satisfied though the Councils safeguarding awareness course on Raising Awareness of Safeguarding Children and Adults with Care and Support Needs		
6.12	Comments noted		
6.13	This standard is satisfied though the Councils safeguarding awareness course on Raising Awareness of Safeguarding Children and Adults with Care and Support Needs and in the handouts that accompany the course		
6.14	Comments noted		
6.15	This standard is satisfied by way of appointments to complete a DBS and the requirement for applicants to complete a knowledge test	Officers note that the provision for completing a DBS application and completing a knowledge test is	Provision will be included within the digital transformation project to cover both

		currently being digitally transformed	oral and written English skills
7.1	Comments noted		
7.2	This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Part 3, paragraphs 3b.15, 3c.8, 3d.11 and 3e.8 and in Appendix I - Guidance to Determining the Suitability of Applicants including the Relevance of Criminal Convictions and Cautions, paragraph 1.28		
7.3	This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Part 3, paragraphs 3b.14, 3c.7, 3d.10 and 3e.7, which provides for existing drivers who are also proprietors		
7.4	This is not included within the current Policy	Officers note that only convictions that would be revealed on a basic disclosure can be taken into consideration in relation to a proprietors application	Clarity to be provided between those convictions provided in an Enhanced DBS and those revealed in Basic Disclosure and which can be taken into consideration in relation to a vehicle proprietors licence as part of the review of the Policy in 2022
7.5	This standard is partially satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Part 3, paragraphs 3b.48, 3b.67, 3c.42, 3c.61, 3d.50, 3d.68, 3e.47 and 3e.66	Officers note that the current Policy does not provide for notification of any change of directors or partners	Amendment to vehicle proprietors conditions of licence as part of the review of the Policy in 2022 to include a condition across all vehicle licences to include a requirement to notify the Licensing Team of any change of

			directors, company secretary or partners
7.6	Comments noted		
7.7	Comments noted		
7.8	Comments noted		
7.9	Shropshire Council consulted on the use of CCTV in licensed vehicles as part of the Hackney Carriage and Private hire Licensing Policy review in 2018/2019. Information received from West Mercia Police did not indicate a positive or negative effect on the safety of taxi and private hire users. As a result, the Hackney Carriage and Private Hire Licensing Policy 2019-2023 encourages proprietors of licensed vehicles to install CCTV providing such systems are installed in accordance with the appropriate legal framework and the Council has been notified, in writing, of their intention to do so		As part of the review of the Policy in 2022 further consideration will be given to the requirement to install CCTV into a licensed vehicle
7.10	Comments noted		
7.11	Comments noted		
7.12	Comments noted		
7.13	Comments noted		
7.14	This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Part 3e – Novelty Private Hire Vehicles including Limousines and Vintage Vehicles		
7.15	This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Part 3e – Novelty Private Hire Vehicles including Limousines and Vintage Vehicles		
8.1	Comment noted		
8.2	This standard is partially satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Part 3f, paragraph 3f.5, which provides for a basic disclosure to be provided for new applicants or as part of the renewal process and in Appendix I - Guidance to Determining the Suitability of Applicants including the Relevance of Criminal Convictions and Cautions, paragraph 1.29	Officers note that the current Policy does not provide for a check to be undertaken annually on a basic disclosure from a private hire operator	Amendment to private hire operators conditions of licence as part of the review of the Policy in 2022 to include a requirement to provide basic disclosure annually

