

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

Date: Tuesday, 28 September 2021

**Committee:**  
**Strategic Licensing Committee**

**Date:** Wednesday, 6 October 2021  
**Time:** 10.00 am  
**Venue:** Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,  
Shropshire, SY2 6ND

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

<https://www.shropshire.gov.uk/strategiclicensingcommittee6october2021/>

There will be some access to the meeting room for members of the press and public, but this will be limited for health and safety reasons. If you wish to attend the meeting please email [democracy@shropshire.gov.uk](mailto:democracy@shropshire.gov.uk) to check that a seat will be available for you.

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

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  
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](mailto:tim.ward@shropshire.gov.uk)

# AGENDA

## 1 Apologies

To receive apologies for absence

## 2 Minutes of Previous Meeting (Pages 1 - 4)

To approve the minutes of the previous meeting held n 9 July 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 10.00am on Monday 4 October 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 Gambling Act 2005 – Policy Statement (Pages 5 - 170)

Report of the Transactional and Licensing Team Manager is attached.

Contact: Mandy Beever (01743 251702)

## 6 Licensing Fees and Charges 2021- 2022 (Pages 171 - 222)

Report of the Transactional and Licensing Team Manager is attached.

Contact: Mandy Beever (01743 251702)

## 7 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (Pages 223 - 226)

Report of the Transactional and Licensing Team Manager is attached.

Contact: Mandy Beever (01743 251702)

## 8 Exercise of Delegated Powers (Pages 227 - 234)

Report of the Transactional and Licensing Team Manager is attached.

Contact: Mandy Beever (01743 251702)

## 9 Date of Next Meeting

To note that the next meeting of the Strategic Licensing Committee will be held on Wednesday8 December 2021 at 10.00am

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Strategic Licensing  
Committee

6 October 2021

Item

Public

## **MINUTES OF THE STRATEGIC LICENSING COMMITTEE MEETING HELD ON 9 JULY 2021** **2.00 - 2.40 PM**

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

### **Present**

Councillor Roy Aldcroft (Chairman), Simon Jones (Vice Chairman), Mike Isherwood, Peter Broomhall, Garry Burchett, Nigel Lumby, Pamela Moseley, Kevin Parry, Chris Schofield, Robert Tindall, Dave Tremellen and Ruth Houghton (Substitute) (substitute for Vivienne Parry)

### **5 Apologies**

- 5.1 Apologies were received from Councillors Viv Parry and Alex Wagner
- 5.2 Councillor Ruth Houghton substituted for Councillor Parry

### **6 Minutes of Previous Meetings**

- 6.1 The minutes of the meetings held on 9 December 2020 and 20 May 2021 had been circulated.

#### **RESOLVED:**

That the minutes of the meetings of the Strategic Licencing Committee held on 9 December 2020 and 20 May 2021 be agreed as a true record and signed by the Chairman

### **7 Public Question Time**

- 7.1 There were no public questions.

### **8 Disclosable Pecuniary Interests**

- 8.1 Councillor Ruth Houghton informed the committee that she was the holder of a small lottery licence on behalf of a local charity.

### **9 Appointment to Licensing and Safety Sub-Committee**

- 9.1 The Solicitor reminded the meeting that the Licencing and Safety Sub Committee dealt primarily with taxi licencing matters. She advised that the committee comprised of 5 members who would be appointed until the next council elections

and that the committee was politically balanced. She added that it was usual that the Vice Chair of the Strategic Licensing Committee acted as Chair of the Licensing and Safety Sub Committee

**RESOLVED:**

That Councillors Peter Broomhall Simon Jones, Elliot Lynch, Kevin Pardy and Viv Parry be appointed as members of the Licensing and Safety Sub Committee

That Councillors Garry Burchett, Richard Huffer, Nigel Lumby, Pam Moseley and Chris Schofield be appointed as substitute members of the Licensing and Safety Sub Committee

**10 Consultation on the Gambling Act 2005 Policy Statement 2022 to 2025**

- 10.1 Members received the report of the Transactional and Licensing Team Manager which set out a draft Gambling Act policy statement upon which the Council proposed to consult.
- 10.2 The Transactional and Licensing Team Manager reminded members that the Council had a legal obligation to consult on a Gambling Act Policy every three years and that the current policy was due to expire in January 2022. She advised Members that the Policy had been updated in line with the additional requirements of the Gambling Commission and that all responses to the consultation would be considered and that a final report would be brought back to the committee in October ahead of it being considered by Full Council.
- 10.3 In response to a question the Transactional and Licensing Team Manager confirmed that the Council did consult with charitable organisations which dealt with problem gambling on a regular basis.
- 10.4 In response to a question the Transactional and Licensing Team Manager stated that the majority of the amendments had been driven by the additional requirements of the Gambling Commission.
- 10.5 **RESOLVED:**

That the revised draft Gambling Act Policy Statement set out at Appendix 1 be approved for consultation

**11 Department for Transport – Statutory Taxi and Private Hire Vehicle Standards**

- 11.1 Members received the report of the Transactional and Licensing Team Manager which set out a proposal for the way in which the new Statutory Taxi and Private Hire Vehicle Standards, introduced by the Department for Transport, would be implemented by the Council.
- 11.2 The Transactional and Licensing Team Manager advised Members that it was planned to introduce the Standards into the day to day working processes and that the standards would be publicised on the Council's Licensing webpages and in any relevant correspondence. She added that where there were any anomalies between the Standards and the current Licensing Policy the new standards would

prevail. The Transactional and Licensing Team Manager informed the meeting that it was also proposed that the new standards would be incorporated into the Hackney Carriage and Private Hire Licensing Policy as part of the review of the policy which was due to start in Autumn 2021.

- 11.3 In response to a question the Transactional and Licensing Team Manager confirmed that the new standards would be included on the relevant webpages and that licence holders would also be updated through the regular trade updates that the Licencing Team issued.
- 11.4 In response to a question the Transactional and Licensing Team Manager advised Members that the responsibility for the enforcement of the standards lay with the authority which issued the relevant licence.

11.5 **RESOLVED**

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:

- Publicise the Standards on the Council's licensing webpages and in relevant correspondence
- 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
- Incorporate the Standards within the revision process of the Hackney Carriage and Private Hire Licensing Policy 2023 to 2027

12 **The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020**

- 12.1 Members received the report of the Transactional and Licensing Team Manager which set out the process that had been developed to set up a "Fit and Proper Person" register as required by the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 and proposals for how this would be managed going forward.
- 12.2 The Transactional and Licensing Team Manager advised Members that many Councils were unaware of the regulations until official notification was received which had meant that it had been a rush to develop the processes required. She added that the proposals would have been considered at the meeting of the committee that was scheduled in June but that as that meeting had been postponed and as the process had to be brought into effect on the 1<sup>st</sup> July the request was somewhat retrospective.
- 12.3 The Public Protection Officer (Professional) advised Members that the process had been developed in consultation with the MHCLG and was similar to that being used by other authorities. She then outlined the process that would be followed.

12.4 In response to a question the Public Protection Officer (Professional) advised the meeting that managers of existing sites would need to comply with the requirements listed in paragraph 5.4 of the report and that new applicants would need to show how they would comply with the requirements going forward.

12.5 **RESOLVED:**

- That the 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; and
- 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.

13 **Exercise of Delegated Powers**

13.1 Members received the report of the Transactional and Licensing Team Manager which set out details of work carried out by the licencing team during the period 1 March 2021 to 31 May 2021

13.2 The Transactional and Licensing Team Manager reminded Members that this report was brought to every meeting and that it set out the levels of work of the Licencing Team.

13.3 **RESOLVED**

That members note the position as set out in the report

14 **Date of Next Meeting**

14.1 Members were reminded that the next meeting of the Strategic Licensing Committee would be held on Wednesday, 6 October 2021 at 10.00am

<TRAILER\_SECTION>

Signed ..... (Chairman)

Date:



<u>Committee and Date</u>	<u>Item</u>
Strategic Licensing Committee	
6 October 2021	
	<u>Public</u>

## Gambling Act 2005 – Policy Statement

**Responsible Officer** Mandy Beever – Transactional and Licensing Team Manager

e-mail: mandy.beever@shropshire.gov.uk Tel: 01743 251702

### 1. Summary

- 1.1 The Gambling Act 2005 ('the Act) requires the Council to prepare and publish a statement of the principles (policy statement) that it proposes to apply in exercising its functions under the Act. The policy statement under the Act lasts for a maximum period of 3 years but can be reviewed and revised by the Council at any time.
- 1.2 As agreed by the Strategic Licensing Committee, a period of formal consultation has been undertaken in respect of the draft policy statement that was considered by the Committee on 9 July 2021. This report sets out the representations received from consultees for further consideration which has resulted in minor typographical and clarification amendments to the draft policy statement, with a view to agreeing a revised statement that may be reported to Cabinet for final approval.

### 2. Recommendations

- 2.1 That the Committee considers the representations received following the formal consultation on the draft Gambling Policy Statement and agrees the officers' comments in **Appendix 1** in response to the comments made and recommends to the Cabinet that the policy statement is published and advertised by the Head of Trading Standards and Licensing in accordance with the provisions of the Act and that the policy statement will take effect from 31 January 2022.
- 2.2 That the Committee delegates to the Head of Trading Standards and Licensing, in consultation with the Chair of the Strategic Licensing Committee, the authority to amend any typographical errors and/or administrative inconsistencies in the proposed Gambling Policy Statement as set out in **Appendix 1** prior to the policy statement being presented to the Cabinet for final approval.

### 3. Risk Assessment and Opportunities Appraisal

- 3.1 The preparation and publishing of the policy statement is a legal requirement under the Gambling Act 2005 (the Act).
- 3.2 If the Council fails to prepare and publish the policy statement the Council may be challenged when exercising its functions under the Act through a number of routes, e.g. service complaints to the Local Government Ombudsman and judicial review. Conversely, by preparing and publishing the policy statement, the Council is complying with its legal obligation. In addition, the Council provides a defined framework within which to exercise its functions and makes it clear to all stakeholders the manner by which the Council intends to exercise its functions.
- 3.3 There is no anticipated environmental impact associated with the recommendations in this report.
- 3.4 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.
- 3.5 The Act requires the Council to consult and this has been undertaken widely with relevant stakeholders. Informal engagement was carried out with a number of key internal and external stakeholders with the aim of providing a robust basis for the formal consultation process. This included making contact with representatives from children and adult services, economic development, information governance, housing, planning, tourism, police, public health, mental health, community safety and organisations that aim to support 'problem gamblers'.
- 3.6 Formal consultation, in accordance with the decision made by the Strategic Licensing Committee on 9 July 2021, was undertaken between 12 July 2021 and the 19 September 2021, which provided, in particular, an opportunity for gambling industry representatives to provide feedback.
- 3.7 No feedback was received regarding Equality and Social Inclusion Impact issues for Protected Characteristic groupings during the consultation. Consequently, the Equality and Social Inclusion Impact Assessment (ESIIA) has been updated only to clarify the specific consultation period. The ESIIA document can be found at **Appendix 2**. The groupings for whom there will be direct impacts, and with whom there will continue to be efforts made to ensure that impacts are kept under review, as are follows: Age, in relation to children and young people; Disability, in relation to vulnerable adults; and Social Inclusion, in relation to the above plus those whom we may describe as vulnerable. This includes armed forces service personnel and ex-armed forces personnel. It continues to be the case that, across all nine national Protected Characteristic groupings and our tenth grouping in Shropshire of social inclusion, based on 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.

**3.8** The representations received during the formal consultation period are produced at **Appendix 3**. **Appendix 3** sets out the officer response to the representations, including any changes made to the policy statement and, where relevant, the reasons why changes have not been made. There were no fundamental or significant amendments as a result of the representations made; the changes made were simply to correct typographical errors and provide greater clarification on specific matters across the policy statement. In particular, there were no representations made to enable the Council to introduce a 'no casinos policy' without attracting the risk of legal challenge; consequently, the policy statement makes it clear that the Council does not have a 'no casinos policy'. Each licence application will be considered on its own merits.

#### **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, which will be incurred by Trading Standards and Licensing, will be approximately £600 and is recoverable over subsequent years 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 Policy Statement came into effect on the 31 January 2019 and will cease to have effect on the 30 January 2022. The Council must be in a position to formally adopt a revised policy statement with effect from 31 January 2022.

**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 Cabinet; for this reason the proposed policy statement will proceed from Strategic Licensing Committee directly to Cabinet. The proposed statement must be presented to Cabinet no later than December 2021, to allow sufficient time for the necessary publication and advertising to take place prior to the 31 January 2022.

**5.5** The formal consultation was publicised through the 'Get Involved' pages of the Council's website. In addition, direct emails, providing a link to the Council's web page consultation, were sent to key stakeholders. Part 5 of the policy statement includes a list of the stakeholders that were consulted.

## 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), as amended

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

Shropshire Council's Gambling Policy Statement (effective 1 April 2016)  
(<https://www.shropshire.gov.uk/media/1552618/Gambling-Policy-2013-2016.pdf>)

Guidance to Licensing Authorities 5<sup>th</sup> Edition September 2015 published by the Gambling Commission (<http://www.gamblingcommission.gov.uk/pdf/GLA/GLA.pdf>)

Gambling Regulation Councillor Handbook (England and Wales) 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](https://www.local.gov.uk/sites/default/files/documents/10.18%20Gambling%20regulation%20councillor%20handbook_v06_WEB_1.pdf))

Problem Gambling Frequently Asked Questions August 2013 published by the Local Government Association in association with Public Health England  
(<https://www.local.gov.uk/sites/default/files/documents/problem-gambling-frequent-4f2.pdf>)

### Cabinet Member (Portfolio Holder)

Councillor Ed Potter, Deputy Leader, Economic Growth, Regeneration and Planning

### Local Member

Not applicable

### Appendices

**Appendix 1** - Proposed Gambling Act 2005 Policy Statement 2022 - 2025

**Appendix 2** – ESIIA Gambling Act Policy Statement 2022 - 2025

**Appendix 3** - Officer response to consultation responses received





# Gambling Act 2005 Policy Statement 2022 to 2025

POST CONSULTATION VERSION

**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.

## CONTENTS

### Policy

<b>Part 1</b>	Introduction	<b>Page 7</b>
<b>Part 2</b>	Licensing Principles, Process and Delegation	<b>Page 20</b>
<b>Part 3</b>	Activities Subject to Authorisations	<b>Page 43</b>
<b>Part 3A</b>	Premises Licences	<b>Page 49</b>
<b>Part 3B</b>	Permits	<b>Page 55</b>
<b>Part 3C</b>	Temporary and Occasional Use	<b>Page 66</b>
<b>Part 3D</b>	Lotteries	<b>Page 70</b>
<b>Part 3E</b>	Activities not requiring permissions	<b>Page 75</b>
<b>Part 4</b>	Inspection, Compliance, Enforcement and Complaints	<b>Page 76</b>
<b>Part 5</b>	Consultation	<b>Page 81</b>
<b>Part 6</b>	Licensing Contacts	<b>Page 84</b>

### Appendices

<b>Appendix A</b>	Map of geographical area of the administrative area of Shropshire Council	<b>Page 86</b>
<b>Appendix B</b>	Local Area Profile	<b>Page 88</b>
<b>Appendix C</b>	Estimated prevalence of problem gambling in Shropshire	<b>Page 109</b>
<b>Appendix D</b>	Safeguarding of Children, young people and adults with care and support needs	<b>Page 113</b>
<b>Appendix E</b>	Extract from the Shropshire Council Constitution setting out Delegations	<b>Page 118</b>
<b>Appendix F</b>	Criminal Record Disclosure	<b>Page 121</b>

# PART 1

# INTRODUCTION

POST CONSULTATION VERSION

## 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.

#### Estimated prevalence of problem gambling in Shropshire

2.10 The purpose of this estimate is to quantify the scale of problem gambling among Shropshire residents to inform local strategies and plan to manage the problem. The estimates can be found at **Appendix C**.

### **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, tracks<sup>1</sup>, 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:

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<sup>1</sup> 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.

- 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.

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 gambling<sup>2</sup> 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 persons<sup>3</sup> 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

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

<sup>3</sup> 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 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 ethnic minority groups
- persons who are affected by multiple deprivation
- ex-service and serving armed forces personnel
- offenders

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 D** 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.<sup>4</sup>~~

~~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.~~

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## 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)<sup>5</sup>.

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 rights<sup>6</sup>

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.

<sup>4</sup> See also paragraph 36.0

<sup>5</sup> 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.

<sup>6</sup> 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.

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

- 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.
- 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.

**PART 2**

**LICENSING  
PRINCIPLES,  
PROCESS AND  
DELEGATION**

## 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 153<sup>7</sup> 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 5<sup>th</sup> Edition September 2016, which can be found at <http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf>;

<sup>7</sup> 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.

- 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 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~~ The Council expects operators to submit suggested conditions to mitigate risks based on their own risk assessments which identify risks and put in place measures to sufficiently mitigate them. 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. In relation to fixed odds betting terminals (FOBT),~~ 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 on<sup>8</sup>:

- 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
- 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.

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<sup>8</sup> 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.

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/ecCatDisplay.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 5<sup>th</sup> 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 5<sup>th</sup> 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 Policy<sup>9</sup>;
  - frivolous;
  - vexatious;
  - 'will certainly not' cause the Council to revoke or suspend a licence or remove, amend or attach conditions on the premises licence;

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<sup>9</sup> 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.

- substantially the same as ground(s) sited 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:
- 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

## 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 F** 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 premises<sup>10</sup>
  - 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.
- 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

<sup>10</sup> 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'.

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.<sup>11</sup>

### 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 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

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

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.<sup>12</sup>

##### 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 5<sup>th</sup> 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

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

<sup>12</sup> 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.



- 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 F**)
- 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.<sup>13</sup>

#### 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

<sup>13</sup> 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.



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 5<sup>th</sup> 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 conditions<sup>14</sup> 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

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 F**)
- 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

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

- 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 include<sup>15</sup>:
  - 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
- 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.<sup>16</sup>)
- 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:

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

<sup>16</sup> 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.



- 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 F**)
- 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:
  - 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 Council<sup>17</sup>

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 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

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<sup>17</sup> Paragraph 39, Schedule 11

## 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 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

## 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.<sup>18</sup> However, where it is 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.

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<sup>18</sup> 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.



**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

59.0

## PART 5 – CONSULTATION

### TO BE FINALISED FOLLOWING THE CONCLUSION OF THE CONSULTATION PROCESS

- 59.1 Formal consultation was undertaken from 12 July 2021 to the 19 September 2021. 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

82

report that was presented to the Strategic Licensing Committee on the 6 October 2021.

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

Name of Organisation	Contact Details
All businesses holding gambling premises licence/permit/registration with Shropshire Council	By email and on Shropshire Council's website
Action with Communities in Rural England (ACRE)	contact@acre.org.uk
Association of British Bookmakers	mail@abb.uk.com
Aquarius	<a href="mailto:headoffice@aquarius.org.uk">headoffice@aquarius.org.uk</a>
Be Gamble Aware (National Gambling Treatment Service and Responsible Gambling Trust)	<a href="mailto:info@gambleaware.org">info@gambleaware.org</a> <a href="mailto:research@gambleaware.org">research@gambleaware.org</a>
British Amusement Catering Association	info@bacta.org.uk
British Horseracing Board	info@britishhorseracing.com
Casino Operators Association	gensec@coa-uk.org.uk
Charity Commission	<a href="mailto:enquiries@charitycommission.gov.uk">enquiries@charitycommission.gov.uk</a>
Done Brothers t/a Betfred	<a href="mailto:support@betfred.com">support@betfred.com</a>
Gambling Commission	<a href="mailto:info@gamblingcommission.gov.uk">info@gamblingcommission.gov.uk</a> <a href="mailto:RBurkitt@gamblingcommission.gov.uk">RBurkitt@gamblingcommission.gov.uk</a>
Gamcare	<a href="mailto:info@gamcare.org.uk">info@gamcare.org.uk</a>
Gamblers Anonymous	<a href="mailto:telford@gamblersanonymous.org.uk">telford@gamblersanonymous.org.uk</a> <a href="mailto:info@gamblersanonymous.org.uk">info@gamblersanonymous.org.uk</a>
Gordon Moody Association	<a href="mailto:help@gordonmoody.org.uk">help@gordonmoody.org.uk</a>
HMRC	<a href="mailto:nru.betting&amp;gaming@hmrc.gsi.gov.uk">nru.betting&amp;gaming@hmrc.gsi.gov.uk</a>
IMPACT AAS	<a href="mailto:info@impactaas.co.uk">info@impactaas.co.uk</a>
John Gaunt and Partners	<a href="mailto:info@john-gaunt.co.uk">info@john-gaunt.co.uk</a>
Keeping Adults Safe in Shropshire Network	<a href="mailto:SSCPBusinessUnit@shropshire.gov.uk">SSCPBusinessUnit@shropshire.gov.uk</a>
Mind	<a href="mailto:info@mind.org.uk">info@mind.org.uk</a>
National Problem Gambling Clinic	gambling.cnl@nhs.net

National Casino Industry Forum	<a href="mailto:director@nci-forum.co.uk">director@nci-forum.co.uk</a>
National Leisure t/a Talarius	<a href="mailto:customercare@quicksilver.co.uk">customercare@quicksilver.co.uk</a>
Poppleston Allen	Form submitted <a href="https://www.popall.co.uk/contact/">https://www.popall.co.uk/contact/</a>
Samaritans	<a href="mailto:jo@samaritans.org">jo@samaritans.org</a>
Shropshire Safeguarding Community Partnership	<a href="mailto:SSCPBusinessUnit@shropshire.gov.uk">SSCPBusinessUnit@shropshire.gov.uk</a>
Shropshire Recovery Partnership	<a href="mailto:shropshireinfo@addaction.org">shropshireinfo@addaction.org</a>
Shropshire Chamber of Commerce	<a href="mailto:enquiries@shropshire-chamber.co.uk">enquiries@shropshire-chamber.co.uk</a>
Shropshire Clinical Commissioning Group	<a href="mailto:stwccg.generalenquiries@nhs.net">stwccg.generalenquiries@nhs.net</a>
Shropshire Rural Communities Charity	<a href="mailto:enquiries@shropshire-rcc.org.uk">enquiries@shropshire-rcc.org.uk</a>
Shropshire Fire and Rescue Service	<a href="mailto:licensingapplications@shropshirefire.gov.uk">licensingapplications@shropshirefire.gov.uk</a>
Shropshire Association of Local Councils – for distribution to all town and parish councils	<a href="mailto:alc@shropshire.gov.uk">alc@shropshire.gov.uk</a>
Shropshire Council: Development Management Planning Policy Information Governance Public Health Safeguarding Children Safeguarding Adults Housing Economic Growth Visitor Economy	<a href="mailto:Planningpolicy@shropshire.gov.uk">Planningpolicy@shropshire.gov.uk</a> <a href="mailto:Planning.northern@shropshire.gov.uk">Planning.northern@shropshire.gov.uk</a> <a href="mailto:Planning.southern@shropshire.gov.uk">Planning.southern@shropshire.gov.uk</a> <a href="mailto:Information.request@shropshire.gov.uk">Information.request@shropshire.gov.uk</a> <a href="mailto:Jayne.randall@shropshire.gov.uk">Jayne.randall@shropshire.gov.uk</a> <a href="mailto:Gabriel.agboado@shropshire.gov.uk">Gabriel.agboado@shropshire.gov.uk</a> <a href="mailto:Rachel.robinson@shropshire.gov.uk">Rachel.robinson@shropshire.gov.uk</a> <a href="mailto:Ellie.jones@shropshire.gov.uk">Ellie.jones@shropshire.gov.uk</a> <a href="mailto:Sarah.hollinshead-bland@shropshire.gov.uk">Sarah.hollinshead-bland@shropshire.gov.uk</a> <a href="mailto:Laura.fisher@shropshire.gov.uk">Laura.fisher@shropshire.gov.uk</a> <a href="mailto:economicgrowth@shropshire.gov.uk">economicgrowth@shropshire.gov.uk</a> <a href="mailto:visitor.economy@shropshire.gov.uk">visitor.economy@shropshire.gov.uk</a>
The Charity Commission	<a href="mailto:RAUemailteam@charitycommission.gov.uk">RAUemailteam@charitycommission.gov.uk</a>
TLT LLP	<a href="mailto:Ellie-Nicole.Davis@TLTsolitors.com">Ellie-Nicole.Davis@TLTsolitors.com</a>
West Mercia Police	<a href="mailto:licensing.shropshire@westmercia.pnn.police.uk">licensing.shropshire@westmercia.pnn.police.uk</a>
William Hill	<a href="mailto:customerhelp@williamhill.co.uk">customerhelp@williamhill.co.uk</a>

## 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](mailto: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/>

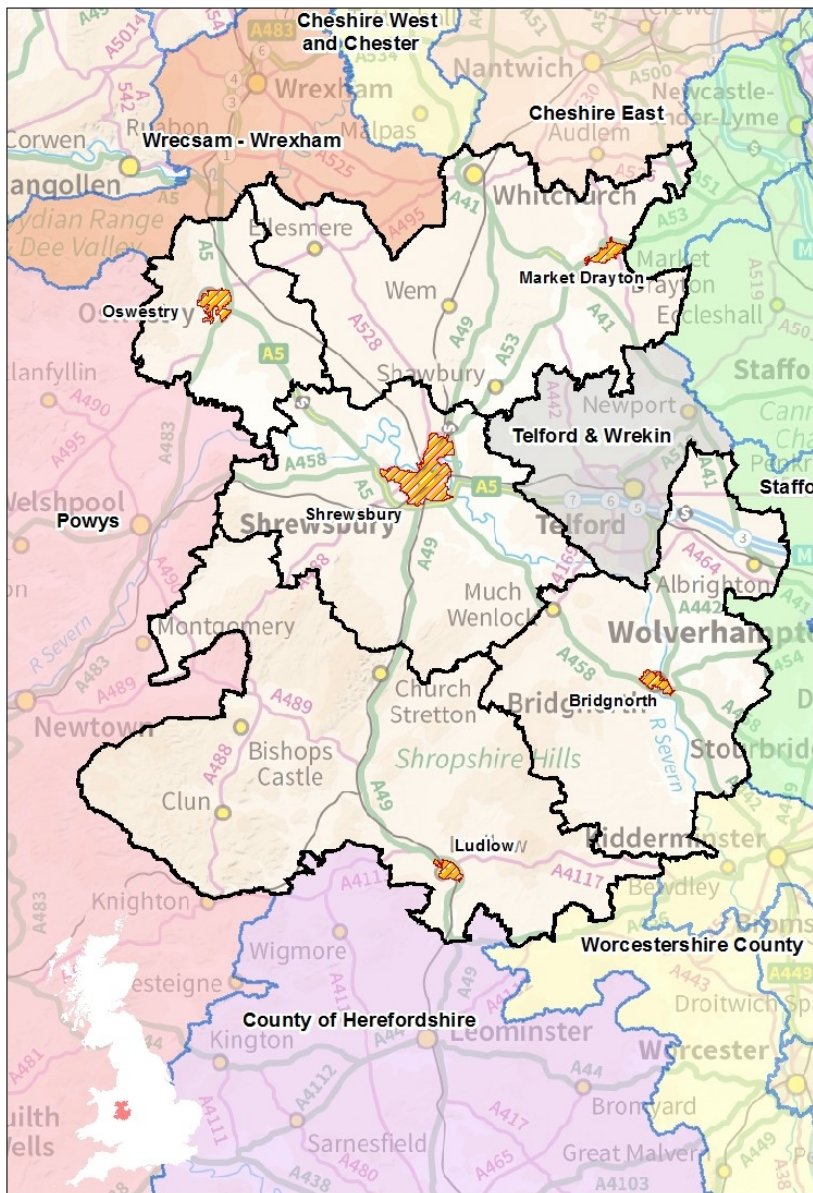
# APPENDICES

POST CONSULTATION VERSION

# APPENDIX A

## MAP OF GEOGRAPHICAL AREA OF THE ADMINISTRATIVE AREA OF SHROPSHIRE COUNCIL

POST CONSULTATION VERSION



**Key**

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



# APPENDIX B

## LOCAL AREA PROFILE

POST CONSULTATION VERSION

NOT PROTECTIVELY MARKED



**PROBLEM PROFILE:**

LOCAL AREA PROFILE – GAMBLING PREMISES

**AUTHOR:**

NIKKI ARMSTRONG-SMITH

INTELLIGENCE ANALYST, RSTS&L

**CREATED DATE:**

30 MARCH 2021 - FINAL

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 lotteries<sup>19</sup>

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

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<sup>19</sup> [www.gamblingcommission.gov.uk](http://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'*<sup>20</sup>.

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

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<sup>20</sup> 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 maybe be higher within certain sub-groups, particularly<sup>21</sup>:

- 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 practice<sup>22</sup>.

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.

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<sup>21</sup> Sheffield City Council JSNA 2018

<sup>22</sup> 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
<b>Grand Total</b>	<b>527</b>

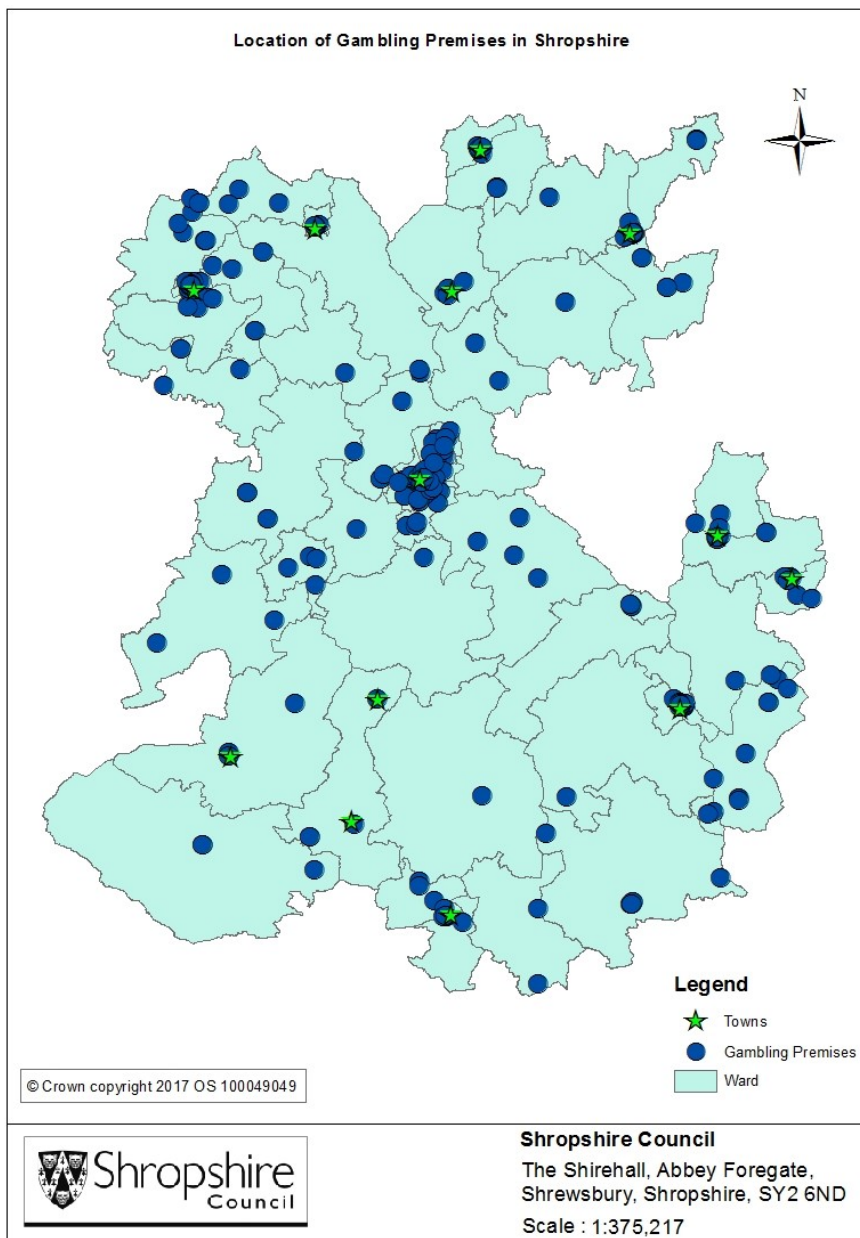
Figure 1: Breakdown of licence type

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.

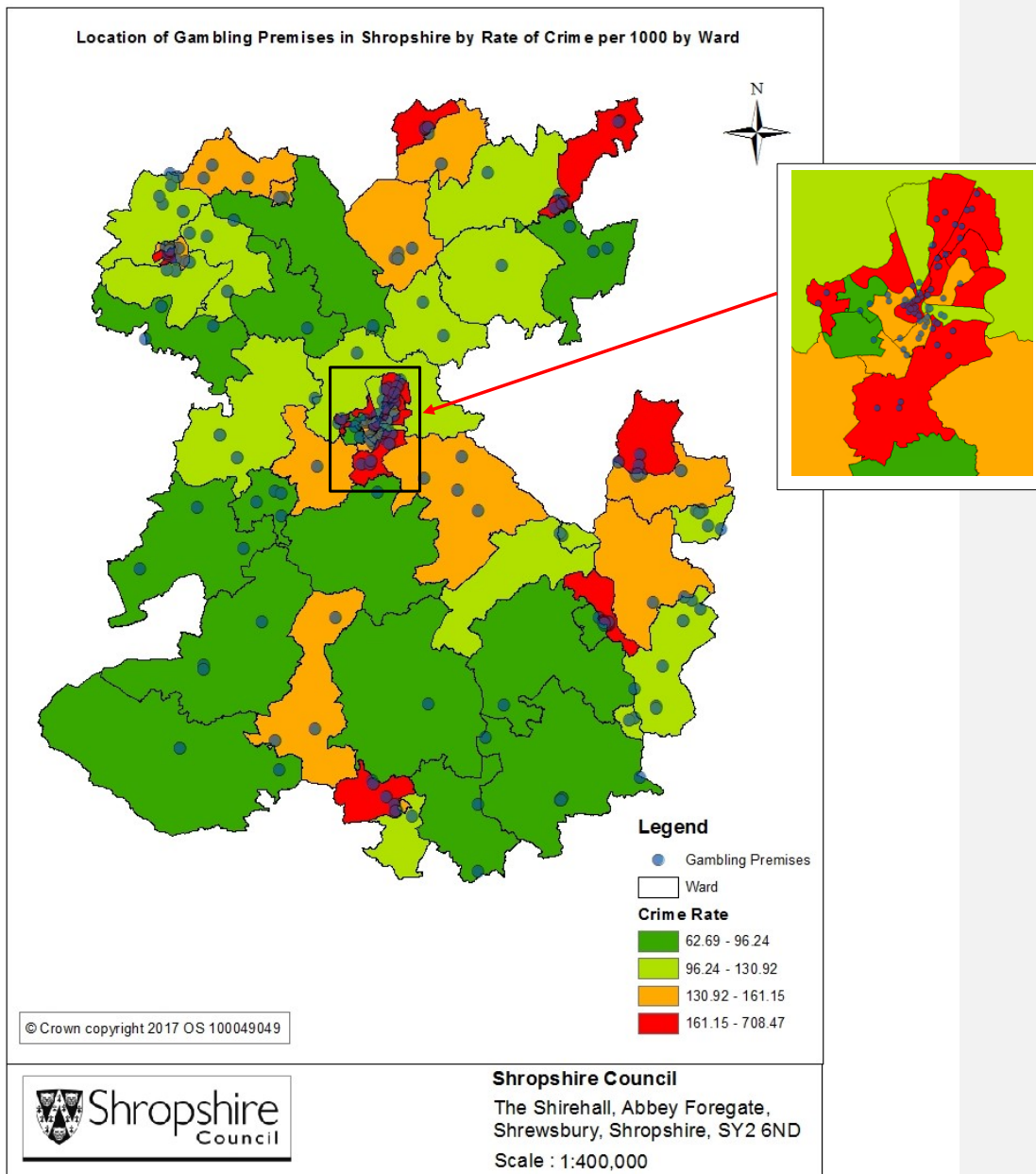
The remainder of the report focuses on risks associated with objective 1 of the Gambling Act, as well as identifying locations where individuals at risk of gambling related harm are located or more likely to frequent, in support of objective 3.

- 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

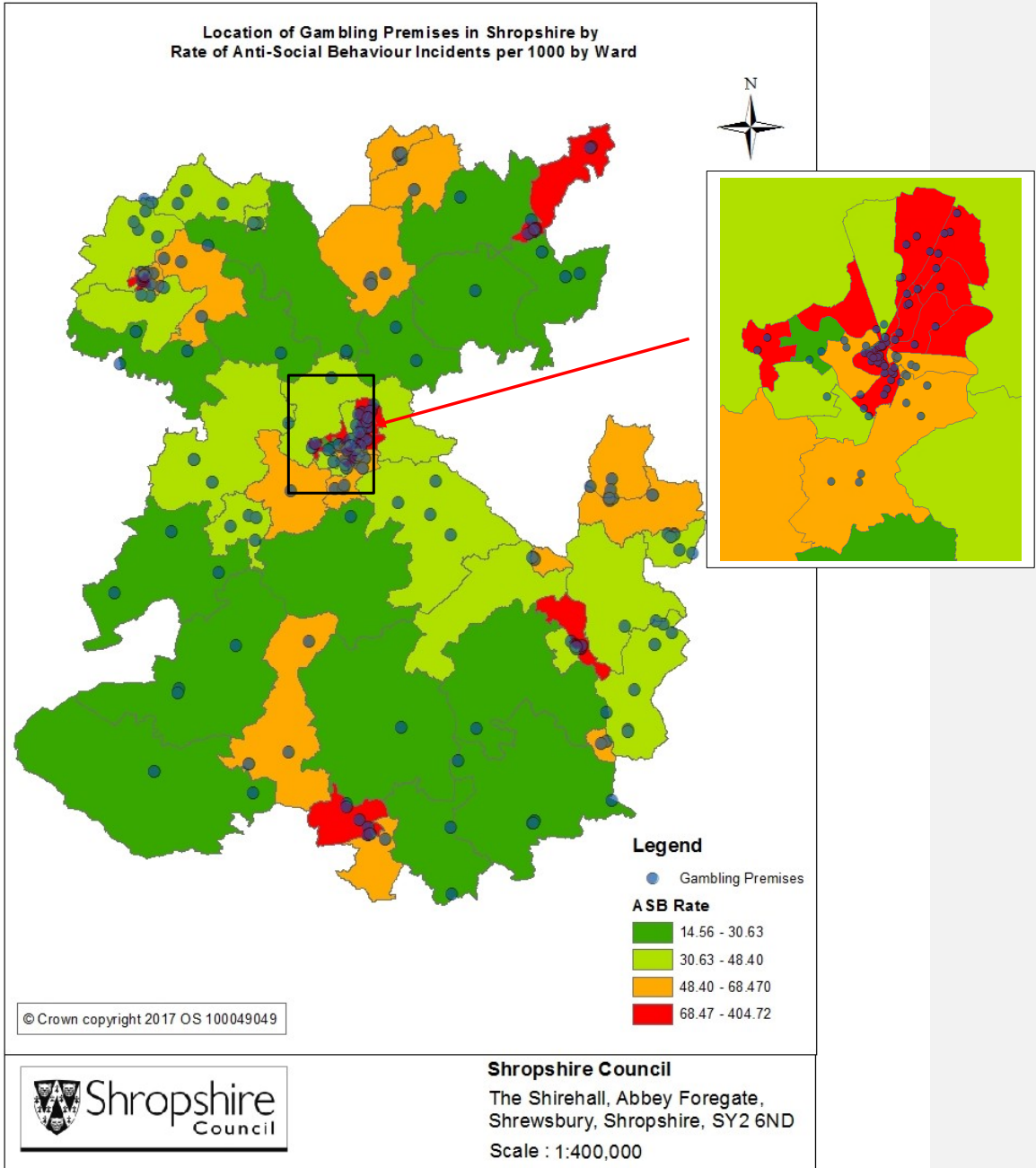
Figure 4: Number of Crimes per ward

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 1<sup>st</sup> April 2018 – 31<sup>st</sup> March 2020. The map overleaf displays the location of gambling premises, alongside the rate of ASB incidents per 1000 population by ward.