8.3	This standard is partially satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Part 3f, paragraph 3f.4, which provides for existing drivers who are also private hire operators	Officers note that further clarity is required in the Policy for when a driver ceases to hold a hackney carriage/private hire drivers licence	Amendment to private hire operators conditions of licence as part of the review of the Policy in 2022, to include a requirement to provide a basic certificate should an individual cease to hold a hackney carriage/private hire drivers licence
8.4	This is not included within the current Policy	Officers note that only convictions that would be revealed on a basic disclosure can be taken into consideration in relation to a private hire operators application	Clarity to be provided between those convictions provided in an Enhanced DBS and those revealed in Basic Disclosure and which can be taken into consideration in relation to a private hire operators licence as part of the review of the Policy in 2022
8.5	This standard is partially satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Part 3f, paragraph 3f.2 and 3f.3, which provides all applicants to demonstrate that they are a fit and proper person to hold a private hire operators licence in Appendix I - Guidance to Determining the Suitability of Applicants including the Relevance of Criminal Convictions and Cautions, which sets out the Councils definition of a fit and proper person, paragraphs 1.13 and 1.14	Officers note that the current Policy does not provide for notification of any change of directors or partners	Amendment to private hire operators conditions of licence as part of the review of the Policy in 2022 to include a requirement to notify the Licensing Team of any change of directors, company secretary or partners
8.6	Comments noted		
8.7	Comments noted		

8.8	This standard is partially satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Appendix G – Private Hire Operators Conditions of Licence, conditions 1.7 – 1.16	Officers note that the Policy does not refer to a register of all staff as per the requirements of 8.8 of the Statutory Standards	Amendment to private hire operators conditions of licence as part of the review of the Policy in 2022 to include a requirement to maintain a register of all staff that will take bookings or dispatch vehicles
8.9	This standard is partially satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Appendix G – Private Hire Operators Conditions of Licence, conditions 1.7 – 1.16	Officers note that the current policy does not require private hire operators to have a policy on employing ex-offenders	Amendment to private hire operators conditions of licence as part of the review of the Policy in 2022 to include a requirement for private hire operators to have a policy for employing ex-offenders
8.10	This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Appendix G – Private Hire Operators Conditions of Licence, condition 1.10		
8.11	This is not included within the current Policy	It is assumed that this standard relates to sub-contracting of booking	Amendment to private hire operators conditions of licence as part of the review of the Policy in 2022 to include the wording from the statutory standards
8.12	This standard is partially satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Appendix G – Private Hire Operators Conditions of Licence, condition 1.8	Officers note that the current policy does not require private hire operators to have a policy on employing ex-offenders	Amendment to private hire operators conditions of licence as part of the review of the Policy in 2022 to include a requirement for private

			hire operators to have a policy for employing ex-offenders and how this policy is applied to persons on the register of all staff that will take bookings or dispatch vehicles
8.13	This standard is partially satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Appendix G – Private Hire Operators Conditions of Licence, conditions 1.35 – 1.37	Officers note that the current policy does not require a record to be retained of the individual that responded to the booking request or the name of the individual that dispatched the vehicle. However, it is noted that the vehicle may not be dispatched by individual and may be automated through website/app.	Amendment to private hire operators conditions of licence as part of the review of the Policy in 2022 to include name of person responding to booking request and name of individual that dispatched the vehicle.
8.14	This standard is satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Appendix G – Private Hire Operators Conditions of Licence, conditions 1.44		
8.15	Comments noted		
8.16	This standard is not reflected in current Policy	Officers have identified recent cases where PSV vehicles have been used to fulfil private hire bookings and have worked with the DVSA to resolved Licensing concerns. Therefore, officers are fully in support of the inclusion of proposed condition in the Policy.	Operators section to be amended as part of the review of the Policy in 2022 to include a condition stating not permitted to use a PCV driver or a PSV vehicle as per the requirements in the Statutory Standards
8.17	This standard is not reflected in current Policy	Officers have identified recent cases where PSV vehicles have been used to fulfil private hire	Operators section to be amended as part of the review of the Policy in