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 16<sup>23</sup>. 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.

<sup>23</sup> 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 population<sup>24</sup>. 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

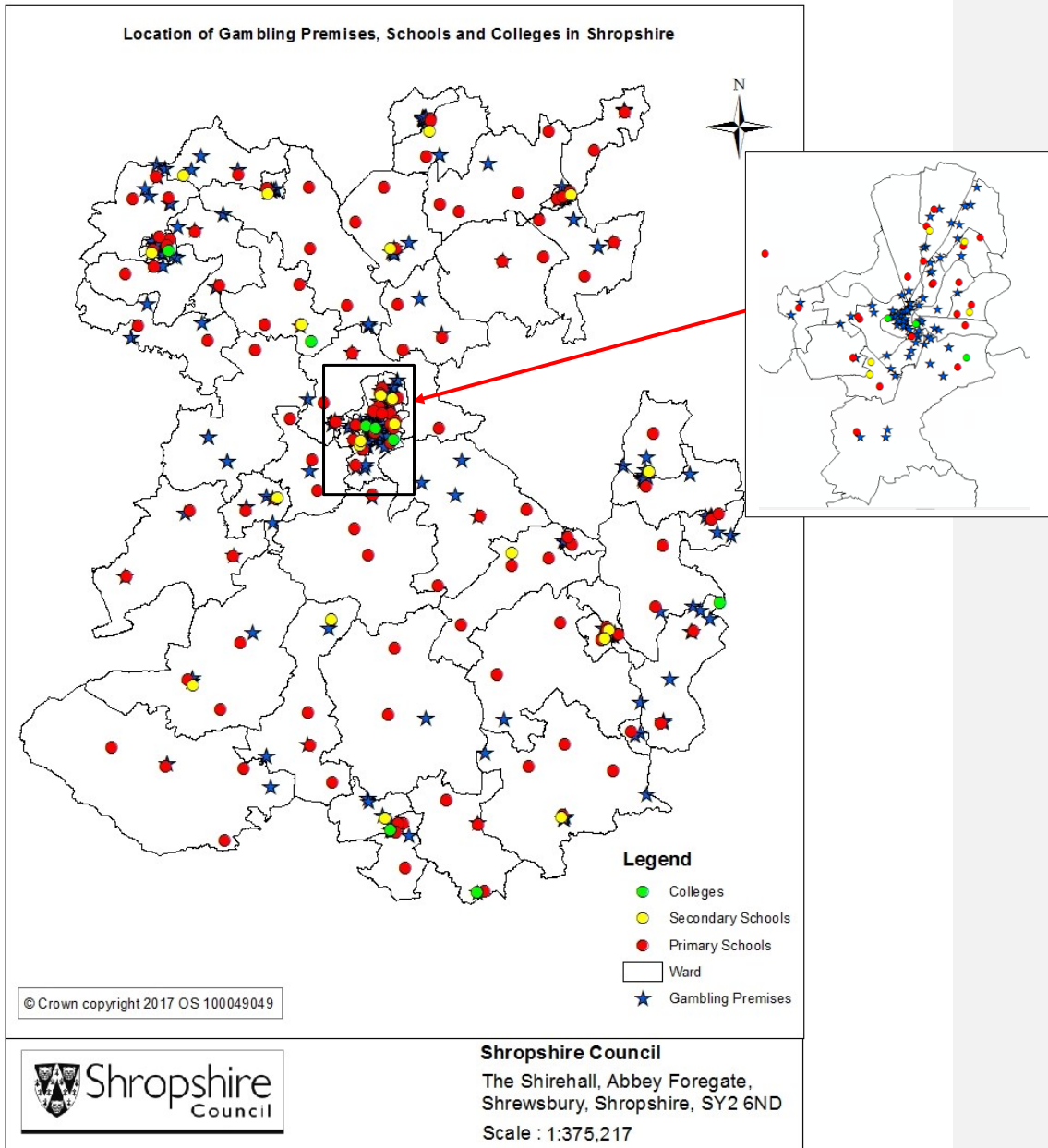
Figure 8: Top 10 Areas - Rate of school aged children per 1000 population

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.

<sup>24</sup> 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 Deprivation<sup>25</sup>.

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.

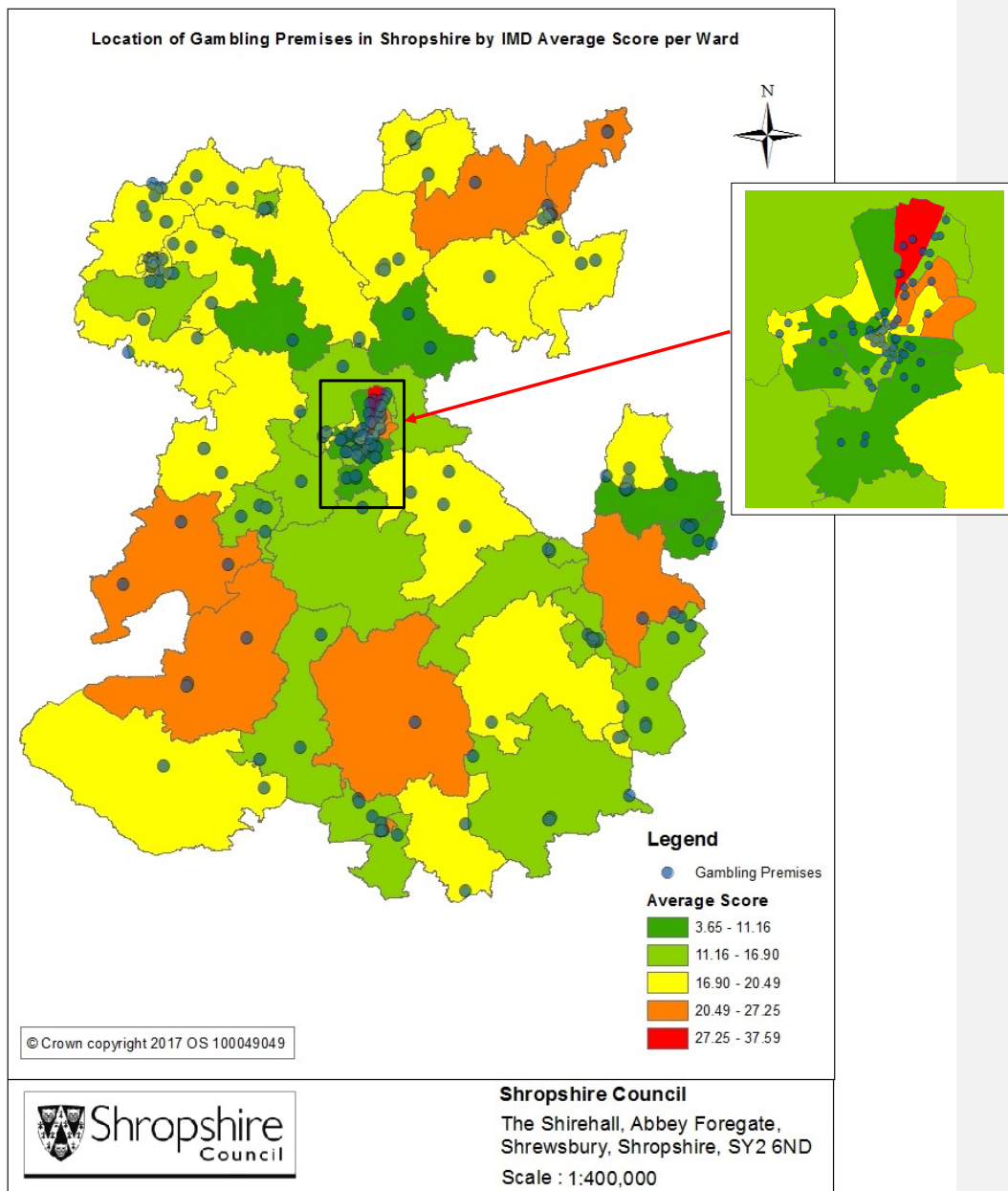
ELECTORAL DIVISION	AVERAGE SCORE RANK
Harlescott	1
Monkmoor	2
Ludlow East	3
Castlefields and Ditherington	4
Sundorne	5
Worfield	6
Market Drayton East	7
Prees	8
Corvedale	9
Bishop's Castle	10

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.

<sup>25</sup> 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 work<sup>26</sup>.

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.

<sup>26</sup> [www.nomisweb.co.uk](http://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.

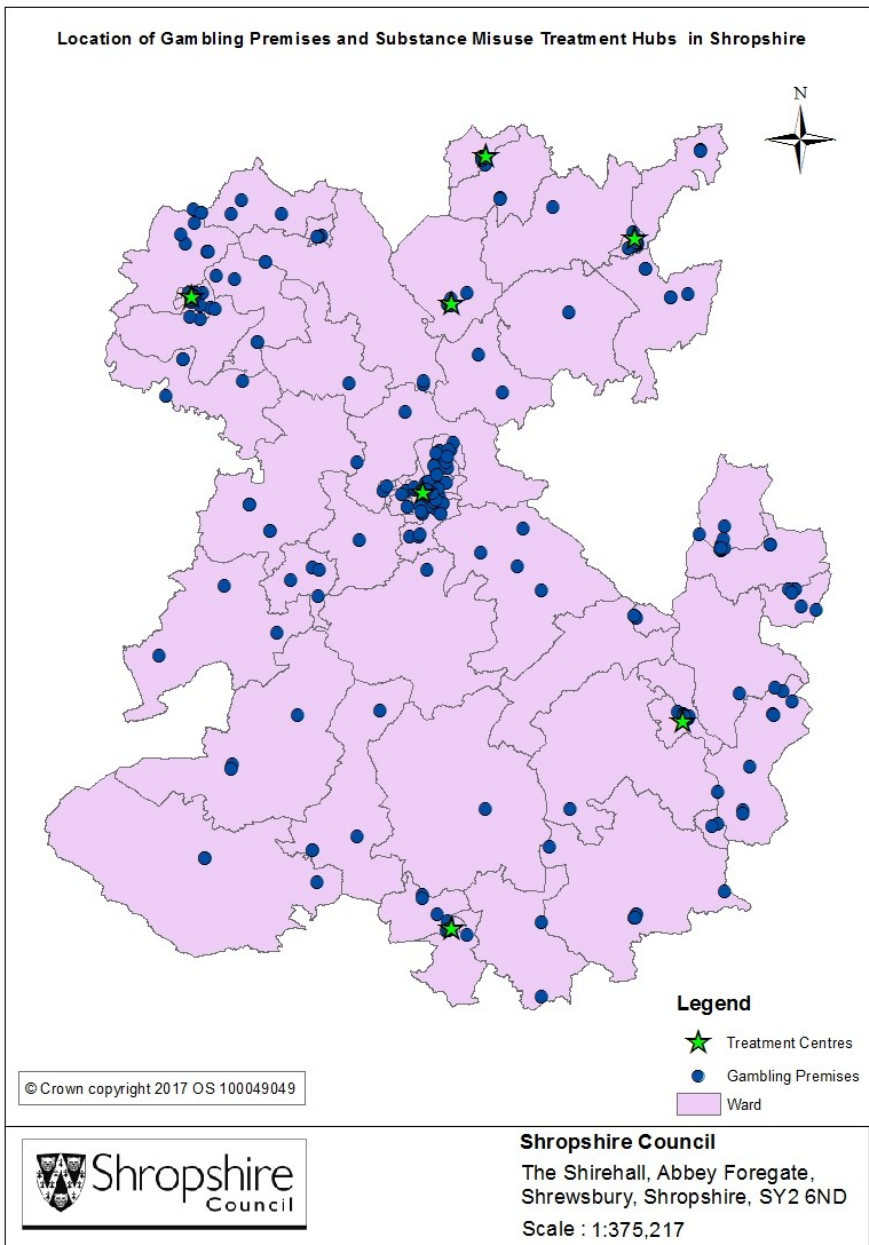
- SUBSTANCE MISUSE

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

## ESTIMATED PREVALENCE OF PROBLEM GAMBLING IN SHROPSHIRE

## Estimated prevalence of problem gambling in Shropshire

### Introduction

Gambling risk status has been defined using the short-form Problem Gambling Severity Index (PGSI) for the Gambling Behaviour Surveys. A score of 4 or higher indicates problem gambling status implying the gambling behaviours have negative consequences for the individuals affected and a possible loss of control (see Table 1).

Table 1: Gambling risk classification

Score	Classification	Explanation
0	Non-problem gambler	Gamblers who gamble with no negative consequences.
1	Low risk gambler	Gamblers who experience a low level of problems with few or no identified negative consequences
2-3	Moderate risk gambler	Gamblers who experience a moderate level of problems leading to some negative consequences.
4+	Problem gambler	Gambling with negative consequences and a possible loss of control.

The purpose of this estimate is to quantify the scale of problem gambling among Shropshire residents to inform local strategies and plan to manage the problem.

### Method

The levels of problem gambling from the 2021 Gambling behaviour survey based on age-specific rates for 16-24, 25-34, 35-44, 45-54, 55-64, and 65+ year olds were used to multiply the ONS mid-year population estimates for 2020 to estimate the numbers with problem gambling assuming the national profile applies to Shropshire. The survey covered all forms of gambling including online gambling.

The local rate was calculated per 10,000 resident population aged 16 years or older and compared with the national average.

Please see Table 2 for details.

#### Data sources

- Prevalence estimate: [Gambling behaviour in 2021: Findings from the quarterly telephone survey \(Year to March 2021\) - data.gov.uk](#)
- Local population estimate: Office for National Statistics (ONS) Mid-2020 Population Estimates for 2020 Wards, and 2021 LAs in England and Wales by Single Year.

The above are the most recent relevant data available

### Interpretation and Limitations

This is a synthetic estimate intended to highlight the scale of the local problem and is not based on real local data. Nationally the population structure has a higher proportion in younger working age population than Shropshire, and problem gambling rates are higher in this age group, local estimate will be generally lower in areas with higher concentration of the older age group and higher in areas with predominantly younger working age population.

The latest survey was done during the COVID pandemic during which some activities (e.g., sporting activities) were suspended. There is a potential the survey findings may underestimate the extent of the problem gambling levels nationally.

**APPENDIX 1** Strategic Licensing Committee Report 06/10/2021 – Consultation on the Gambling Act 2005 Policy Statement 2022 to 2025

Additionally, the national survey has not been broken down by sex specific age groups hence it was not possible to provide estimates by sex.

Finally, due to the relatively small sizes of the national survey sample split by age the estimates should be treated with caution.

In spite of the above limitations, this estimate provides a useful baseline for informing local strategies to address problem gambling given the fact that a significant proportion (42.0% the 2021 national survey participate population) in one form of gambling or the other and gambling is a significant source employment and revenue for government.

Table 2: Estimated levels of Problem Gambling by Electoral Ward (September 2021)

Ward Name	Estimated number affected	Estimated Rate per 10,000 aged 16 or above	Rank of rate (Rank 1 is the lowest rate and Rank 63 is the highest rate)
Abbey	13	34.89	17
Albrighton	12	32.28	5
Alveley and Claverley	12	33.84	9
Bagley	16	40.19	57
Battlefield	17	42.42	62
Bayston Hill, Column and Sutton	37	35.17	21
Belle Vue	15	38.20	43
Bishop's Castle	11	33.51	8
Bowbrook	16	39.63	52
Bridgnorth East and Astley Abbots	20	33.29	7
Bridgnorth West and Tasley	22	36.32	31
Broseley	15	36.25	29
Brown Clee	12	34.36	12
Burnell	15	35.10	20
Castlefields and Ditherington	16	42.29	61
Cheswardine	14	38.13	41
Chirbury and Worthen	9	34.36	12
Church Stretton and Craven Arms	24	29.95	2
Clee	13	33.23	6
Cleobury Mortimer	21	32.08	4
Clun	11	31.80	3
Copthorne	14	39.72	53
Corvedale	11	34.42	14
Ellesmere Urban	13	36.86	34
Harlescott	16	40.76	58
Highley	11	35.04	18
Hodnet	16	38.55	45



**APPENDIX 1** Strategic Licensing Committee Report 06/10/2021 – Consultation on the Gambling Act 2005 Policy Statement 2022 to 2025

Ward Name	Estimated number affected	Estimated Rate per 10,000 aged 16 or above	Rank of rate (Rank 1 is the lowest rate and Rank 63 is the highest rate)
Llanymynech	13	34.78	16
Longden	13	37.26	38
Loton	13	37.04	35
Ludlow East	12	35.80	26
Ludlow North	10	29.06	1
Ludlow South	13	36.73	33
Market Drayton East	17	36.38	32
Market Drayton West	28	38.46	44
Meole	14	38.17	42
Rea Valley	13	33.98	10
Monkmoor	14	38.60	46
Much Wenlock	12	34.69	15
Porthill	16	39.56	51
Prees	14	35.71	23
Quarry and Coton Hill	17	39.22	48
Radbrook	16	39.90	55
St Martin's	14	37.25	37
Severn Valley	14	36.23	28
Shawbury	17	39.93	56
Shifnal North	19	39.54	50
Shifnal South and Cosford	22	39.84	54
Sundorne	14	43.00	63
Tern	14	34.12	11
The Meres	16	36.06	27
Underdale	15	42.21	60
Wem	26	35.09	19
Whitchurch North	24	37.44	39
Whitchurch South	14	37.16	36
Worfield	11	35.74	24
Gobowen, Selattyn and Weston Rhyn	21	36.26	30
Oswestry East	31	39.49	49
Oswestry South	14	35.78	25
Oswestry West	14	41.20	59
Ruyton and Baschurch	14	38.74	47
St Oswald	14	35.61	22
Whittington	13	37.50	40
<b>Shropshire total</b>	<b>998</b>	<b>36.65</b>	<b>N/A</b>
<b>Nation Average</b>	<b>N/A</b>	<b>39.80</b>	<b>N/A</b>

# APPENDIX D

## 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.

POST CONSULTATION VERSION

# APPENDIX E

## EXTRACT FROM THE SHROPSHIRE COUNCIL CONSTITUTION SETTING OUT DELEGATIONS

POST CONSULTATION RESPONSE

Appendix E

Council Delegations

Gambling Act

Matter to be determined	Cabinet	Strategic Licensing Committee	Licensing Act Sub-Committee	Licensing Officer* (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



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

X indicates the lowest level to which decisions can be delegated

\*Or equivalent if post designations are amended

# APPENDIX F

## CRIMINAL RECORD DISCLOSURE

POST CONSULTATION VERSION

## 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](http://www.gov.uk/request-copy-criminal-record) or by email at [customerservices@db.s.gsi.gov.uk](mailto:customerservices@db.s.gsi.gov.uk);<sup>27</sup>;
  - 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.)

<sup>27</sup> 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](mailto: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.

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

**A. Summary Sheet on Accountability and Actions**

<b>Name of proposed service change</b>
Gambling Act 2005 Policy Statement 2022 to 2025

<b>Name of lead officer carrying out the screening</b>
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 – 2022 policies and continued within the 2022 – 2025 policy are sound and remain relevant.

Across all nine national Protected Characteristic groupings and our tenth grouping in Shropshire of social inclusion, based on 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.

As no feedback was received regarding Equality and Social Inclusion Impact issues for Protected Characteristic groupings during the consultation period that has just concluded, the Equality and Social Inclusion Impact Assessment (ESIIA) has been updated only to clarify the specific consultation period. The groupings for whom there will be direct impacts, and with whom there will continue to be efforts made to ensure that impacts are kept under review, remain as follows: Age, in relation to children and young people; Disability, in relation to vulnerable adults; and Social Inclusion, in relation to the above plus those whom we may describe as vulnerable. This includes armed forces service personnel and ex-armed forces personnel. It continues to be the case that, across all nine national Protected Characteristic groupings and our tenth grouping in Shropshire of social inclusion, based on 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

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 2022 to 2025 (Consultation June 2021)
- 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**


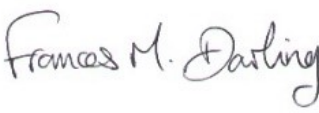

There are currently no direct climate change implications relating to this service/policy change; however, this will be kept under review by the Strategic Licensing Committee in their ongoing oversight role in relation to the administration and enforcement of the Gambling Act 2005.