		bookings and have worked with the DVSA to resolved Licensing concerns. Therefore, officers are fully in support of the inclusion of proposed condition in the Policy.	2022 to include a condition stating not permitted to use a PCV driver or a PSV vehicle as per the requirements in the Statutory Standards In addition, information to be included on the Councils website about the PSV licensing regime.
9.1	Comment noted		
9.2		Practical process of joint authorisations – different conditions/standards	Further scoping for the desire for joint authorisations with neighbouring authorities to be undertaken as part of the Policy review in 2022
9.3	This standard is partially satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023	Officers note that a points-based system is not currently in force, however, breaches are dealt with by the Licensing Panel process and, therefore, does not increased the burden on Committees	
9.4	This standard is partially satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Appendix C, condition 1.16, Appendix D, condition 1.19, Appendix E, condition 1.16 and Appendix F, condition 1.16 which provides that licensed vehicles will clearly display and maintain inside the vehicle, in such a position as to be clearly visible to passengers inside the vehicle at all times, contact details for reporting complaints/compliments to the Council	Officers have identified that further improvements can be made by the development of a webpage which provides information on how to report compliments, comments or complaints	Webpage to be created for customers to know how to report compliments, comments or complaints. Part 4 of the Policy to be amended as part of the review of the Policy in 2022 to reference how

			to report compliments, comments or complaints
9.5	Comments noted		
9.6	This standard is partially satisfied though the Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023, specifically Part 3a, paragraph 3a.17	Officers note that the current Policy does not provide for licence holders who have been served an immigration penalty during the life of their licence	Amendment to be made to Appendix I as part of the review of the Policy in 2022 to include the information contained within Statutory Standard
9.7	Comments noted		
9.8	Comments noted		
9.9	Comments noted		
9.10	Comments noted		
Annex – Assessment of Previous Convictions	This Annex is partially satisfied as the Policy provides guidance at Appendix I - Guidance to Determining the Suitability of Applicants including the Relevance of Criminal Convictions and Cautions, which sets out the Councils position when considering convictions and cautions	Officers have compared the information contained within this Annex against the requirements of Appendix I of the Hackney Carriage and Private Hire Licensing Policy 2019-2023. The results of the comparison can be seen at Table 1 below	
Annex – Disclosure and Barring Service Information	This Annex is satisfied as the Policy provides that applicants for a hackney carriage/private hire drivers licence are subject to an enhanced DBS (including barred list check) and applicants for a vehicle proprietors licence or a private hire operators licence, where they are not an existing hackney carriage/private hire driver, are subject to a basic disclosure	Officers have identified that further improvements can be made by including reference to the chart within the Policy document	Amendment to be made as part of the review of the Policy in 2022 to reference the chart and provide more clarity on what information is included within a DBS check within the Policy document
Annex – CCTV Guidance	This Annex is partially satisfied as the Policy provides that any CCTV installed within a licensed vehicle or within a private hire operators premises must be installed in accordance with the appropriate legal framework	Officers have identified that further improvements can be made by including guidance within the Policy document	As part of the review of the Policy in 2022 further consideration will be given to the requirement to install

			CCTV into a licensed vehicle and to provide further guidance within the Policy as per the guidance provided in this Annex
Annex – Staying Safe: Guidance for Passengers	This Annex is partially satisfied by the information provided on the Councils website	Officers have identified that further improvements can be made on the Councils website to provide guidance for passengers on staying safe	Webpage to be updated to provide guidance for members of the public on how to stay safe when travelling in licensed vehicles

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Table 1:

Conviction	Statutory Standard	Shropshire Council Policy
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.	Unless significant and exceptional circumstances apply, the Council will not grant a licence to an applicant who has been convicted of or connected with an offence resulting in death of another person
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.	Unless significant and exceptional circumstances apply, the Council will not grant a licence to an applicant who has been convicted of or connected with any crime involving or 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, this includes but is not restricted to slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse.

Offences including violence against the person	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.	Unless significant and exceptional circumstances apply, the Council will not grant a licence to an applicant who has been convicted of or connected with violent offences
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.	A person with a conviction for an offence need not be automatically barred from obtaining a licence. However, they would be expected to remain free of conviction for an appropriate period of time as set out in Appendix I, Tables A and B of the Hackney Carriage and Private Hire Licensing Policy 2019-2023, and demonstrate adequate evidence that they are a fit and proper person to hold a licence.
Sexual offences	Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. 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.	Unless significant and exceptional circumstances apply, the Council will not grant a licence to an applicant who has been convicted of or connected with illegal sexual activity or any form of indecency 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
Dishonesty	Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.	A person with a conviction for an offence need not be automatically barred from obtaining a licence. However, they would be expected to remain free of conviction for an appropriate period of time as set out in Appendix I, Tables A and B of the Hackney Carriage and Private Hire Licensing Policy 2019-2023, and demonstrate adequate evidence that they are a fit and proper person to hold a licence.
Drugs	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	A person with a conviction for an offence need not be automatically barred from obtaining a licence. However, they would be expected to