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. 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.


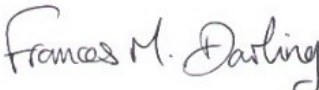
**Scrutiny at Part One screening stage**

<b>People involved</b>	<b>Signatures</b>	<b>Date</b>
<i>Lead officer carrying out the screening</i> <b>Mandy Beever, Transactional and Licensing Team Manager</b>		24 September 2021
<i>Any internal support*</i> <b>Frances Darling – Head of Trading Standards and Licensing</b>		24 September 2021
<i>Any external support**</i> <b>Mrs Lois Dale, Rurality and Equalities Specialist</b>		27 September 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**

<b>Name</b>	<b>Signatures</b>	<b>Date</b>
<i>Lead officer carrying out the screening</i> <b>Mandy Beever, Transactional and Licensing Team Manager</b>		24 September 2021
<i>Accountable officer’s name</i> <b>Frances Darling – Head of Trading Standards &amp;</b>		24 September 2021

<b>Licensing</b>		
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*\*This may either be the Head of Service or the lead officer*

## **B. Detailed Screening Assessment**

<b>Aims of the service change and description</b>
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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.

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:

- 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](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

Formal consultation was undertaken from the 12 July 2021 to the 19 September 2021, 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. Formal consultation has been undertaken with Shropshire Council’s Public Health Team, including the Director of Public Health, and their response has been incorporated into the draft Gambling Act 2005 Policy Statement 2022 to 2025; it may be found at **Appendix C** of the draft policy.

The formal consultation process involved 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 also distributed through corporate and service social media platforms. Direct emails were 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 has been undertaken and the results collated for the SLC to consider at their meeting on 6 October 2022. A revised policy document is required to be 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.

As no feedback was received regarding Equality and Social Inclusion Impact issues for Protected Characteristic groupings during the consultation period, the Equality and Social Inclusion Impact Assessment (ESIIA) has been updated only to clarify the specific consultation period. The groupings for whom there will be direct impacts, and with whom there will continue to be efforts made to ensure that impacts are kept under review, remain as follows: Age, in relation to children and young people; Disability, in relation to vulnerable adults; and Social Inclusion, in relation to the above plus those whom we may describe as vulnerable. This includes armed forces service personnel and ex-armed forces personnel. It continues to be the case that, across all nine national Protected Characteristic groupings and our tenth grouping in Shropshire of social inclusion, based on 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.

**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.*

<b>Protected Characteristic groups and other groups in Shropshire</b>	<b>High negative impact</b> <i>Part Two ESIIA required</i>	<b>High positive impact</b> <i>Part One ESIIA required</i>	<b>Medium positive or negative impact</b> <i>Part One ESIIA required</i>	<b>Low positive or negative impact</b> <i>Part One ESIIA required</i>

<p><b>Age</b> (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)</p>			<p><i>This could increase over time to medium positive in relation to safeguarding of vulnerable groups</i></p>	<p>✓ (positive)</p>
<p><b>Disability</b> (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)</p>			<p><i>This could increase over time to medium positive in relation to safeguarding of vulnerable groups</i></p>	<p>✓ (positive)</p>
<p><b>Gender re-assignment</b> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)</p>				<p>✓ (positive)</p>
<p><b>Marriage and Civil Partnership</b> (please include associated aspects: caring responsibility, potential for bullying and harassment)</p>				<p>✓ (positive)</p>
<p><b>Pregnancy &amp; Maternity</b> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)</p>				<p>✓ (positive)</p>
<p><b>Race</b> (please include: ethnicity, nationality, culture, language, gypsy, traveller)</p>				<p>✓ (positive)</p>
<p><b>Religion and belief</b> (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)</p>				<p>✓ (positive)</p>
<p><b>Sex</b> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)</p>				<p>✓ (positive)</p>
<p><b>Sexual Orientation</b> (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)</p>				<p>✓ (positive)</p>
<p><b>Other: Social Inclusion</b> (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. A formal consultation has been undertaken with Shropshire Councils Public Health Team, including the Director of Public Health, their response has been incorporated into the draft Gambling Act 2005 Policy Statement 2022 to 2025; it may be found at **Appendix C** of the draft policy.

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 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

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](mailto:lois.dale@shropshire.gov.uk).***

## Appendix 3

### Officer response to consultation responses received

Appendix 3 Letter/ Document Number	Para. No.	Included in Revised Policy [Y/N, In Part or Supporting Proposals (SP)]	Officer Comments Explanatory Notes
1	All	N	The comments made in this representation have been noted. The Council has a statutory duty to produce a statement of licensing policy in relation to the Gambling Act 2005, which details the Council's approach to managing gambling activity within its jurisdiction. This includes ensuring that applications, permits and registrations made to the Council for gambling activities uphold the licensing objectives as set out by the Gambling Act 2005 and protects children and vulnerable persons from being harmed or exploited.
2	1-5	N	<i>"Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime"</i> is one of the three licensing objectives as dictated by the Gambling Act 2005, they form part of the law and are not within the Council's remit to change.
2	6	N	The Gambling Act 2005 has a two-tier approach and assigns different responsibilities to the Gambling Commission and Local Authorities. The Council's responsibility is to licence the premises in which gambling will take place. It is the responsibility of the Gambling Commission to carry out checks on the operator who will be offering gambling activities to ensure they are fit and proper.
3	1	N	Public houses are licensed under the Licensing Act 2003, therefore restrictions on the times they are permitted to be open and carry out licensable activities under the Licensing Act 2003 are applied through this regime, not the under the Gambling Act 2005. The Council carries out checks to ensure the appropriate siting and control of gaming machines in premises licensed under the Licensing Act 2003.

3	2	N	As made clear in paragraph 10.17 of the Policy, the Council will expect licensees to share risk assessments unless there are exceptional circumstances that are accepted by the Council which would exempt a licensee from the requirement to share their risk assessment.
3	3	N	The Council carries out its licensing functions as stated in the Policy and in accordance with the Gambling Act 2005. If at any point the Council is made aware of a gambling premises operating in a way which is not compliant with its licence, or in accordance with the requirements of the Gambling Act 2005, this is investigated, and appropriate action taken where necessary.
3	4	N	The Council acts in accordance with the processes set out in the Policy.
3	5	N	A provisional statement is not an authorisation which permits licensable activities to take place, it is a provisional statement of intention to carry out licensable activities which can be issued prior to a premises being fully operational and a full licence being granted.
4	1	N	Noted
4	2-3	Y	Paragraph 14.2 amended
4	4	N	It would be remiss of an applicant to ignore high levels of any kind of criminal activity in a location, which is already placing a burden on police and other enforcement agencies, in which they propose open a gambling premises. The Council has not said that high levels of crime in a location would lead to a premises licence being automatically refused, but that it expects applicants to consider this, assess whether there is a risk and mitigate any risk identified as part of their risk assessment. If this is achieved an application is likely to be granted.
4	5	Y	Paragraphs 15.7 and 17.10 amended to remove references to concerns about fixed odds betting terminals (FOBT) in light of changes implemented in the period of the existing policy statement to significantly reduce stakes from £100 from £2. The Council does not believe that the reduced stakes entirely mitigate risks associated with FOBTs and expects applicants to address identified risks within their own risk assessments. Due consideration will still be given to the need to apply conditions to betting shop premises licences in relation to FOBT where risk assessments do not mitigate risks.



4	6	N	The Council has not said that a gambling premises application for a premises in close proximity to a mainstream school, a residential school for children with truanting problems, a hostel for vulnerable persons or a centre that provides support for problem gamblers be automatically refused. The Council does expect applicants to consider this, assess whether there is a risk and mitigate any risk identified as part of their risk assessment. If this is achieved an application is likely to be granted.
4	7	N	Comments noted.
5	All	Y	

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## Document 1

**From:** [REDACTED]  
**Sent:** 12 July 2021 19:54  
**To:** Licensing <licensing@shropshire.gov.uk>  
**Subject:** Gambling Act Consultation 2021

I respond to the above as a Shropshire resident and local and national taxpayer.

Gambling, other than at a very modest and personal level, for example friendly games of cards or bridge clubs, charity raffles, a few pounds a week on National, People's Postcode, or Health Lotteries, which support good causes, and so on, is a source of enormous harm to many vulnerable individuals and families and entire communities, particularly in those more economically and/or socially disadvantaged.

The organized gambling industry is dominated by a few large companies, the beneficial ownership of which is often unclear, which with very few exceptions are domiciled offshore, often paying little or no tax within the UK despite generating enormous profits from the gullibility of its citizens.

It is no coincidence that betting shops and the like tend to proliferate in the areas of greatest economic deprivation.

Local authorities, both under numerous statute laws relating to health, economic wellbeing, child protection, human rights and so on, and as a general moral principle, have an absolute duty to exercise up to the limits of the law, and beyond, in accordance with the considerable discretionary leeway permitted by the democratic planning decision system, all possible power to suppress the evil consequences of tolerating gaming establishments of all kinds.

Any minuscule financial "benefit" from rent and business rates paid on such establishments is outweighed one thousandfold by the costs to the taxpayer and wider society of the crime, illness, drug and alcohol abuse, domestic and child abuse, educational, social and health disadvantage, and numerous other societal damages inflicted on the public purse, as has been demonstrated beyond any dispute by the government's own, and many other bodies of verified research and investigation.

Shropshire Council therefore has both the right and the absolute duty within existing law and procedure to suppress and drive out all organized and commercial gaming activities from the county. This strategy has been proven to be possible and beneficial in other local authority areas.

The organised gambling industry has demonstrated its preparedness to break the law outright in pursuit of profit, ruining many lives in the process, and the Gambling Commission has been shown to be utterly toothless and ineffective in discharging its statutory responsibilities.

Shropshire Council must therefore do all that is necessary to protect its citizens in this regard.

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## Document 2

**From:** Sharon Clayton <[clerk@oswestryrural-pc.gov.uk](mailto:clerk@oswestryrural-pc.gov.uk)>  
**Sent:** 28 July 2021 16:30  
**To:** Licensing <[licensing@shropshire.gov.uk](mailto:licensing@shropshire.gov.uk)>  
**Subject:** [CAUTION] Statement of Principles consultation

Dear Licencing Team

- 1) In response to the consultation on Shropshire Council's 'Statement of Principles' the Council responds as follows:
- 2) The Council welcomes the document but in respect of paragraph 15 (Objective 1) which currently reads: -
- 3) *"Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime"*
- 4) would draw your attention to measures which many Financial Institutions now have to take to counter money laundering, the association of gambling with the potential for money laundering and would suggest that the objective be re-worded as follows: -
- 5) **"Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support or facilitate crime or criminal behaviour"**.
- 6) The Council further comments that the document would be strengthened by some reference to financial checks where this would be feasible, or otherwise some reporting mechanisms should instance the use of gambling premises for money laundering should this become apparent or suggested.

Thank you.

Sharon Clayton MPA, BA (Hons), FSLCC

Clerk and Proper Officer

Oswestry Rural Parish Council

64 Cherrybrook Drive

Broseley

Shropshire

TF12 5SH

01952 884372

[Website](#)

**Please note I only work part-time and there may be a delay in responding to your message.**



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## Document 3

Cleobury Mortimer Town Council

### **Observations of Policy as seen at local level.**

**1)** Late licencing is a risk for more gambling and slot machines to be used, 11.30pm is late enough for a Public House Licence to mitigate risk. Problem gambling, misuse of drugs and exploitation as listed in item 7.3, 7.4, 7.5 and 7,6 is exacerbated if allowed way past normal closing times. Also looking at 10.9 and 10.10.

**2)** Are 10.17 Risk assessments being done, checked and shared? Nice to have a policy but action is also needed.

**3)** In part 2 Licencing principals 12.1 is very important that it is looked at when licencing a premises, as some seem not to adhere to the functions of the council set out in its policy and principles set out in section 153 of the Act and using 13.8 to determine.

12.0 Council licencing 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: • licencing 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) APPENDIX 1 Strategic Licensing Committee Report 09/07/2021 – Consultation on the Gambling Act 2005 Policy Statement 2022 to 2025 22 • 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

**4)** Item 17.6 is very important and checked on spec if misuse has been identified 24.2. Under 19.7 the council has the power to act and should do such in a timely manner.

### **Suggested to add.**

**5)** Period of Licence 38.6 page 54.

If the holder continues to ignore warnings about anti-social behaviour or criminal actions as deemed by the correct authority working with the police, the authority will take steps to remove the licence.

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# GOSSCHALKS

## Document 5

BY EMAIL ONLY  
Licensing Department  
Shropshire Council

Please ask for: [REDACTED]  
Direct Tel: [REDACTED]  
Email: [REDACTED]  
Our ref: [REDACTED]  
Your ref:  
Date: 10 September 2021

Dear Sirs,

### **Re: Gambling Act 2005 Policy Statement Consultation**

**1)** We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

#### **The Betting and Gaming Council**

The Betting and Gaming Council (BGC) was created in 2019 as the new standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

BGC members support 119,000 jobs and account for £4.5 billion to the Treasury annually in tax. Recent study also showed that BGC members contributed around £7.7 billion in gross value added to the UK economy in 2019.

The gambling industry is integral to the survival of sport. Betting companies spend over £40 million a year on the English Football League (EFL) and its clubs. Horse racing, an industry estimated to be worth £3.5 billion a year to the UK economy and which generates 85,000 jobs receives over £350 million per annum through the Horse Racing Industry Levy, media rights and sponsorship. Darts and Snooker receive in excess of £10 million per annum which represents 90 % of all sponsorship revenue.

The BGC has four principal objectives. These are to –

- **create a culture of safer gambling throughout the betting and gaming sector, with particular focus on young people and those who are vulnerable**

- ensure future changes to the regulatory regime are considered, proportionate and balanced
- become respected as valuable, responsible and engaged members of the communities in which its members operate
- safeguard and empower the customer as the key to a thriving UK betting and gaming industry

Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

### **Betting and Gaming in the UK**

Betting and gaming is an incredibly important part of the UK leisure and hospitality industry, employing over 70,000 people, including 50,000 in betting, 13,000 in casinos and 10,000 people directly employed online. The betting and gaming industry contributes £8.7 billion Gross Value Added to the UK economy & contributes £3.2 billion to HM Treasury. In addition, casinos contribute over £120 million to the tourism economy each year.

Betting and gaming is widely enjoyed in the UK. Around 30 million people participate in some sort of gambling, whether that is on the National Lottery, placing a bet in betting shops, playing in casinos or at bingo. The overwhelming majority of these people do so safely without reporting any problems.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of March 2020) was 7681. This is reducing every year and has fallen from a figure of 9137 in March 2014. Covid 19 had a devastating effect on the betting industry. The number of betting offices in June 2020 was down to 6461.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019 a maximum stake of £2 was applied to the operation of fixed odds betting terminals
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable and possibly falling.

### **Problem Gambling**

Problem gambling rates are static or possibly falling. The reported rate of 'problem gambling' (according to either the DSM-IV or the PGSI) was 0.8% of the adult population in 2015, in 2016 it was 0.7% and in 2018 it was 0.5% of the adult population.

This is termed statistically stable but is encouraging that we might finally be seeing a reduction in problem gambling due to the raft of measures that have been put in place recently both by the industry, the Gambling Commission and the Government – from a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures and voluntary restrictions on advertising. These rates have remained broadly the same since the introduction of the Gambling Act 2005.

Whilst one problem gambler is too many, both the Government and regulator both say there is no evidence that problem gambling has increased in recent years.

During the Covid-19 period of lockdown, both the Gambling Commission and Government have acknowledged that problem gambling levels have not increased.

In June 2020, the BGC's five largest members committed to increasing the amount they spend on research, education and treatment (RET) services from 0.1 per cent to 0.25 per cent of their annual revenue in 2020, 0.5 per cent in 2021, 0.75 per cent in 2022 and 1 per cent in 2023. The five operators confirmed they will provide £100 million to GambleAware charity to improve treatment services for problem gamblers.

Rates of 'problem gambling' in the UK are low by international standards – compared to France (1.3%), Germany (1.2%), Sweden (2.2%) and Italy (1.27%).

The BGC supported the creation of the new NHS gambling treatment clinics who have promised 22 clinics, 3 of which are open now. We are pleased that the NHS have committed to work to increase the number of clinics in the UK in addition to existing serviced delivered by Gordon Moody Association and GamCare's 120 treatment centres located throughout the UK.

The BGC welcomes the Gambling Commission's National Strategy was a way of accelerating progress on responsible gambling and tackling problem gambling. Our members are fully committed to meeting this challenge and are working tirelessly to deliver new responsible gambling initiatives including technology that tackles problem gambling and supporting a statutory levy and increased funding for problem gambling clinics.

Underage participating by those aged 11-16 in any gambling activity has declined from 22% to 11% over the past decade; here, 'gambling activity' mainly relates to personal betting (e.g. playing cards with friends) and legal play of lotteries (e.g. participating with consent of parents / guardians). BGC members have a zero tolerance to those under the age of 18 attempting to use their products.

### **Working in partnership with local authorities**

The BGC is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

### **Differentiation between Licensing Act 2003 and Gambling Act 2005 applications**

When considering applications for premises licences, it is important that a clear distinction is made between the regimes, processes and procedures established by Gambling Act 2005 and its regulations and those that are usually more familiar to licensing authorities – the regimes, processes and procedures relating to Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, those steps being then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications where the LCCP provide a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called “Think 21”. This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%.

When reviewing draft statements of principles in the past, we have seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

### **Considerations specific to the Gambling Act 2005 Policy Statement 2022-2025**

- 2) Paragraph 14.2 indicates that the council will expect operators to submit suggested conditions based on their own risk assessments. This paragraph should be amended to remove any suggestion that policies, procedures or mitigation measures proposed in an operator’s risk assessments will be “converted to” or form the basis of premises licence conditions. The imposition of conditions should only be considered where the policies, procedures or mitigation measures do not adequately address the identified risk.
- 3) The reason for this is that a risk assessment is a dynamic document and (in accordance with SR Code Provision 10.1.2) must be reviewed if there is a significant change in local circumstances. As risks change or new risks are identified, the policies, procedures and mitigation measures to address those identified risks may be changed very quickly. If, however, the mitigation measures are the subject of premises licence conditions then an application for variation of the premises

licence would be required to change these conditions. That could delay changes and would cause unnecessary expense and administration for operators.

- 4) Paragraph 15.4 should be amended to remove the suggestion that an application is likely to be refused if the proposed premises is in an area with “unacceptable levels of crime” irrespective of whether this has anything to do with gambling. Such crime would not be a consideration in the context of s153 Gambling Act 2005.
- 5) Paragraphs 15.7 and 17.10 refer to concerns relating to fixed odds betting terminals which were widely reported prior to the last policy review. The reduction in minimum stake from £100 to £2 on FOBTs (which occurred in April 2019) has significantly changed the use and indeed profile of these machines and any perceptions surrounding them. In the circumstances, these paragraphs should be redrafted.
- 6) Paragraph 17.5 states that an application for premises licence near to a school or hostel is likely to be refused where there is evidence that the proximity of the premises causes a risk to the licensing objectives and that risk is not adequately addressed by control measures identified in the operators risk assessment or by conditions. This is how it intended that the licensing of premises under Gambling Act 2005 is operated. It must be remembered, however, that gambling premises have always existed in areas that are either densely populated or which are areas of high footfall. Consequently, ever since they have been permitted, gambling premises have existed in areas where children walk past and there is no evidence of such children being harmed by the mere presence of a gambling premises. Operators will identify potential risks (such as underage persons trying to gain admission) and have policies and procedures to ensure that any risk is addressed.
- 7) With regard to the Local Area Profile (LAP) contained within Appendix B, context again is very important. This recognises that those living in deprived areas are potentially more vulnerable to alcohol related harm but does not complete the picture by acknowledging that persons living in deprived areas are also less likely to gamble in gambling premises. Research (Wardle 2015) states, *“The evidence relating to household income and gambling harms is mixed, showing that generally those of lower income are less likely to gamble but those that do spend a higher proportion of their income on gambling. This was highlighted as a concern given the (likely) lesser ability of lower income households to protect themselves from financial instability (Brown et al, 2011). However, as stakeholders noted, there is some unease about labelling all low-income households as vulnerable as income, gambling, debt and money management are likely to interact to shape outcomes.”* “Similarly whilst certain ethnic groups have been identified as more vulnerable context is important. The same research states, *“where both adults and children of Asian backgrounds were far less likely to gamble than their White British counterparts, yet those that did were more likely to experience problems.”*

## **Conclusion**

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that these comments above are useful. The BGC will work with you to ensure that its members’ operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,



**GOSSCHALKS LLP**

## Document 5

# Estimated prevalence of problem gambling in Shropshire

## 1 Introduction

Gambling risk status has been defined using the short-form Problem Gambling Severity Index (PGSI) for the Gambling Behaviour Surveys. A score of 4 or higher indicates problem gambling status implying the gambling behaviours have negative consequences for the individuals affected and a possible loss of control (see Table 1).

Table 1: Gambling risk classification

Score	Classification	Explanation
0	Non-problem gambler	Gamblers who gamble with no negative consequences.
1	Low risk gambler	Gamblers who experience a low level of problems with few or no identified negative consequences
2-3	Moderate risk gambler	Gamblers who experience a moderate level of problems leading to some negative consequences.
4+	Problem gambler	Gambling with negative consequences and a possible loss of control.

The purpose of this estimate is to quantify the scale of problem gambling among Shropshire residents to inform local strategies and plan to manage the problem.

## 2 Method

The levels of problem gambling from the 2021 Gambling behaviour survey based on age-specific rates for 16-24, 25-34, 35-44, 45-54, 55-64, and 65+ year olds were used to multiply the ONS mid-year population estimates for 2020 to estimate the numbers with problem gambling assuming the national profile applies to Shropshire. The survey covered all forms of gambling including online gambling.

The local rate was calculated per 10,000 resident population aged 16 years or older and compared with the national average.

Please see Table 2 for details.

### 2.1 Data sources

- Prevalence estimate: [Gambling behaviour in 2021: Findings from the quarterly telephone survey \(Year to March 2021\) - data.gov.uk](#)
- Local population estimate: Office for National Statistics (ONS) Mid-2020 Population Estimates for 2020 Wards, and 2021 LAs in England and Wales by Single Year.

The above are the most recent relevant data available

## 3 Interpretation and Limitations

This is a synthetic estimate intended to highlight the scale of the local problem and is not based on real local data. Nationally the population structure has a higher proportion in younger working age population than Shropshire, and problem gambling rates are higher in this age group, local estimate will be generally lower in areas with higher concentration of the older age group and higher in areas with predominantly younger working age population.

The latest survey was done during the COVID pandemic during which some activities (e.g., sporting activities) were suspended. There is a potential the survey findings may underestimate the extent of the problem gambling levels nationally.

Additionally, the national survey has not been broken down by sex specific age groups hence it was not possible to provide estimates by sex.

Finally, due to the relatively small sizes of the national survey sample split by age the estimates should be treated with caution.

In spite of the above limitations, this estimate provides a useful baseline for informing local strategies to address problem gambling given the fact that a significant proportion (42.0% the 2021 national survey participate population) in one form of gambling or the other and gambling is a significant source employment and revenue for government.

Table 2: Estimated levels of Problem Gambling by Electoral Ward (September 2021)

Ward Name	Estimated number affected	Estimated Rate per 10,000 aged 16 or above	Rank of rate (Rank 1 is the lowest rate and Rank 63 is the highest rate)
Abbey	13	34.89	17
Albrighton	12	32.28	5
Alveley and Claverley	12	33.84	9
Bagley	16	40.19	57
Battlefield	17	42.42	62
Bayston Hill, Column and Sutton	37	35.17	21
Belle Vue	15	38.20	43
Bishop's Castle	11	33.51	8
Bowbrook	16	39.63	52
Bridgnorth East and Astley Abbotts	20	33.29	7
Bridgnorth West and Tasley	22	36.32	31
Broseley	15	36.25	29
Brown Clee	12	34.36	12
Burnell	15	35.10	20
Castlefields and Ditherington	16	42.29	61
Cheswardine	14	38.13	41
Chirbury and Worthen	9	34.36	12
Church Stretton and Craven Arms	24	29.95	2
Clee	13	33.23	6
Cleobury Mortimer	21	32.08	4
Clun	11	31.80	3
Copthorne	14	39.72	53
Corvedale	11	34.42	14
Ellesmere Urban	13	36.86	34
Harlescott	16	40.76	58
Highley	11	35.04	18
Hodnet	16	38.55	45



Ward Name	Estimated number affected	Estimated Rate per 10,000 aged 16 or above	Rank of rate (Rank 1 is the lowest rate and Rank 63 is the highest rate)
Llanymynech	13	34.78	16
Longden	13	37.26	38
Loton	13	37.04	35
Ludlow East	12	35.80	26
Ludlow North	10	29.06	1
Ludlow South	13	36.73	33
Market Drayton East	17	36.38	32
Market Drayton West	28	38.46	44
Meole	14	38.17	42
Rea Valley	13	33.98	10
Monkmoor	14	38.60	46
Much Wenlock	12	34.69	15
Porthill	16	39.56	51
Prees	14	35.71	23
Quarry and Coton Hill	17	39.22	48
Radbrook	16	39.90	55
St Martin's	14	37.25	37
Severn Valley	14	36.23	28
Shawbury	17	39.93	56
Shifnal North	19	39.54	50
Shifnal South and Cosford	22	39.84	54
Sundorne	14	43.00	63
Tern	14	34.12	11
The Meres	16	36.06	27
Underdale	15	42.21	60
Wem	26	35.09	19
Whitchurch North	24	37.44	39
Whitchurch South	14	37.16	36
Worfield	11	35.74	24
Gobowen, Selattyn and Weston Rhyn	21	36.26	30
Oswestry East	31	39.49	49
Oswestry South	14	35.78	25
Oswestry West	14	41.20	59
Ruyton and Baschurch	14	38.74	47
St Oswald	14	35.61	22
Whittington	13	37.50	40
<b>Shropshire total</b>	<b>998</b>	<b>36.65</b>	<b>N/A</b>
<b>Nation Average</b>	<b>N/A</b>	<b>39.80</b>	<b>N/A</b>

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<u>Committee and Date</u>
Strategic Licensing Committee
6 October 2021

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

## LICENSING FEES AND CHARGES 2021-2022

**Responsible Officer** Mandy Beever, Transactional and Licensing Team Manager  
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### 1. Summary

- 1.1 This report proposes revised fees for the period 1 April 2022<sup>1</sup> to 31 March 2023 for licences and licensing related activities where the authority has the discretion to determine the relevant fees and relates to:
- hackney carriage and private hire vehicles and drivers;
  - private hire operators;
  - public health (acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing, electrolysis);
  - animals (hiring out horses, providing day care for dogs, boarding for cats, home boarding, kennel boarding, breeding for dogs, selling animals as pets, keeping or training animals for exhibition, dangerous wild animals and zoos);
  - scrap metal;
  - sex establishments;
  - street trading;
  - explosives and fireworks;
  - distribution of free printed matter; and
  - pleasure boats and vessels.
- 1.2 The report also proposes revised fees under the Gambling Act 2005 in relation to gambling activities where the authority has the discretion to determine fees up to legally set statutory maximums.
- 1.4 The statutory fees that must be charged for specific licences, permits and registrations under the Licensing Act 2003, the Gambling Act 2005 and explosives and fireworks legislation are also set out within the report.
- 1.5 Those licensed activities for which no fees may be set are also highlighted.

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<sup>1</sup> The fees applicable to hackney carriage, private hire vehicle and operator licences may become effective on a date prior to the 1 April 2022. This is because the Council must follow the process prescribed by Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 to vary these fees and the actual date that the fees become legally effective is dependent on whether or not objections are made as part of the prescribed process. Whilst not legally required to do so, the Council has historically applied the same process to hackney carriage and private hire vehicle drivers licences.

## 2. Recommendations

- 2.1 That the Committee notes the statutory fees that Shropshire Council is required to charge in accordance with the Licensing Act 2003 as set out in **Appendix A**, in accordance with the Gambling Act 2005 as set out in **Appendix B** and in accordance with explosives and fireworks legislation as set out in **Appendix C** and recommends that the authority implements these fees (or if subject to statutory amendment, the relevant amended fees) on the 1 April 2022 and instructs the Head of Trading Standards and Licensing to arrange for the fees to be included in the 2022/23 annual fees and charges reports that are presented to Cabinet and Council and further instructs the Head of Trading Standards and Licensing to implement, as appropriate, any other statutory fees that may be brought into force during the 2022/23 financial year and to publish all relevant statutory fees on the licensing pages of the Council's website as soon as is practicable.
- 2.2 That the Committee implements, with any necessary modification and with effect from 1 April 2022, the proposed fees as set out in **Appendices D, E, F, G and H** that relate to those licences and licensing related activities where the authority has the discretion to determine the fees and instructs the Head of Trading Standards and Licensing to arrange for the fees to be included in the 2022/23 annual fees and charges reports that are presented to Cabinet and Council and further instructs the Head of Trading Standards and Licensing to publish the fees on the licensing pages of the Council's website as soon as is practicable.
- 2.3 That the Committee proposes to vary the fees relevant to driver, hackney carriage, private hire vehicle and operator licences as set out in **Appendix F**, with any necessary modification, and instructs the Head of Trading Standards and Licensing, in accordance with the provisions of Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 to undertake the necessary work to consult and implement the fees.
- 2.4 That the Committee instructs the Head of Trading Standards and Licensing to arrange for the proposed fees as set out in **Appendix F**, with any necessary modification, to be included in the 2022/23 annual fees and charges reports that are presented to Cabinet and Council and, where necessary, in respect of those fees a note is recorded in the said annual reports stating '*Provisional fees under consultation fees to be confirmed by the Strategic Licensing Committee*'.

## REPORT

### 3. Risk Assessment and Opportunities Appraisal

- 3.1 The Council makes every effort to recover regulatory and enforcement costs from those who are licensed. However, it is acknowledged that the Council's licensing fees and charges may be challenged through a number of routes, including service complaints to the Local Government Ombudsman and judicial review; hence, the importance of undertaking robust processes to set discretionary fees and charges.
- 3.2 The Council is permitted to include costs for clerical and administrative aspects when determining licence fees but these must be reasonable and proportionate to the actual costs of the procedures. The costs of regulatory and enforcement activities, including enforcement to address unlicensed activity, can also be

included. Only successful applicants can be required to make a contribution towards the regulatory and enforcement costs.

- 3.3 Where the Council intends to recover regulatory and enforcement costs, it cannot include these costs in the fee that is payable at the time any application is submitted. Such costs are only payable after the decision has been taken to grant or renew a licence. This means that for those licences that incur post application regulatory and enforcement costs, the fees are charged in two parts:
- (a) the first part is payable at the time an application is submitted and aims to recover the costs associated with the administrative procedures and formalities of the application process (this includes the costs of undertaking all the required checks relevant to each licence type); and
  - (b) the second part is payable by the applicant only once the licence is granted or renewed and aims to recover the costs associated with the ongoing regulation and enforcement of the licencing regimes.
- 3.4 There are a number of licences that do not incur post application regulatory and enforcement costs. This is because the work undertaken as part of the application process is deemed to be proportionate to the level of risk associated with the activity that is controlled by these particular licence types. For these licences, there is only one fee payable and this is at the point of application.
- 3.5 The two-part fee is not applicable to hackney carriage, private hire and gambling related licences; consequently, for these licence types a single fee is payable at the point of application. The same is applicable to all statutory fees.
- 3.6 To reduce the risk of challenge to the Council, a financial modelling tool was introduced in 2013 to calculate licensing fees from 2014/15 onwards. This continues to be updated, modified and refined to take account of amendments to the law, changes made by licensing officers, recommendations from the Council's finance officers and to reflect ongoing changes to the way in which the licensing function is resourced.
- 3.7 Overall, the tool draws together detailed information regarding the costs associated with undertaking the administrative procedures and formalities associated with all licensing procedures, including the costs of investigating the background and suitability of applicants for licences together with the cost of monitoring the compliance of those who are licensed against the conditions of their licences. It also aims to demonstrate that the cost of enforcing the licensing regime against unlicensed operators has been considered and is included in licence fees. Enforcement costs are not included for joint hackney and private hire drivers' licenses in line with specific provisions of the Local Government (Miscellaneous Provisions) Act 1976. Fees are compared on an ongoing rolling basis.
- 3.8 An Equality and Social Inclusion Impact Assessment has not been undertaken as the report does not concern the implementation of a new policy; the focus of the report is the review of licensing costs to ensure the Council is in a position to recoup its costs on a cost recovery basis in line with current legislative requirements.
- 3.9 There is no anticipated environmental impact associated with the recommendations in this report.

- 3.10 The recommendations are not at variance with the Human Rights Act 1998 and are unlikely to result in any adverse Human Rights Act implications. The recommendations are in line with current legal procedures laid down in domestic licensing legislation and takes into consideration relevant European provisions and case law.
- 3.11 There is no statutory duty on the Council to consult when setting or revising licensing fees with the exception of those fees relating to hackney carriage, private hire vehicles and operators' licences under Section 70 of the Local Government (Miscellaneous Provisions) Act 1976. This duty is reflected in the recommendation set out at paragraph 2.3 above. Historically, the Council has also consulted on driver licence fees and consequently it is recommended that this practice continues. With respect to the remaining discretionary fees, it is suggested that publishing the Council's intentions, prior to the fees coming into force, is sufficient and this reflects previous practice.
- 3.12 The Committee's legal authority to agree the recommendations is based within a range of specific licensing legislation together with the delegated functions set out in the Council's Constitution. Extracts from the relevant legislation are provided in **Appendix J**. Due consideration has also been given to relevant European legislation.

#### **4. Financial Implications**

- 4.1 The total cost to the Council of delivering the licensing service in 2020/21 was calculated to be £718,899 and the income received was £653,668. There was an overall deficit of £65,231 with specific surpluses and deficits relating to each licence type calculated separately – see **Appendix I**. Steps have been, and continue to be taken, to improve cost recovery across all appropriate licence types in order to reduce the overall deficit and to redistribute, return and recoup fees in relation to each licence type as appropriate.
- 4.2 The proposed fees are based on undertaking the administrative procedures and formalities associated with the relevant licencing procedures, including the costs of investigating the background and suitability of applicants for licences together with the cost of monitoring the compliance of those who are licensed against the conditions of their licences and enforcement for unlicensed activities where it is permitted. Where relevant, the fees have been split into two parts. The recovery of the deficits and the return of the surpluses as set out in **Appendix I** have been included in the fee calculations for 2022/23. As a result of this work, the proposed fees have been calculated and are set out in **Appendices D to H**.
- 4.3 Costs can be recovered over a period of time allowing surpluses to be returned to licensees and deficits to be recouped by the Council. This does not mean that fees have to be adjusted every year to reflect immediately previous deficits or surpluses. In any case, it must be demonstrable over a period of time that only legitimately incurred costs are recovered. Costs associated with enforcing unlicensed operators/businesses are recoverable by the Council but these costs are excluded from the calculation for the joint hackney and private hire drivers' licences in line with provisions in the Local Government (Miscellaneous Provisions) Act 1976. In

addition, costs of providing advice to those who may consider applying for a licence in the future are included.

4.4 The surpluses and deficits for hackney carriage and private hire licence fees are set out in **Appendix I (Table 2)** and have been incorporated into the revised fees as set out **Appendix F**. Where a surplus has been generated in 2020/21 but a cumulative deficit position exists from 2014/15 to 2020/21, licence fees have not been reduced. A summary of those fees where a variation is proposed are listed below.

- Driver's Joint Badge New 3 year (inc. DVLA, DBS check, first knowledge test, first driver training assessment and Safeguarding Course) increased by 7.9%
- Driver's Badge 3-year Renewal (inc. DVLA, DBS check and Safeguarding Course) increased by 2.1%
- Change of Details increased by 41.2%
- Vehicle Licensee Transfer increased by 14%
- Driver Training assessment increased by 21.1%
- Standard Private Hire Vehicle – new increased by 23.6%
- Standard Private Hire Vehicle – renewal increased by 0.5%
- Standard Private Hire Vehicle – transfer increased by 69.4%
- Novelty Private Hire Vehicle – new increased by 20.6%
- Private Hire Vehicle Licence Transfer (transfer of existing licence to a new vehicle) increased by 69.4%
- Hackney Carriage Vehicle – new increased by 22.5%
- Hackney Carriage Vehicle – renewal increased by 3.6%
- Hackney Carriage Licence Transfer (transfer of existing licence to a new vehicle) increased by 71.6%
- Private Hire Operator Large - 31 vehicles and more and/or more than one base increased by 3.3%
- Private Hire Operator Small - up to and including 30 vehicles and one base increased by 10.3%
- Private Hire Operator Large - 31 vehicles and more and/or more than one base increased by 5.4%

4.5 The fees under the Licensing Act 2003 are statutory fees that the Council cannot change. **Appendix I (Table 1)** shows a fee surplus of £116,437 was generated. This is largely due to the requirement for licensed premises to pay an annual fee to maintain their licence. The process of offsetting the overall licensing deficit using Licensing Act fees is permissible; however, this is only because the Licensing Act fees are statutory. Where the Council has the authority to set specific discretionary fees, these fees must be used only for the purposes of funding those specific licences.

4.6 Public health licences are issued indefinitely; hence, there is no opportunity to recoup deficits or return surpluses through a renewal process. Fee payments are entirely reliant on new applicants. The number of applicants is difficult to forecast, although there currently appears to be an upward trend. The administration and enforcement of the public health licences has, and continues to be, reviewed and efficiencies identified. However, the applications received still contributed to a £17,249 deficit across the public health licences in 2020/21. Where a surplus has

been generated in 2020/21 but a cumulative deficit position exists from 2014/15 to 2020/21, licence fees have not been reduced.

- 4.7 On the 1 October 2018 the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (the Regulations) came into effect. This provides for the licensing of providing day care for dogs, breeding for dogs, boarding for cats, kennel boarding, home boarding, selling animals as pets, keeping or training animals for exhibition and hiring out horses. The new regulations do not include zoos and dangerous wild animals, the issuing of these licenses remain under the existing legislative requirements
- 4.8 The work that has been undertaken to recover the deficits associated with animal licences from 2014/15 to date has not been fully effective. The cumulative deficit has increased with a further £17,373 incurred in 2020/21. This is principally due to the changes introduced by the Regulations. The regulations required an increase in staffing resource to carry out inspections, particularly to address the increasing risk to animal welfare because of importation and over-breeding. Furthermore, the regulations allowed for licences to be issued to those businesses who met the higher standards for an extended period of up to three years, (previous legislation only allowed for a one-year licence to be issued). This resulted in a reduction in fees being received on an annual basis. The administration and enforcement of the animal health licences has, and continues to be, reviewed and efficiencies identified.
- 4.9 All licences subject to the Regulations are given a star rating (with the exception of Keeping or Training Animals for Exhibition Licences, which replaced Performing Animals Certificates and are subject to an automatic three year licence which is not star rated). The purpose of the star rating system is to ensure consistency in the implementation and operation of the licensing system, and to ensure that consumers can clearly see the star rating a business has received and therefore the risk level and standards of animal welfare they have. The star rating is determined by a scoring matrix set out in the Regulations. In order to calculate the star rating the results of an inspection of a premises and an assessment of the level of risk a business poses are combined to produce a rating between one and five stars. The higher the star rating is the better the standard of the business. The star rating also determines the length of time a licence lasts. One and two star licences last for one year, three and four star licences last for two years and five star licences last for three years.
- 4.10 The introduction of the star rating and different length licences makes it challenging to forecast annual income in relation to animal licences, this is due to the fact that under the new regime the number of licences issued in one financial year does not reflect the number that will be due for renewal in the following financial year. There are also a number of other variables which may affect when, or if, a licence is renewed, including:
- Surrender or non-renewal of a licence – there has been an increase in this since the new Regulations came into force as they are more difficult to comply with and some business have chosen not to continue operating.