	<p>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 demonstrate that they are not using controlled drugs.</p>	<p>remain free of conviction for an appropriate period of time as set out in Appendix I, Tables A and B of the Hackney Carriage and Private Hire Licensing Policy 2019-2023, and demonstrate adequate evidence that they are a fit and proper person to hold a licence.</p>
Discrimination	<p>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>A person with a conviction for an offence need not be automatically barred from obtaining a licence. However, they would be expected to remain free of conviction for an appropriate period of time as set out in Appendix I, Tables A and B of the Hackney Carriage and Private Hire Licensing Policy 2019-2023, and demonstrate adequate evidence that they are a fit and proper person to hold a licence.</p>
Motoring convictions	<p>Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. 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. 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.</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</p>	<p>A person with a conviction for an offence need not be automatically barred from obtaining a licence. However, they would be expected to remain free of conviction for an appropriate period of time as set out in Appendix I, Tables A and B of the Hackney Carriage and Private Hire Licensing Policy 2019-2023, and demonstrate adequate evidence that they are a fit and proper person to hold a licence.</p>

	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.	
Drink driving/driving under the influence of drugs	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.	A person with a conviction for an offence need not be automatically barred from obtaining a licence. However, they would be expected to remain free of conviction for an appropriate period of time as set out in Appendix I, Tables A and B of the Hackney Carriage and Private Hire Licensing Policy 2019-2023, and demonstrate adequate evidence that they are a fit and proper person to hold a licence.
Using a hand-held device whilst driving	Where an applicant has a conviction for using a held-hand mobile 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.	A person with a conviction for an offence need not be automatically barred from obtaining a licence. However, they would be expected to remain free of conviction for an appropriate period of time as set out in Appendix I, Tables A and B of the Hackney Carriage and Private Hire Licensing Policy 2019-2023, and demonstrate adequate evidence that they are a fit and proper person to hold a licence.

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Committee and Date
Strategic Licensing Committee
9th July 2021

Item

Public

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020

Responsible Officer Mandy Beever, Transactional and Licensing Team Manager
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1. Summary

- 1.1** The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 ('the Regulations') prohibit the use of land as a residential mobile home site unless the local authority is satisfied that the owner or manager of the site is a fit and proper person to manage the site. The purpose of the fit and proper person test is to improve the standards of residential mobile home site management.
- 1.2** Local authorities in England had until the 1 July 2021 to prepare to receive applications for the fit and proper person register, this involved establishing the processes for receiving applications, making and issuing decisions and developing the register itself. Existing owners of affected sites have from the 1 July 2021 until 1 October 2021 to make their application.
- 1.3** This report sets out the process which has been developed to set up the register in the short term and proposals for how it will be managed going forward. It was not possible to bring the short-term process before Strategic Licensing Committee prior to it being implemented because of the election period followed by the original first meeting being re-arranged from June.

2. Recommendations

- 2.1** That Committee acknowledge and retrospectively agree the short-term process for establishing the register and managing it in the early stages between 1 July 2021 and 1 October 2021, and thereafter on an interim basis until 30 June 2022.
- 2.2** That Committee agree the preparation of a Fit and Proper Person Determination Policy and a Fit and Proper Person Fees Policy, both of which will be brought back to Committee for further consideration prior to a formal period of consultation within an appropriate timescale that will ensure both policies are fully implemented by 30 June 2022.

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1 The implementation of the Regulations and being in a position to accept and determine applications from 1 July 2021 is a legal duty placed upon Shropshire Council.
- 3.2 If the Council fails to implement the Regulations, it may be challenged when exercising its functions under the Regulations and the Mobile Homes Act 2013 through several routes, e.g. service complaints to the Local Government and Social Care Ombudsman and judicial review. Conversely, by implementing the requirements of the Regulations, the Council is complying with its legal obligation.
- 3.3 An Equality and Social Inclusion Impact Assessment (ESIIA) has not been completed; this is primarily because the Council is simply implementing the law and nothing further at this stage. It is proposed that an ESIIA will be undertaken alongside the development of the determination and fees policies, because these are the potential areas where risks may exist in relation to equality and social inclusion.
- 3.4 There is no anticipated environmental or climate change impacts associated with the recommendations in this report.
- 3.5 The recommendation is not at variance with the Human Rights Act 1998 and is unlikely to result in any adverse Human Rights Act implications.

4. Financial Implications

- 4.1 There are no direct financial implications associated with the recommendations in this report.

5. Background

- 5.1 Section 8 of the Mobile Homes Act 2013 ('the Act') introduced a power for the Secretary of State to create a requirement for residential caravan sites (referred to as relevant protected sites in the Act) in England to be managed by a fit and proper person. In 2017 the Government reviewed the Mobile Homes Act 2013 and the review concluded that more needed to be done to protect the interests of those living on residential caravan sites. One of the outcomes of the review was to introduce the previously not enacted fit and proper test, subject to a technical consultation.
- 5.2 Between 25 July 2019 and 17 September 2019 the technical consultation on the fit and proper person test gathered information from stakeholders to ensure the test would cover the required elements and target and remove the worst offenders in terms of poor site management without unduly burdening responsible owners.
- 5.3 Following the end of the consultation the Regulations were developed and came into force on the 23 September 2020. They allowed local authorities until 1 July

2021 to prepare their processes and get ready to receive applications, which must be made by all existing residential site owners between 1 July 2021 and 1 October 2021. The only exceptions to the Regulations are non-commercial family-occupied sites.

- 5.4** Those applying to be on the register of fit and proper persons must show that they are able to secure the proper management of the site; demonstrating amongst others things a history of compliance with the site licence, a good history of maintenance of the site, that they have a sufficient level of competence to manage the site and that they have not been convicted of a number of offences the Regulations deem relevant.
- 5.5** Following a successful application a person may be added to the fit and proper register for a period the Council deems appropriate, but for no longer than five years. The Council may also decide to include a person on the register subject to conditions if it would only be satisfied that the relevant person would meet the fit and proper requirement if the condition(s) were complied with.
- 5.6** Owing to the significant and still very present pressure that COVID-19 has put on the Council as a whole and on the Licensing Team in a manner which has taken a large percentage of the team's capacity, there has been neither the time nor resource to consider the Regulations with the usual rigor that would be employed. As such, the position from the 1 July 2021 will be a starting point, whereby the legal requirements of the Regulations will be met insofar as the Council will be in a position to receive and process applications. From here the intention is to develop a determination and fees policy which has had the benefit of the service's full attention. This is particularly important because of the discretionary nature of some elements of the Regulations, such as the attaching of conditions. Providing a defined framework which clearly sets out to all stakeholders how the Council intends to exercise its functions, and the costs associated with that, is crucial.
- 5.7** Whilst it would have been preferable to be in a position to implement a determination and fees policy from 1 July 2021, circumstances have prevented the necessary work to do this from being undertaken. There is, however, a clear benefit in the proposed approach in that the policies will be informed by an interim period of between six and nine months, during which it will be possible to determine exactly what is required to accept and process applications and to manage the register. Ultimately the determination and fees policies that result will be better informed and more accurate in terms of the associated cost and, therefore, the fees charged.
- 5.8** Between 1 July 2021 and 1 October 2021, applications for currently licensed sites will be accepted and processed with no charge and all successful applicants will be placed on the register for a 12-month period. When these owners renew their registration in 12 months' time, the determination and fees policies will be in place. New residential caravan site developments are uncommon and, therefore, applications to place new persons on the register, after the applications from current sites, are unlikely. Nevertheless, in the event that this occurs, applications will be processed with no charge and successful applicants will be placed on the register for an interim period up to 30 June 2022. At the point of registration renewal, the determination and fees policies will be in place and will allow renewals to be considered against the agreed policy requirements and charged the relevant fee.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020