- A licence not being granted, or an application being withdrawn after the initial application and inspection phase (and therefore not paying the second part of the fee) because the business is not able to comply with the Regulations – instances of this have also increased due to some businesses finding it hard to comply with the new Regulations.
  - A business requesting a re-rating inspection mid-licence because they have carried out work identified as needed at the initial inspection and are now able to reach a higher standard. The star rating and therefore the length of the licence would increase as a result, changing the original renewal date.
  - A businesses star rating being downgraded following an unannounced inspection (either the mandatory unannounced inspection carried out during the course of the licence as required by the Regulations or as the result of a complaint), resulting in the licence lasting for a shorter period of time than originally issued, changing the original renewal date.
  - A business deciding not to continue with one activity where they carry out more than one or deciding to add a new activity. For example, a business which was a kennel and a cattery deciding not to offer cat boarding but continuing with kennel boarding when they come to renew their licence, reducing the renewal fee due.
- 4.11 Under the previous regimes the majority of licences lasted for one year, there were no star ratings and the regimes were less rigorous, so there were relatively fewer variables which could impact on the likelihood of when and if a licence was renewed. It was therefore possible to forecast expected income from animal licences in year more accurately.
- 4.12 A list of the fees under the new regulations is set out at **Appendix H**.
- 4.13 Explosives and fireworks licence and registration fees are all statutory fees (with the exception of those discretionary fees listed in **Appendix D**), which cannot be changed by the Council. **Appendix I (Table 1)** shows a deficit of £6,518, which will only be able to be reduced through making efficiency improvements across the administration and enforcement processes. The service is continuing to review how these efficiencies can be achieved. It should be noted that the activities to which the discretionary fees relate are little used in practice and were not used at all during 2020/21; hence there being no opportunity to generate additional discretionary income in order to recover the deficit incurred. However, the statutory fees did increase on the 1 April 2021 and the additional charge has been applied to all applications since this date. The result of the increase in the statutory fees will not be realised until the end of the 2021/22 financial year and the detail will appear in next years fees and charges report.
- 4.14 The work that has been undertaken to recover the deficit associated with scrap metal licences from 2014/15 to date has been partially effective. However, the cumulative deficit has increased with a further £6,660 deficit incurred in 2020/21.

This is, in part, due to those existing businesses, at the time the legislation came into effect, being issued a licence for three years rather than the annual licence which had previously been required. The financial year 2020/21 is part way through the three-year cycle. The staffing resource required to carry out inspections to address the recognised criminal risks associated with scrap metal dealing is continually reviewed. The administration and enforcement of scrap metal licences has and continues to be reviewed and efficiencies identified. The fees associated with scrap metal licences are set out in **Appendix G**.

- 4.15 The licences that are grouped as miscellaneous include those for caravan sites, sex establishments, free printed matter, street collections, house to house collections, street trading and pleasure boats and vessels as listed in **Appendix G**. Work that has been undertaken to recover the deficit associated with these licences from 2014/15 to date has not been effective with the cumulative deficit increasing with a further £19,321 incurred in 2020/21. A proportion of these costs are not recoverable and will always be borne by the local taxpayer as there are certain licences where the Council is unable to charge fees, e.g. licensing house to house collections, street collections and non-residential caravan sites. In addition, work has yet to be undertaken to develop a policy under which the Council will be able to charge for the licensing of residential caravan sites. The administration and enforcement of these licences has and continues to be reviewed and efficiencies identified. However, to reduce the risk of further deficits, work has been done to identify the specific areas which largely contributed to the deficit in the miscellaneous licences' category. There were two areas identified, Street Trading Consents and the Distribution of free printed matter due to the administration and enforcement required. A summary of the proposed variations is listed below.
- Street Trading Consents (minimum charge for up to 7 days (the 7 days may be used at any time within a 12-month period commencing from the date the consent is issued to be increased by 128.9%.
  - Street Trading Consents – Annual to be increased by 87.9%
  - Distribution of free printed matter – weekly permit to be increased by 7.4%
  - Distribution of free printed matter – monthly permit to be increased by 6.1%
  - Distribution of free printed matter – annual permit to be increased by 4.0%
- 4.16 The Gambling Act 2005 provides for licences, permits, notices and registrations. The Council has the discretion to set the fees for licences and notices up to certain statutory maximums. The fees for permits and registrations are statutory and the Council has no authority to change these.
- 4.17 The majority of the Gambling Act work undertaken relates to the administration and enforcement of permits and registrations, which are the subject of statutory fees. There is a clear indication that these statutory fees are insufficient to cover the cost of the work associated with the administration and enforcement of the permits, e.g. basic administrative costs are at least 20% more than the statutory fee payable and there are a considerable number where the overall costs are significantly more. Processes continue to be reviewed and refined to ensure efficiencies wherever practicable.

- 4.18 The Council has the authority to set the licence fees under the Gambling Act (up to certain statutory maximums). The proposed fees, which directly reflect the calculations to recover the costs incurred, or the statutory maximum depending on which of the two is lower, are set out in **Appendix E**. As with explosives licences referred to above, the activities to which the discretionary fees relate are little used in practice; hence there being no opportunity to generate additional discretionary income in order to recover the deficit incurred.
- 4.19 An assumption has been made about the number of renewals that will take place in 2022/23 in order to recover or redistribute the deficits and surpluses. Until the end of the 2022/23 financial year it will not be known whether the assumptions about the number of renewals were accurate or not. The activity in 2021/22 will again change the cumulative position and further adjustments will be required in this rolling annual process. The adjustments to correct any material discrepancy in the recovery or redistribution of the deficits and surpluses will be made against 2023/24 fees and so on until the recovery of the surplus or deficit reaches a satisfactory position.
- 4.20 Where licenses have a renewal period of greater than one year, the recovery or redistribution calculation is spread across the same period.
- 4.21 The setting of licensing fees and charges for the 2022/23 includes:
- An estimation of a 2.0% pay award for local government staff effective from 1 April 2021.
- 4.22 Where legislation allows the Council to recover licensing costs, it is important that this is undertaken effectively. Losses that are not funded by other means, including being subsidised by council tax payers, may result in a reduction in the Council's ability to effectively deliver the overall licensing regime in the Shropshire Council area. However, it is recognised that not all licensing costs are recoverable.

## 5. Background

- 5.1 The principle of cost recovery under licensing legislation applies to the licensing of hackney carriages and private hire vehicles, operators and drivers. It also extends to sex establishments, street trading, acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing, electrolysis, zoos, providing day care for dogs, breeding for dogs, boarding for cats, kennel boarding, home boarding, selling animals as pets, keeping or training animals for exhibition, hiring out horses, dangerous wild animals, scrap metal dealers, pleasure boats/vessels, distribution of free printed matter, residential caravan sites, some explosives and fireworks licences, together with the issuing of various licences under the Gambling Act 2005.
- 5.2 Caravan sites are currently licensed by the Council under the Caravan Sites and Control of Development Act 1960, as amended by the Mobile Homes Act 2013. The amendment to the 1960 Act permits the Council to charge fees for the licensing of residential caravan sites; however, the Council is required to publish a fees policy prior to setting fees. The Council has not yet adopted a policy; consequently, fees are not yet included in the proposals.

- 5.3 The financial modelling tool, referred to in paragraph 3.6, has been set up to allow residential caravan site and Licensing Act 2003 fees to be incorporated and calculated as and when the Council is in a position to do so both from a policy and a legislative perspective.
- 5.4 The government has previously consulted on its intention to move from centrally set to locally set licence fees under the Licensing Act 2003 but has yet to take this forward. As a result, the nationally determined statutory fees are retained and the Licensing Act 2003 fees are included in **Appendix A**. There are no discretionary Licensing Act 2003 fees proposed other than for providing a copy of information contained in an entry in the public register; this is reflected in **Appendix G**.
- 5.5 The costs associated with the licensing procedures that the Council may legally recover in fees consists of administrative costs, the costs of investigating the background and suitability of applicants for licences and the costs of monitoring the compliance of those with licences with their terms. Where applicable the cost of enforcement against unlicensed operators is also included in the fee. These will certainly include the costs that are directly attributable to licensing procedures and a proportion of indirect costs. The Council must be in a position to demonstrate that the costs included in any fees calculations are reasonable and proportionate to the cost of the licensing procedures.
- 5.6 Fees cannot exceed the cost of the licensing procedures and cannot be used to finance the delivery of other Council services.
- 5.7 To aid the Council to properly recover relevant licensing costs all licensing procedures have been considered and reviewed in detail; this work continues to evolve through an iterative process to further develop, improve and refine the processes involved. Managers, licensing officers and finance officers have collaborated in this work. The licensing procedures are considered from receipt of application to the issue of the final licence, permit, notice or registration with both variable and fixed costs being considered. These costs include officer, management and member time, including running of relevant Committees and the Licensing Panel, to administer and monitor compliance of both those already licensed and those who are unlicensed but exclude time spent enforcing matters that relate to joint hackney and private hire drivers' licences. In addition, a proportion of all indirect costs that can reasonably be attributed to licensing procedures have been included; for example, office accommodation, ICT, travelling, advertising, postage & printing, subscriptions, telephone costs, training and all other relevant internal market recharges and supplies and services costs.

## 6. **Additional Information**

- 6.1 In respect of the discretionary fees proposed in **Appendix F**, namely the setting of fees for hackney carriages, private hire vehicles and operators' licences, statutory procedures must be followed. Consequently, to vary the fees from those currently set, the Council is required to follow specific procedures that allow for objections to be made and considered by the Committee.
- 6.2 The process that has been undertaken to determine the fees for 2022/23 is an extension of the process that commenced in 2013. This process will continue

annually with amendments being made to take account of changes in the law and Council procedures and costs.

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

- Services Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market
- Provision of Services Regulations 2009 - SI 2009 No 2999
- Supreme Court Judgement in the case of R (on the application of Hemming and others v Westminster City Council – 29 April 2015 - [2015] UKSC 25 on appeal from [2013] EWCA Civ 591
- Court of Justice for the European Union Judgement in the case of Hemming [2016] EUECJ C-316/15 (16 November 2016)
- Mobile Homes Act 2013
- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

**Cabinet Member (Portfolio Holder)**

Councillor Ed Potter, Deputy Leader, Economic Growth, Regeneration and Planning

**Local Member**

Not applicable – report has county wide application

**Appendices**

**Appendix A** Licensing Act 2003 Statutory Fees

**Appendix B** Gambling Act 2005 Statutory Fees

**Appendix C** Explosives and Fireworks Legislation Statutory Fees

**Appendix D** Explosives and Fireworks Legislation Discretionary Fees

**Appendix E** Gambling Act 2005 Discretionary with Statutory Maximum Fees

**Appendix F** Hackney Carriage and Private Hire Discretionary Fees

**Appendix G** Other Legislation Discretionary Fees

**Appendix H** New Animal Legislation Discretionary Fees

**Appendix I** Licensing costs, income and surplus/deficit

**Appendix J** Extracts from relevant licensing legislation providing legal framework within which local authorities may charge licensing fees

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## Appendix A – Licensing Act 2003 Statutory Fees

Rateable Value Bands	A	B	C	D	E
Initial Application / Variation Fee	£100	£190	£315	£450	£635
Annual Fee:	£70	£180	£295	£320	£350
Variation Fee:	£100	£190	£315	£450	£635

All premises are licensable based on the non-domestic rateable value of the property as follows:

Rateable Value	Band	Band	D (x 2)	E (x 3)
No value up to £4,300	<b>A</b>	Premises in Bands D & E (whose primary business is the sale of alcohol)	<b>900</b>	<b>1905</b>
£4,301 - £33,000	<b>B</b>	Premises in Bands D & E (whose primary business is the sale of alcohol) annual charge	<b>640</b>	<b>1050</b>
£33,001 - £87,000	<b>C</b>			
£87,001 - £125,000	<b>D</b>			
£125,001 and Above	<b>E</b>			

### Exceptionally large events:

Additional Premises Fees can be charged for such events:

Number in attendance at any one time	Additional Application Fee	Additional Annual Fee
5,000 to 9,999	<b>£1,000</b>	<b>£500</b>
10,000 to 14,999	<b>£2,000</b>	<b>£1,000</b>
15,000 to 19,999	<b>£4,000</b>	<b>£2,000</b>
20,000 to 29,999	<b>£8,000</b>	<b>£4,000</b>
30,000 to 39,999	<b>£16,000</b>	<b>£8,000</b>
40,000 to 49,999	<b>£24,000</b>	<b>£12,000</b>
50,000 to 59,999	<b>£32,000</b>	<b>£16,000</b>
60,000 to 69,999	<b>£40,000</b>	<b>£20,000</b>
70,000 to 79,999	<b>£48,000</b>	<b>£24,000</b>
80,000 to 89,999	<b>£56,000</b>	<b>£28,000</b>
90,000 and over	<b>£64,000</b>	<b>£32,000</b>

### Personal Licences, Temporary Events and other fees:

Type of Application	Fee
• Grant of Personal Licence	<b>£37</b>
• Temporary Event Notice	<b>£21</b>
• Theft, Loss etc. of Premises Licence or summary	<b>£10.50</b>
• Provisional Statement (where premises are being built)	<b>£315.00</b>
• Notification of change of name or address	<b>£10.50</b>
• Vary licence to specify individual as Premises Supervisor	<b>£23</b>
• Transfer of Premises Licence	<b>£23</b>
• Interim authority notice following death etc. of Licence holder	<b>£23</b>
• Theft, loss etc. of Certificate or summary	<b>£10.50</b>
• Notification of change of name or alteration of rules of club	<b>£10.50</b>
• Change of relevant registered address of club	<b>£10.50</b>
• Theft, loss etc. of Temporary Event Notice	<b>£10.50</b>
• Theft, loss etc. of Personal Licence	<b>£10.50</b>
• Duty to notify change of name or address	<b>£10.50</b>
• Right of freeholder etc. to be notified of licensing matters	<b>£21</b>
• Minor Variation	<b>£89</b>
• Removal of DPS at Community Premises	<b>£23</b>

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## Appendix B - Gambling Act 2005 Statutory Fees

Licence Type	2021/22 Fees (£)	2022/23 Fees (£)	Difference (£)
Prize Gaming Machine Permit - New	300.00	300.00	0.00
Prize Gaming Machine Permit - Renewal	300.00	300.00	0.00
Prize Gaming Machine Permit - Request for a new name to be substituted for the old name specified on a permit	25.00	25.00	0.00
Prize Gaming Machine Permit - Copy of a Permit	15.00	15.00	0.00
Club Machine Permit - New	200.00	200.00	0.00
Club Machine Permit - New - Fast Track procedure for holder of a club premises certificate	100.00	100.00	0.00
Club Machine Permit - Annual Fee	50.00	50.00	0.00
Club Machine Permit - Renewal	200.00	200.00	0.00
Club Machine Permit -Renewal - Fast Track procedure for holder of a club premises certificate	100.00	100.00	0.00
Club Machine Permit - Variation	100.00	100.00	0.00
Club Machine Permit - Copy	15.00	15.00	0.00
Club Gaming Permit - New	200.00	200.00	0.00
Club Gaming Permit - New - Fast Track procedure for holder of a club premises certificate	100.00	100.00	0.00
Club Gaming Permit - Annual Fee	50.00	50.00	0.00
Club Gaming Permit - Renewal	200.00	200.00	0.00
Club Gaming Permit -Renewal - Fast Track procedure for holder of a club premises certificate	100.00	100.00	0.00
Club Gaming Permit - Variation	100.00	100.00	0.00
Club Gaming Permit - Copy	15.00	15.00	0.00
Licensed Premises Gaming Machine Permit - New	150.00	150.00	0.00
Licensed Premises Gaming Machine Permit - Annual Fee	50.00	50.00	0.00
Licensed Premises Gaming Machine Permit - Variation	100.00	100.00	0.00
Licensed Premises Gaming Machine Permit - Transfer	25.00	25.00	0.00
Licensed Premises Gaming Machine Permit - Request for a new name to be substituted for the old name specified on a permit	25.00	25.00	0.00
Licensed Premises Gaming Machine Permit - Copy of a Permit	15.00	15.00	0.00
Gaming Machines Automatic Entitlement	50.00	50.00	0.00

Unlicensed Family Entertainment Centre - New	300.00	300.00	0.00
Unlicensed Family Entertainment Centre - Renewal	300.00	300.00	0.00
Unlicensed Family Entertainment Centre - Request for a new name to be substituted for the old name specified on a permit	25.00	25.00	0.00
Unlicensed Family Entertainment Centre - Copy of a Permit	15.00	15.00	0.00
Small Society Lottery - New	40.00	40.00	0.00
Small Society Lottery - Renewal	20.00	20.00	0.00



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## Appendix C – Explosives and Fireworks Legislation Statutory Fees

**NEW** -Licence to store explosives where, by virtue of regulation 27 of, and schedule 5 to, the 2014 regulations, a minimum separation distance of **greater than 0 metres** is prescribed.

One year's duration	£189.00
Two year's duration	£248.00
Three year's duration	£311.00
Four year's duration	£382.00
Five year's duration	£432.00

**Renewal** of licence to store explosives where a minimum separation distance of **greater than 0 metres** is prescribed.

<b>One year's duration</b>	£88.00
<b>Two year's duration</b>	£150.00
<b>Three year's duration</b>	£211.00
<b>Four year's duration</b>	£272.00
<b>Five year's duration</b>	£333.00

**NEW** Licence to store explosives where no minimum separation distance or a **0 metres minimum** separation distance is prescribed.