<https://www.legislation.gov.uk/uksi/2020/1034/contents/made>

Mobile homes: a guide for local authorities on the fit and proper person test

<https://www.gov.uk/government/publications/mobile-homes-fit-and-proper-person-test-guidance-for-local-authorities/mobile-homes-a-guide-for-local-authorities-on-the-fit-and-proper-person-test>

Cabinet Member (Portfolio Holder)

Councillor Dean Carroll - Portfolio Holder for Adult Social Care, Public Health and Assets

Local Member

County wide application

Appendices

- a) A licence has been requested and there have been no objections raised by interested parties or Responsible Authorities.
 - b) The application has met the Council's policy criteria for accepting an application.
 - c) There are vehicle applications for new or renewal licenses and refusal, suspension and revocation of licences where the operating criteria as set by the Hackney Carriage and Private Hire Licensing Policy 2019 to 2023 is not met and the officer does not consider there to be any special reason for an exception to be made.
 - d) There are driver's applications for new or renewal licences and refusal, suspension or revocation of licences where the criteria as set by the Hackney Carriage and Private Hire Licensing Policy 2019 to 2023 is not met and the officer does not consider there to be any special reason for an exception to be made.
 - e) There are Private Hire Operator applications for new or renewal licenses and refusal, suspension and revocation of licences where the operating criteria as set by the Hackney Carriage and Private Hire Licensing Policy 2019 to 2023 is not met and the officer does not consider there to be any special reason for an exception to be made.
- 5.3 The table in Appendix A shows the complete range of licences issued by the licensing team during the period of 1 March 2021 and the 31 May 2021. During this period the total number of licences issued was 983.
- 5.4 The Table in Appendix B shows that there were no Licensing and Safety Sub-Committee Meetings held between the 1 March 2021 and the 31 May 2021.
- 5.5 The Licensing Act activities at Sub Committee have also been given in Appendix C.
- 5.6 The Private Hire Vehicle, Private Hire Operator and Hackney Carriage checks undertaken between the 1 March 2021 and the 31 May 2021, results are provided in Appendix D.
- 5.7 Following the decision at the Strategic Licensing Committee on 18 March 2015, vehicles and driver applications are now being considered by Officers using delegated powers. This includes refusal of new licence applications, refusal to renew existing licences and revocation and suspension of existing licences, in relation to any matter concerning a hackney carriage or a private hire driver's licence or a vehicle licence or any matter concerning a private hire operator's licence.

The number of licences and actions determined by this process is as follows:-

Driver	Granted	Granted and/or Warning Letter, Suspension	Letter Council is 'Minded to refuse' or 'Revoke'	Refuse to Grant	Revoke	To refer to Committee
New						
Renew			2			
Conduct		3	3		3	
Vehicle	Granted	Granted and/or Warning Letter	Letter Council is 'Minded to refuse' or 'Revoke'	Refuse to Grant	Revoke	To refer to Committee
New	1					
Renewal						
Condition	1	2	3			
Operator	Granted	Granted and/or Warning Letter	Letter Council is 'Minded to refuse' or 'Revoke'	Refuse to Grant	Revoke	To refer to Committee
New						
Renewal						
Conduct		2	1			

6. Conclusion

- 6.1 During the period captured in this report the workload for the Licensing team has continued to be high. The Coronavirus Pandemic has resulted in some changes to our processes and additional queries. The team have worked together to answer all the queries and maintain the flow of applications.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder)

Councillor Dean Carroll Portfolio Holder for Adult Social Care, Public Health and Assets

Local Member

Cover all areas of Shropshire

Appendices:

A – Licences issued between 1 March 2021 and the 31 May 2021.

B – Number of Hackney Carriage / Private Hire Vehicle applications considered at the Licensing and Safety Sub-Committees from 1 March 2021 to the 31 May 2021.

C – Hearings held for licensed premises at the Licensing Act Sub-Committees from 1 March 2021 to the 31 May 2021.

D – Private Hire Vehicle and Hackney Carriage checks undertaken between 1 March 2021 to the 31 May 2021

Licences issued – from the 1 March 2021 to the 31 May 2021

General Licensing	Total
Acupuncture Personal	0
Acupuncture Premises	0
Activities Involving Animals Licence	25
Animal Breeding	0
Caravan Sites	1
Cosmetic Piercing Personal	20
Cosmetic Piercing Premises	9
House to House Collection	3
House to House Exemption Order	3
Pet Shops	0
Riding Establishments	0
Scrap Metal Site (new/renewal)	1
Scrap Metal Collector (new/renewal)	0
Sex Establishment Licence	0
Street Collection	30
Street Trading Licence (new/renewal)	11
Tattooing Personal	0
Tattooing Premises	0
Electrolysis	0
Dangerous Wild Animals	1
Zoo	0
Performing Animals	0
Distribution of Free Printed Matter	0
Explosives	0
Pavement Licence	55
Pavement Permit	11
Total Applications General	170

Taxi Licensing	Total
Hackney Carriage N	3
Hackney Carriage R	13
Joint HC/PH Driver N	15
Joint HC/PH Driver R	127
Private Hire Operator N	8
Private Hire Operator R	2
Private Hire Vehicle N	65
Private Hire Vehicle R	115

Hackney Vehicle Transfer	0
Private Hire Vehicle Transfer	39
Private Hire Licensee Transfer	0
Trailer Licence	0
Total Taxi Applications	387

Taxi Licensing (Surrendered)	Total
Private Hire Vehicles	18
Hackney Carriages	3
Total Surrendered Vehicles	21

Licensing Act 2003	Total
Club Certificate with alcohol	1
Personal Alcohol (variation/new)	57
Premises Licence	15
Temp Event Notice no Alcohol	0
Temp Event Notice with Alcohol	81
Minor Variation Application	5
DPS Change/Variation	31
Premises Licence Transfer Application	12
Annual Fee	172
Notification of Interest	0
Premises Licence with Alcohol - Full Variation	5
Premises Licence without Alcohol - Full Variation	0
Total Licensing Act Applications	379

Gambling Act 2005	Total
Bingo Premise Licence	0
Betting Premise Licence (other than track)	0
Licensed Premise Gaming Machine Permit	2
Notification of Intent to have gaming machines	0
Club Machine Permits	0
Occasional Use Licence	0
Adult Gaming Centre	0
Small Society Lotteries	18
Change of Promoter	0
Annual Fee	27
Family Entertainment gaming machine permit	0
Total Gambling Act 2005 Applications	47

Total Applications	983
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Total Surrendered Vehicles	21
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Licensing and Safety Sub-Committee Meetings from 1 March 2021 to the 31 May 2021

Date of Meeting	Scheduled/ Additional	Item	Meeting Venue	Decisions
None				

Licensing Act Sub-Committees.**Hearings held for licensed premises from 1 March 2021 to the 31 May 2021**

Date	Premises	Type of Application	Councillors	Decision	Review Requested by
12 March 2021 (adjourned to 23 March 2021)	Exempt Report	Review of a Premises Licence	Roy Aldcroft Keith Roberts Robert Tindall	Licence Revoked	Police
5 May 2021	Blue Bar, 19 Wyle Cop, Shrewsbury	New Premises Licence	Roy Aldcroft Simon Jones Keith Roberts	Licence Granted with additional conditions	n/a

Private Hire Vehicle, Private Hire Operator and Hackney Carriage checks undertaken between 1 March 2021 to the 31 May 2021

Inspection Date	Total Number of Vehicles Inspected	Advisory Note	No Action Required
28/05/2021	1	0	1
Total	1	0	1