One year's duration	£111.00
Two year's duration	£144.00
Three year's duration	£177.00
Four year's duration	£211.00
Five year's duration	£243.00

**Renewal** of licence to store explosives where no minimum separation distance or a **0 metres minimum** separation distance is prescribed

One year's duration	£55.00
Two year's duration	£88.00
Three year's duration	£123.00
Four year's duration	£155.00
Five year's duration	£189.00

### Varying a licence

Varying name of licensee or address of site	£37.00
Transfer of licence	£37.00
Replacement of licence	£37.00

### Licensing of Firework Suppliers

One year's duration	£500
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## Appendix D – Explosives and Fireworks Legislation Discretionary Fees

Type	2021/22	2022/23
Any other kind of variation (Not varying name of licensee or address of site)	£574.00*	£574.00*
Explosives Assent Procedure	£377.00	£377.00
Copy of public register entry (per individual entry)	£29.00	£46.00

\*The reasonable cost to the licensing authority of having the work carried out

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## Appendix E Gambling Act 2005 Discretionary with Statutory Maximum Fees

Licence Type				
<b>All Casinos</b>	See Gambling Act 2005 Policy Statement 2019 to 2022 paragraphs 36.1 and 36.2			
Licence Type	2021/22 Fees (£)	Proposed Fees 2022/23 (£)	Difference (£)	Difference (%)
<b>Bingo premises licence</b>				
Fee in respect of new premises	1,832.00	1,832.00	0.00	0%
Annual Fee	1,000.00	1,000.00	0.00	0%
Fee for application to vary licence	1,694.00	1,694.00	0.00	0%
Fee for application to transfer a licence	1,200.00	1,200.00	0.00	0%
Fee for application to reinstate a licence	1,200.00	1,200.00	0.00	0%
Fee for application for provisional statement	1,818.00	1,818.00	0.00	0%
<b>Adult Gaming Centre Premises Licence</b>				
Fee in respect of new premises	1,832.00	1,832.00	0.00	0%
Annual Fee	1,000.00	1,000.00	0.00	0%
Fee for application to vary licence	1,000.00	1,000.00	0.00	0%
Fee for application to transfer a licence	1,200.00	1,200.00	0.00	0%
Fee for application to reinstate a licence	1,200.00	1,200.00	0.00	0%
Fee for application for provisional statement	1,818.00	1,818.00	0.00	0%
<b>Betting Premises (track) licence</b>				
Fee in respect of new premises	1,832.00	1,832.00	0.00	0%
Annual Fee	1,000.00	1,000.00	0.00	0%
Fee for application to vary licence	1,250.00	1,250.00	0.00	0%
Fee for application to transfer a licence	950.00	950.00	0.00	0%
Fee for application to reinstate a licence	950.00	950.00	0.00	0%
Fee for application for provisional statement	1,818.00	1,818.00	0.00	0%
<b>Family Entertainment Centre Premises Licence</b>				
Fee in respect of other premises	1,832.00	1,832.00	0.00	0%
Annual Fee	750.00	750.00	0.00	0%
Fee for application to vary licence	1,000.00	1,000.00	0.00	0%
Fee for application to transfer a licence	950.00	950.00	0.00	0%
Fee for application to reinstate a licence	950.00	950.00	0.00	0%
Fee for application for provisional statement	1,818.00	1,818.00	0.00	0%

## Appendix E Gambling Act 2005 Discretionary with Statutory Maximum Fees

<b>Betting Premises (other) licence</b>				
Fee in respect of other premises	1,832.00	1,832.00	0.00	0%
Annual Fee	600.00	600.00	0.00	0%
Fee for application to vary licence	1,500.00	1,500.00	0.00	0%
Fee for application to transfer a licence	1,200.00	1,200.00	0.00	0%
Fee for application to reinstate a licence	1,200.00	1,200.00	0.00	0%
Fee for application for provisional statement	1,818.00	1,818.00	0.00	0%
<b>Temporary Use of Premises</b>				
Temporary Use Notice	500.00	500.00	0.00	0%
Occasional Use Notice	No Fee	No Fee	No Fee	No Fee
Replacement of an endorsed copy of a Temporary Use Notice	25.00	25.00	0.00	0%
<b>Applicable to all gaming licences</b>				
Change of circumstances fee - for all gaming licences	50.00	50.00	0.00	0%
Fee for copy licence - for all gaming licences	25.00	25.00	0.00	0%

## Appendix F - Hackney Carriage and Private Hire Discretionary Fees

2021 - 2022		2022 - 2023			Difference (£)	Difference (%)
Licence Type	2021/22 Fee (£)	Licence Type	Calculated 2022/23 Fee (£) without surplus/deficit	Proposed 2022/23 Fee (£) including surplus/deficit adjustment		
<b>Drivers</b>						
Driver's Joint Badge New 3 year (inc. DVLA, DBS check, first knowledge test, first driver training assessment and Safeguarding Course)	254.00	Driver's Joint Badge New 3 year (inc. DVLA, DBS check, first knowledge test, first driver training assessment and Safeguarding Course)	274.00	274.00	20.00	7.9%
New Fee		Driver's Joint Badge New 3 year (inc. DVLA, first knowledge test, first driver training assessment and Safeguarding Course)	225.00	225.00		
Driver's Badge 3 yr Renewal (inc. DVLA, DBS check and Safeguarding Course)	240.00	Driver's Badge 3 yr Renewal (inc. DVLA, DBS check and Safeguarding Course)	245.00	245.00	5.00	2.1%
New Fee		Driver's Badge 3 yr Renewal (inc. DVLA and Safeguarding Course)	190.00	190.00		
Driver's Knowledge Test	59.00	Driver's Knowledge Test	50.00	59.00	0.00	0.0%
Driver's Knowledge Test Resit	52.00	Driver's Knowledge Test Resit	50.00	52.00	0.00	0.0%
Change of Details	34.00	Change of Details	48.00	48.00	14.00	41.2%
Vehicle Licensee Transfer	86.00	Vehicle Licensee Change	98.00	98.00	12.00	14.0%

### Appendix F - Hackney Carriage and Private Hire Discretionary Fees

Driver Badge replacement following damage or loss	45.00	Driver Badge replacement following damage or loss	45.00	45.00	0.00	0.0%
Driver Training assessment	57.00	Driver Training assessment	69.00	69.00	12.00	21.1%
Safeguarding Training	48.00	Safeguarding Training	46.00	48.00	0.00	0.0%
<b>Vehicles</b>						
Standard Private Hire Vehicle - new	148.00	Standard Private Hire Vehicle - new	183.00	183.00	35.00	23.6%
Standard Private Hire Vehicle - renewal	187.00	Standard Private Hire Vehicle - renewal	188.00	188.00	1.00	0.5%
Standard Private Hire Vehicle - transfer	108.00	Standard Private Hire Vehicle - transfer	183.00	183.00	75.00	69.4%
Novelty Private Hire Vehicle - new	141.00	Novelty Private Hire Vehicle - new	170.00	170.00	29.00	20.6%
Novelty Private Hire Vehicle - renewal	184.00	Novelty Private Hire Vehicle - renewal	177.00	184.00	0.00	0.0%
Novelty Private Hire Vehicle - transfer	87.00	Novelty Private Hire Vehicle - transfer	166.00	166.00	79.00	0.0%
Executive Private Hire Vehicle - new	133.00	Executive Private Hire Vehicle - new	172.00	172.00	39.00	0.0%
Executive Private Hire Vehicle - renewal	184.00	Executive Private Hire Vehicle - renewal	176.00	184.00	0.00	0.0%
Executive Private Hire Vehicle - transfer	78.00	Executive Private Hire Vehicle - transfer	172.00	172.00	94.00	0.0%
Private Hire Vehicle Licence Transfer (transfer of existing licence to a new vehicle)	108.00	Standard Private Hire Vehicle Licence Transfer (transfer of existing licence to a new vehicle)	183.00	183.00	75.00	69.4%
Hackney Carriage Vehicle - new	142.00	Hackney Carriage Vehicle - new	174.00	174.00	32.00	22.5%

### Appendix F - Hackney Carriage and Private Hire Discretionary Fees

Hackney Carriage Vehicle - renewal	169.00	Hackney Carriage Vehicle - renewal	175.00	175.00	6.00	3.6%
Hackney Carriage Licence Transfer (transfer of existing licence to a new vehicle)	102.00	Hackney Carriage Licence Transfer (transfer of existing licence to a new vehicle)	175.00	175.00	73.00	71.6%
Trailer Licence - new	123.00	Trailer Licence - new	123.00	123.00	0.00	0.0%
Trailer Licence - renewal	126.00	Trailer Licence - renewal	126.00	126.00	0.00	0.0%
Exterior plate replacement following damage or loss	45.00	Exterior plate replacement following damage or loss	45.00	45.00	0.00	0.0%
Internal plate replacement following damage or loss	45.00	Internal plate replacement following damage or loss	45.00	45.00	0.00	0.0%
Fare Card replacement following damage or loss	3.00	Fare Card replacement following damage or loss	2.50	3.00	0.00	0.0%
Private Hire Door Signs (pair)	45.00	Private Hire Door Signs (pair)	45.00	45.00	0.00	0.0%
Licence Holder Transfer/Change of Details	24.00	Licence Holder Transfer/change of Details	24.00	24.00	0.00	0.0%

**2020 - 2021**

**2022 - 2023**

### Appendix F - Hackney Carriage and Private Hire Discretionary Fees

Licence Type	2020/21 Fee (£)	Licence Type	Calculated 2022/23 Fee (£) without surplus/deficit adjustment	Calculated 2022/23 Fee (£) including surplus/deficit adjustment	Difference (£)	Difference (%)
<b>Private Hire Operator - 5 Year - New</b>						
Private Hire Operator Small - up to and including 30 vehicles and one base	319.00	Private Hire Operator Small - up to and including 30 vehicles and one base	319.00	319.00	0.00	0.0%
Private Hire Operator Large - 31 vehicles and more and/or more than one base	753.00	Private Hire Operator Large - 31 vehicles and more and/or more than one base	778.00	778.00	25.00	3.3%
<b>Private Hire Operator - 5 Year - Renewal</b>						
Private Hire Operator Small - up to and including 30 vehicles and one base	302.00	Private Hire Operator Small - up to and including 30 vehicles and one base	333.00	333.00	31.00	10.3%
Private Hire Operator Large - 31 vehicles and more and/or more than one base	746.00	Private Hire Operator Large - 31 vehicles and more and/or more than one base	786.00	786.00	40.00	5.4%

## Appendix G Other Legislation Discretionary Fees FINAL

### Appendix G - Other Discretionary Fees

2021-2022			2022-2023					
Licence Type	2021/22 Fee (£)		Licence Type	Calculated 2022/23 Fee (£) without surplus/deficit adjustment	Proposed 2022/23 Fee (£) including surplus/deficit adjustment	Difference (£)	Difference (%)	
<b>Public Health</b>								
Acupuncture Premises, inc. 1 person	314.00		Additional persons included on same application £29/person	126.00	314.00	Additional persons included on same application £29/person	-	0.0%
Acupuncture Person	149.00		When application submitted separately from premises application	126.00	149.00	When application submitted separately from premises application	-	0.0%
Electrolysis Premises, inc. 1 person	314.00		Additional persons included on same application (£29/person)	126.00	314.00	Additional persons included on same application (£29/person)	-	0.0%
Electrolysis Person	149.00		When application submitted separately from premises application	126.00	149.00	When application submitted separately from premises application	-	0.0%
Cosmetic-piercing Premises, inc. 1 person	314.00		Additional persons included on same application £29/person	126.00	314.00	Additional persons included on same application £29/person	-	0.0%
Cosmetic-piercing Person and variation	149.00		When application submitted separately from premises application	126.00	149.00	When application submitted separately from premises application	-	0.0%

### Appendix G Other Legislation Discretionary Fees FINAL

Tattooing Premises, inc. 1 person	314.00		Additional persons included on same application £29/person	126.00	314.00	Additional persons included on same application £29/person	-	0.0%
Tattooing Person	149.00		When application submitted separately from premises application	126.00	149.00	When application submitted separately from premises application	-	0.0%
<b>Animals</b>								
Dangerous Wild Animals (new) - where total licensing procedure takes no more than 9 hrs	270.00	+ vet fees; if exceeds 9 hrs + hourly charge for each additional hour or part thereof @£24/hou r	Dangerous Wild Animals (new) - where total licensing procedure takes no more than 9 hrs	270.00	270.00	+ vet fees; if exceeds 9 hrs + hourly charge for each additional hour or part thereof @£25/hour	-	0.0%
Dangerous Wild Animals (renewal) - where total licensing procedure takes no more than 3.75 hrs	290.00	+ vet fees; if exceed 3.5 hrs + hourly charge for each additional hour or part thereof @ £24/hr	Dangerous Wild Animals (renewal) - where total licensing procedure takes no more than 3.75 hrs	133.00	290.00	+ vet fees; if exceed 3.75 hrs + hourly charge for each additional hour or part thereof @ £25 /hour	-	0.0%



### Appendix G Other Legislation Discretionary Fees FINAL

Zoos (new)	901.00	+ vet fees	Zoos (new)	901.00	901.00	+ vet fees Initial application fee £402.57 Fee due after licence granted £498.43	-	0.0%
Zoos (renewal)	848.00	+ vet fees Initial renewal fee £469 (includes deficit recovery) Fee due after renewal granted £254	Zoos (renewal)	493.00	848.00	+ vet fees Initial renewal fee £312.07 Fee due after renewal granted £535.93	-	0.0%
<b>Scrap Metal</b>								
Scrap Metal Dealer - Site (new)	671.00	Initial application fee £94 Fee due	Scrap Metal Dealer - Site (new)	706.00	706.00	Initial application fee £117.83 Fee due after licence granted £588.17	35.00	5.2%
Scrap Metal Dealer - Site (renewal)	2873.00	Initial renewal application fee £201 (includes deficit recovery) Fee due after renewal granted £544	Scrap Metal Dealer - Site (renewal)	719.00	2,873.00	Initial renewal application fee £525.18 Fee due after renewal granted £2,347.82	0.00	0.0%

**Appendix G Other Legislation Discretionary Fees FINAL**

Scrap Metal Dealer - Collectors (new)	198.00	Initial application fee £119 Fee due	Scrap Metal Dealer - Collectors (new)	217.00	217.00	Initial application fee £138.19 Fee due after licence granted £78.81	19.00	9.6%
Scrap Metal Dealer - Collectors (renewal)	469.00	Initial renewal application fee £226 (includes deficit)	Scrap Metal Dealer - Collectors (renewal)	230.00	469.00	Initial renewal application fee £309.82 Fee due after renewal granted £159.18	0.00	0.0%
Scrap Metal Dealer Site Manager Variation	90.00		Scrap Metal Dealer Site Manager Variation	100.00	100.00		10.00	11.1%
Scrap Metal Dealer - Site/Collector Licensee Name - Variation (not transfer of licensee)	50.00		Scrap Metal Dealer - Site/Collector Licensee Name - Variation (not transfer of licensee)	55.00	55.00		5.00	10.0%
Scrap Metal Dealer - collector to site variation	454.00	Initial application fee £250 Fee due after variation granted £185	Scrap Metal Dealer - collector to site variation	480.00	480.00	Initial application fee £81.79 Fee due after variation granted £398.21	26.00	5.7%
Scrap Metal Dealer - site to collector variation	105.00		Scrap Metal Dealer - site to collector variation	115.00	115.00		10.00	9.5%
<b>Sex Establishments</b>								
Sex Establishments (New)	2,590.00		Sex Establishments (New)	2,590.00	2,590.00		0.00	0.0%
Sex Establishments (Renewal)	1,837.00		Sex Establishments (Renewal)	1,829.00	1,837.00		0.00	0.0%

**Appendix G Other Legislation Discretionary Fees FINAL**

Sex Establishments (Transfer)	1,837.00		Sex Establishments (Transfer)	1,827.00	1,837.00		0.00	0.0%
<b>Street Trading Consents</b>								
Minimum charge for up to 7 days (the 7 days may be used at any time within a 12 month period commencing from the date the consent is issued, but the dates must be confirmed on application)	173.00		Minimum charge for up to 7 days (the 7 days may be used at any time within a 12 month period commencing from the date the consent is issued, but the dates must be confirmed on application)	396.00	396.00		223.00	128.9%
Each additional day or part thereof	4.00		Each additional day or part thereof (the dates must be confirmed on application)	4.00	4.00		0.00	0.0%
Street Trading Consents - Annual	494.00		Street Trading Consents - Annual	494.00	928.00		434.00	87.9%
New Fee			Street Trading Consents - Annual Renewal	494.00	932.00		0.00	0.0%
<b>Distribution of free printed matter</b>								
Weekly permit	81.00		Weekly permit	87.00	87.00		6.00	7.4%
Monthly permit	115.00		Monthly permit	122.00	122.00		7.00	6.1%
Annual permit	150.00		Annual permit	156.00	156.00		6.00	4.0%
<b>Miscellaneous</b>								

**Appendix G Other Legislation Discretionary Fees FINAL**

Pleasure Boats & Vessels	168.00	+ marine surveyor's report fee	Pleasure Boats & Vessels	168.00	168.00	+ marine surveyor's report fee	0.00	0.0%
<b>Gambling Act 2005 and Licensing Act 2003</b>								
Copy of public register entry (per individual entry)	39.00		Copy of public register entry (per individual entry)	39.00	39.00		0.00	0.0%

## Appendix H New Animal Legislation Discretionary Fees FINAL

2021-2022		2022-2023				
Licence Type	2021/22 Fee (£)	Licence Type	Calculated 2022/23 Fee (£) without surplus/deficit adjustment	Proposed 2022/23 Fee (£) including surplus/deficit adjustment	Difference (£)	Difference (%)
<b>Animals</b>						
Dog Day Care < 10 new	520.00	Dog Day Care < 10 new	296.31	520.00	Initial application fee £332.28 Fee due after licence granted £187.72	0.00 0.0%
Dog Day Care > 10 new	589.00	Dog Day Care > 10 new	307.75	589.00	Initial application fee £361.82 Fee due after licence granted £227.18	0.00 0.0%
Dog Day Care < 10 renewal	455.00	Dog Day Care < 10 renewal	253.51	455.00	Initial application fee £278.41 Fee due after licence granted £176.59	0.00 0.0%
Dog Day Care > 10 renewal	500.00	Dog Day Care > 10 renewal	264.95	500.00	Initial application fee £309.10 Fee due after licence granted £190.90	0.00 0.0%
Dog Day Care < 10 additional activity	153.00	Dog Day Care < 10 additional activity		168.00		15.00 9.8%
Dog Day Care > 10 additional activity	224.00	Dog Day Care > 10 additional activity		224.00		0.00 0.0%
Breeding for dogs < 10 new	553.00	Breeding for dogs < 10 new	319.82	553.00	Initial application fee £385.33 Fee due after licence granted £167.67	0.00 0.0%
Breeding for dogs > 10 new	622.00	Breeding for dogs > 10 new	377.03	622.00	Initial application fee £420.66 Fee due after licence granted £201.34	0.00 0.0%

## Appendix H New Animal Legislation Discretionary Fees FINAL

Breeding for dogs < 10 renewal	455.00		Breeding for dogs < 10 renewal	253.51	455.00	Initial application fee £278.41 Fee due after licence granted £176.59	0.00	0.0%
Breeding for dogs > 10 renewal	477.00		Breeding for dogs > 10 renewal	264.95	477.00	Initial application fee £279.81 Fee due after licence granted £197.19	0.00	0.0%
Breeding for Dogs < 10 additional activity	188.00		Breeding for Dogs < 10 additional activity		213.00		25.00	13.3%
Breeding for Dogs > 10 additional activity	260.00		Breeding for Dogs > 10 additional activity		260.00		0.00	0.0%
Boarding for cats < 10 new	520.00		Boarding for cats < 10 new	296.31	520.00	Initial application fee £319.44 Fee due after licence granted £200.56	0.00	0.0%
Boarding for cats > 10 new	589.00		Boarding for cats > 10 new	307.75	589.00	Initial application fee £348.39 Fee due after licence granted £240.61	0.00	0.0%
Boarding for cats < 10 renewal	455.00		Boarding for cats < 10 renewal	253.51	455.00	Initial application fee £278.41 Fee due after licence granted £176.59	0.00	0.0%
Boarding for cats > 10 renewal	500.00		Boarding for cats > 10 renewal	264.95	500.00	Initial application fee £293.30 Fee due after licence granted £206.70	0.00	0.0%
Boarding for cats < 10 additional activity	154.00		Boarding for cats < 10 additional activity		168.00		14.00	9.1%
Boarding for cats > 10 additional activity	224.00		Boarding for cats > 10 additional activity		224.00		0.00	0.0%
Kennel Boarding < 10 animals new	520.00		Kennel Boarding < 10 animals new	326.06	520.00	Initial application fee £332.64 Fee due after licence granted £187.36	0.00	0.0%

### Appendix H New Animal Legislation Discretionary Fees FINAL

Kennel Boarding > 10 animals new	589.00		Kennel Boarding > 10 animals new	337.50	589.00	Initial application fee £364.83 Fee due after licence granted £224.17	0.00	0.0%
Kennel Boarding < 10 animals renewal	455.00		Kennel Boarding < 10 animals renewal	264.30	455.00	Initial application fee £199.29 Fee due after licence granted £255.71	0.00	0.0%
Kennel Boarding > 10 animals renewal	500.00		Kennel Boarding > 10 animals renewal	275.74	500.00	Initial application fee £209.95 Fee due after licence granted £290.05	0.00	0.0%
Kennel Boarding < 10 animals additional activity	154.00		Kennel Boarding < 10 animals additional activity		168.00		14.00	9.1%
Kennel Boarding > 10 additional activity	224.00		Kennel Boarding > 10 additional activity		224.00		0.00	0.0%
Home boarding < 10 animals new	520.00		Home boarding < 10 animals new	296.31	520.00	Initial application fee £332.28 Fee due after licence granted £187.72	0.00	0.0%
Home boarding > 10 animals new	589.00		Home boarding > 10 animals new	307.75	589.00	Initial application fee £361.82 Fee due after licence granted £227.18	0.00	0.0%
Home boarding < 10 animals renewal	455.00		Home boarding < 10 animals renewal	253.51	455.00	Initial application fee £278.41 Fee due after licence granted £176.59	0.00	0.0%
Home boarding > 10 animals renewal	500.00		Home boarding > 10 animals renewal	264.95	500.00	Initial application fee £293.30 Fee due after licence granted £206.70	0.00	0.0%
Home boarding < 10 animals additional activity	155.00		Home boarding < 10 animals additional activity		168.00		13.00	8.4%

## Appendix H New Animal Legislation Discretionary Fees FINAL

Home boarding > 10 animals additional activity	226.00		Home boarding > 10 animals additional activity		226.00		0.00	0.0%
Selling animals as pets < 10 new	520.00		Selling animals as pets < 10 new	337.50	520.00	Initial application fee £319.49 Fee due after licence granted £200.51	0.00	0.0%
Selling animals as pets > 10 new	589.00		Selling animals as pets > 10 new	360.39	589.00	Initial application fee £349.63 Fee due after licence granted £239.37	0.00	0.0%
Selling animals as pets < 10 renewal	455.00		Selling animals as pets < 10 renewal	264.95	455.00	Initial application fee £278.41 Fee due after licence granted £176.59	0.00	0.0%
Selling animals as pets > 10 renewal	500.00		Selling animals as pets > 10 renewal	287.84	500.00	Initial application fee £293.30 Fee due after licence granted £206.70	0.00	0.0%
Selling animals for pets < 10 additional activity	155.00		Selling animals for pets < 10 additional activity		191.00		36.00	23.2%
Selling animals for pets > 10 additional activity	226.00		Selling animals for pets > 10 additional activity		226.00		0.00	0.0%
Keeping or training animals for exhibition < 10 new	520.00		Keeping or training animals for exhibition < 10 new	337.50	520.00	Initial application fee £322.09 Fee due after licence granted £197.91	0.00	0.0%
Keeping or training animals for exhibition > 10 new	589.00		Keeping or training animals for exhibition > 10 new	360.39	589.00	Initial application fee £353.64 Fee due after licence granted £235.36	0.00	0.0%



## Appendix H New Animal Legislation Discretionary Fees FINAL

Keeping or training animals for exhibition < 10 renewal	523.00		Keeping or training animals for exhibition < 10 renewal	253.51	523.00	Initial application fee £320.02 Fee due after licence granted £202.98	0.00	0.0%
Keeping or training animals for exhibition > 10 renewal	592.00		Keeping or training animals for exhibition > 10 renewal	264.95	592.00	Initial application fee £347.27 Fee due after licence granted £244.73	0.00	0.0%
Keeping or training animals for exhibition < 10 additional activity	154.00		Keeping or training animals for exhibition < 10 additional activity		156.00		2.00	1.3%
Keeping or training animals for exhibition > 10 additional activity	224.00		Keeping or training animals for exhibition > 10 additional activity		224.00		0.00	0.0%
Hiring out horses < 10 new	554.00		Hiring out horses < 10 new	359.87	554.00	Initial application fee £354.12 Fee due after licence granted £199.88	0.00	0.0%
Hiring out horses > 10 new	623.00		Hiring out horses > 10 new	382.76	623.00	Initial application fee £385.57 Fee due after licence granted £237.43	0.00	0.0%
Hiring out horses < 10 renewal	489.00		Hiring out horses < 10 renewal	305.63	489.00	Initial application fee £324.60 Fee due after licence granted £164.40	0.00	0.0%
Hiring out horses > 10 renewal	534.00		Hiring out horses > 10 renewal	317.07	534.00	Initial application fee £342.93 Fee due after licence granted £191.07	0.00	0.0%
Hiring out horses < 10 additional activity	187.00		Hiring out horses < 10 additional activity		275.00		88.00	47.1%
Hiring out horses > 10 additional activity	258.00		Hiring out horses > 10 additional activity		297.00		39.00	15.1%

## Appendix H New Animal Legislation Discretionary Fees FINAL

Horses Annual or variation of the licence inspection	58.00		Horses Annual or variation of the licence inspection	81.00		23.00	39.7%
Licence variation with no inspection	48.00		Licence variation with no inspection	60.00		12.00	25.0%
Licence variation with an inspection < 10 animals	126.00		Licence variation with an inspection < 10 animals	131.00		5.00	4.0%
Licence variation with an inspection > 10 animals	150.00		Licence variation with an inspection > 10 animals	150.00		0.00	0.0%
Re-inspection request < 10 animals with no vet	132.00		Re-inspection request < 10 animals with no vet	136.00		4.00	3.0%
Re-inspection request > 10 animals with no vet	156.00		Re-inspection request > 10 animals with no vet	156.00		0.00	0.0%
Re-inspection request < 10 animals with a vet	166.00		Re-inspection request < 10 animals with a vet	197.00		31.00	18.7%
Re-inspection request > 10 animals with a vet	190.00		Re-inspection request > 10 animals with a vet	208.00		18.00	9.5%

## Appendix I – Licensing Costs, Income and Surplus/Deficit

**Table 1 – All Licences**

	<b>Overall (£)</b>	<b>HCPH* (£)</b>	<b>Licensing Act 2003 (£)</b>	<b>Public Health (£)</b>	<b>Animals (£)</b>	<b>Explosives (£)</b>	<b>Scrap Metal (£)</b>	<b>Misc.** (£)</b>	<b>Gambling Act 2005 (£)</b>
<b>Total Costs</b>	718,899	345,218	172,013	24,365	49,791	10,255	8,642	35,544	36,612
<b>Total Income</b>	653,668	263,667	288,450	7,116	32,418	3,737	1,982	16,223	24,432
<b>(Surplus) / Deficit 2020/21</b>	65,231	81,551	(116,437)	17,249	17,373	6,518	6,660	19,321	12,180
<b>Cumulative (Surplus) / Deficit 2014/15-2020/21</b>	267,612	376,812	(674,589)	48,520	108,452	58,425	59,435	256,253	34,304

\*Hackney carriage, private hire vehicle and operator licences and hackney carriage and private hire vehicle drivers' licences – see Table 2 for further breakdown

\*\* Includes caravan site licences, sex establishments, free printed matter, street collections, street trading, pleasure boats and vessels

**Table 2 – Hackney Carriage and Private Hire Licences**

	<b>Hackney Carriages (£)</b>	<b>Private Hire Vehicles (£)</b>	<b>Joint Drivers (£)</b>	<b>Operators (£)</b>
<b>Total Costs</b>	21,668	176,084	129,223	18,243
<b>Total Income</b>	16,473	138,497	94,260	14,437
<b>(Surplus) / Deficit 2020/21</b>	5,195	37,587	34,936	3,806
<b>Cumulative (Surplus) / Deficit 2014/15-2020/21</b>	30,567	160,924	176,725	8,596

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**Extracts from relevant licensing legislation providing legal framework within which local authorities may charge licensing fees**

**Local Government (Miscellaneous Provisions) Act 1982**

Controls sex establishments, street trading, acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis

Sex establishments - Schedule 3 paragraph 19

An application for the grant, variation, renewal or transfer of a licence under this Schedule shall pay a reasonable fee determined by the appropriate authority.

Street Trading – Schedule 4 paragraph 9

(1) A district council may charge such fees as they consider reasonable for the grant or renewal of a street trading licence or a street trading consent.

(2) A council may determine different fees for different types of licence or consent and, in particular, but without prejudice to the generality of this sub-paragraph, may determine fees differing according—

(a) to the duration of the licence or consent;

(b) to the street in which it authorises trading; and

(c) to the descriptions of articles in which the holder is authorised to trade.

(3) A council may require that applications for the grant or renewal of licences or consents shall be accompanied by so much of the fee as the council may require, by way of a deposit to be repaid by the council to the applicant if the application is refused.

(4) A council may determine that fees may be paid by instalments.

(5) Where a consent is surrendered or revoked, the council shall remit or refund, as they consider appropriate, the whole or a part of any fee paid for the grant or renewal of the consent.

(6) A council may recover from a licence-holder such reasonable charges as they may determine for the collection of refuse, the cleansing of streets and other services rendered by them to him in his capacity as licence-holder.

(7) Where a licence—

(a) is surrendered or revoked; or

(b) ceases to be valid by virtue of paragraph 4(7) above,

the council may remit or refund, as they consider appropriate, the whole or a part—

(i) of any fee paid for the grant or renewal of the licence; or

(ii) of any charges recoverable under sub-paragraph (6) above.

(8) The council may determine—

## Appendix I

(a) that charges under sub-paragraph (6) above shall be included in a fee payable under sub-paragraph (1) above; or

(b) that they shall be separately recoverable.

(9) Before determining charges to be made under sub-paragraph (6) above or varying the amount of such charges the council—

(a) shall give notice of the proposed charges to licence-holders; and

(b) shall publish notice of the proposed charges in a local newspaper circulating in their area.

(10) A notice under sub-paragraph (9) above shall specify a reasonable period within which representations concerning the proposed charges may be made to the council.

(11) It shall be the duty of a council to consider any such representations which are made to them within the period specified in the notice.

### Acupuncture - Section 14 (6)

A local authority **may charge such reasonable fees as they may determine** for registration under this section.

### Tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis – Section 15 (6)

A local authority **may charge such reasonable fees as they may determine** for registration under this section.

## Local Government (Miscellaneous Provisions) Act 1976

### Controls hackney carriages and private hire vehicles

#### Section 53 - Drivers' licences for hackney carriages and private hire vehicles

(2) Notwithstanding the provisions of the Act of 1847\*, a district council **may demand and recover** for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, **such a fee as they consider reasonable with a view to recovering the costs of issue and administration** and may remit the whole or part of the fee in respect of a private hire vehicle in any case in which they think it appropriate to do so.

\*Town Police Clauses Act 1847

#### Section 70 - Fees for vehicle and operators' licences

(1) Subject to the provisions of subsection (2) of this section, a district council **may charge such fees** for the grant of vehicle and operators' licences as may be resolved by them from time to time and **as may be sufficient in the aggregate to cover in whole or in part—**

(a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the

## Appendix I

purpose of determining whether any such licence should be granted or renewed;

(b) the reasonable cost of providing hackney carriage stands; and

(c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.

(2) The fees chargeable under this section shall not exceed—

(a) for the grant of a vehicle licence in respect of a hackney carriage, twenty-five pounds;

(b) for the grant of a vehicle licence in respect of a private hire vehicle, twenty-five pounds; and

(c) for the grant of an operator's licence, twenty-five pounds per annum;

or, in any such case, such other sums as a district council may, subject to the following provisions of this section, from time to time determine.

(3) (a) If a district council determine that the maximum fees specified in subsection (2) of this section should be varied they shall publish in at least one local newspaper circulating in the district a notice setting out the variation proposed, drawing attention to the provisions of paragraph (b) of this subsection and specifying the period, which shall not be less than twenty-eight days from the date of the first publication of the notice, within which and the manner in which objections to the variation can be made.

(b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of twenty-eight days from the date of the first publication thereof be deposited at the offices of the council which published the notice and shall at all reasonable hours be open to public inspection without payment.

(4) If no objection to a variation is duly made within the period specified in the notice referred to in subsection (3) of this section, or if all objections so made are withdrawn, the variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.

(5) If objection is duly made as aforesaid and is not withdrawn, the district council shall set a further date, not later than two months after the first specified date, on which the variation shall come into force with or without modification as decided by the district council after consideration of the objections.

(6) A district council may remit the whole or part of any fee chargeable in pursuance of this section for the grant of a licence under section 48 or 55 of this Act in any case in which they think it appropriate to do so.

## Zoo Licensing Act 1981

### Controls zoos – Section 15

(1) Subject to this section, the local authority **may charge such reasonable fees as they may determine in respect of—**

## Appendix I

(a) applications for the grant, renewal or transfer of licences;

(b) the grant, renewal, alteration or transfer of licences;

(2) Any fee charged under paragraph (a) of subsection (1) in respect of an application shall be treated as paid on account of the fee charged under paragraph (b) on the grant, renewal or transfer applied for.

(2A) Subject to this section, the authority may charge to the operator of the zoo such sums as they may determine in respect of reasonable expenses incurred by them—

(a) in connection with inspections in accordance with section 9A and under sections 10 to 12;

(b) in connection with the exercise of their powers to make directions under this Act;

(c) in the exercise of their function under section 16E(4) of supervising the implementation of plans prepared under section 16E(2); and

(d) in connection with the exercise of their function under section 16E(7) or (8).

(2B) The authority's charge under subsection (2A)(d) shall take into account any sums that have been, or will fall to be, deducted by them from a payment under section 16F(7) in respect of their costs.

(3) In respect of any fee or other sum charged under this section, the local authority may, if so requested by the operator, accept payment by instalments.

(4) Any fee or other charge payable under this section by any person shall be recoverable by the local authority as a debt due from him to them.

(5) The local authority shall secure that the amount of all the fees and other sums charged by them under this section in a year is sufficient to cover the reasonable expenditure incurred by the authority in the year by virtue of this Act.

## Dangerous Wild Animals Act 1976

### Controls dangerous wild animals as listed in the Act – Section 1

(2) A local authority shall not grant a licence under this Act unless an application for it—

.... and

(e) is accompanied by such fee as the authority may stipulate (being a fee which is in the authority's opinion sufficient to meet the direct and indirect costs which it may incur as a result of the application).



## Appendix I

### **Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018**

The Regulations, made under the Animal Welfare Act 2006, repealed or revoked all previous legislation relating to the licensing of animal boarding establishments, dog breeding, dog day care, pet shops, performing animals and riding establishments.

- (1) A local authority may charge such fees as it considers necessary for—
- (a) the consideration of an application for the grant, renewal or variation of a licence including any inspection relating to that consideration, and for the grant, renewal or variation,
  - (b) the reasonable anticipated costs of consideration of a licence holder's compliance with these Regulations and the licence conditions to which the licence holder is subject in circumstances other than those described in sub-paragraph (a) including any inspection relating to that consideration,
  - (c) the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator, and
  - (d) the reasonable anticipated costs of compliance with regulation 29.
- (2) The fee charged for the consideration of an application for the grant, renewal or variation of a licence and for any inspection relating to that consideration must not exceed the reasonable costs of that consideration and related inspection.

### **Public Health Acts Amendment Act 1907**

#### Controls pleasure boats/vessels - Section 94

- (1) The local authority may grant upon such terms and conditions as they may think fit licences for pleasure boats and pleasure vessels to be let for hire or to be used for carrying passengers for hire, and to the persons in charge of or navigating such boats and vessels, and **may charge for each type of licence such annual fee as appears to them to be appropriate.**

### **Environmental Protection Act 1990**

#### Controls free printed matter – Schedule 3A paragraphs 3 & 4

## Appendix I

3 (1) A principal litter authority may on the application of any person consent to that person or any other person (identified specifically or by description) distributing free printed matter on any land designated by the authority under this Schedule.

4 (1) A principal litter authority **may require the payment of a fee** before giving consent under paragraph 3 above.

(2) The amount of a **fee under this paragraph is to be such as the authority may determine**, but may not be more than, when taken together with all other fees charged by the authority under this paragraph, is reasonable to cover the costs of operating and enforcing this Schedule.

### Gambling Act 2005

Statutory fees are prescribed for:-

- small society lotteries (Schedule 11 – Part 5)
- club gaming permits and club machine permits (Schedule 12)
- notification of gaming machines in alcohol licensed premises (Section 282)
- family entertainment centre gaming machine permits (Schedule 10)
- licensed premises gaming machine permits (Schedule 13)
- prize gaming permits (Schedule 14)

And, therefore, the licensing authority has no control over these fees. The following statutory instruments are relevant:-

- Small Society Lotteries (Registration of Non-Commercial Societies) Regulations 2007
- Gambling Act 2005 (Club Gaming and Club Machine Permits) Regulations 2007
- Gaming Machines in Alcohol Licensed Premises (Notification Fee) (England and Wales) Regulations 2007
- Gambling Act 2005 (Family Entertainment Centre Gaming Machine) (Permits) Regulations 2007
- Gambling Act 2005 (Licensed Premises Gaming Machine Permits) (England and Wales) Regulations 2007
- Gambling Act 2005 (Prize Gaming) (Permits) Regulations 2007

The licensing authority must determine the fees, up to certain statutory maximums, that are applicable to premises licences, e.g. adult gaming centres, betting at race tracks, betting shops, bingo premises, casinos and for temporary use notices. The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 and the Gambling (Temporary Use Notices) Regulations 2007 set the relevant statutory maximums. In addition, Section 212 of the Act states:-

(2) .... the authority—

## Appendix I

- (a) shall determine the amount of the fee,
  - (b) may determine different amounts for different classes of case specified in the regulations (but may not otherwise determine different amounts for different cases),
  - (c) shall publish the amount of the fee as determined from time to time, and
  - (d) shall aim to ensure that the income from fees of that kind as nearly as possible equates to the costs of providing the service to which the fee relates (including a reasonable share of expenditure which is referable only partly or only indirectly to the provision of that service).
- (3) For the purposes of subsection (2)(d) a licensing authority shall compare income and costs in such manner, at such times and by reference to such periods as the authority, having regard to any guidance issued by the Secretary of State, think appropriate.

In addition, where the licensing authority is required to maintain licensing registers, the authority may determine fees for providing access to, making copies of and/or providing information to members of the public from those registers.

### Premises licences (Section 156)

- (1) A licensing authority shall—
- (a) maintain a register of premises licences issued by the authority together with such other information as may be prescribed,
  - (b) make the register and information available for inspection by members of the public at all reasonable times, and
  - (c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.
- (2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

### Small society lotteries (Schedule 11 Part 5 paragraph 55)

- (1) Where a statement is sent to a local authority under paragraph 39 the authority shall—
- (a) retain it for at least 18 months,
  - (b) make it available for inspection by members of the public at all reasonable times, and
  - (c) make arrangements for the provision of a copy of it or part of it to any member of the public on request.
- (2) But a local authority may refuse to provide access or a copy unless the person seeking access or a copy pays a fee specified by the authority.
- (3) A local authority may not specify a fee under sub-paragraph (2) which exceeds the reasonable cost of providing the service sought (but in calculating the cost of providing a service to a person the authority may include a reasonable share of expenditure which is referable only indirectly to the provision of that service).

## Appendix I

### Club gaming permits and club machine permits (Schedule 12 paragraph 26)

(1) A licensing authority shall—

(a) maintain a register of permits issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

### Temporary Use Notice (Section 234)

1) A licensing authority shall—

(a) maintain a register of temporary use notices given to them together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

### Family entertainment centre gaming machine permits (Schedule 10 paragraph 23)

(1) A licensing authority shall—

(a) maintain a register of permits issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

### Licensed premises gaming machine permits (Schedule 13 paragraph 22)

(1) A licensing authority shall—

(a) maintain a register of permits issued by the authority together with such other information as may be prescribed,

## Appendix I

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

### Prize gaming permits (Schedule 14 paragraph 23)

(1) A licensing authority shall—

(a) maintain a register of permits issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

### **Scrap Metal Dealers Act 2013**

#### Controls buyers/sellers of scrap metal and motor salvage operators (Section 5 Schedule 1 paragraph 6)

(1) An application **must be accompanied by a fee set by the authority.**

(2) In setting a fee under this paragraph, the authority must have regard to any guidance\* issued from time to time by the Secretary of State with the approval of the Treasury.

\*Scrap Metal Dealers Act 2013: guidance on licence fee charges – issued by Home Office 12 August 2013

### **Licensing Act 2003**

Statutory fees for premises licences, club premises certificates, temporary event notices and personal licences are currently prescribed by the Licensing Act 2003 (Fees) Regulations 2005. The licensing authority has no control over these fees.

In addition, there is a requirement to maintain a register and make it available for inspection without payment but if requested to provide a copy of information contained in the register a fee may be charged under Section 8 of the Act.

(4) If requested to do so by any person, a licensing authority must supply him with a copy of the information contained in any entry in its register in legible form.

## Appendix I

(5) A licensing authority **may charge such reasonable fee as it may determine** in respect of any copy supplied under subsection (4).

### **Caravan Sites and Control of Development Act 1960**

Under the Caravan Sites and Control of Development Act 1960, as amended by the Mobile Homes Act 2013, licensing authorities are permitted to charge fees for the licensing of residential caravan sites with effect from 1 April 2014. Transitional arrangements will be in place and the licensing authority is required to publish a fees policy. (NB The Council has not yet prepared a fees policy and therefore is currently unable to charge fees in this respect.)

### **Licences for which the licensing authority is NOT permitted to charge**

- **House-to-house collections:** House to House Collections Act 1939
- **Street collections:** Police, Factories, etc. (Miscellaneous Provisions) Act 1916



Strategic Licensing  
Committee

6 October 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  
e-mail: [mandy.beever@shropshire.gov.uk](mailto:mandy.beever@shropshire.gov.uk) Tel: 01743 251702

### **1. Synopsis**

- 1.1 The interim process to establish and manage the required fit and proper person register and the decision to prepare and publish a 'Determination Policy' under The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 need to be revised.

### **2. Executive Summary**

- 2.1 Further to the previous report considered by the Strategic Licensing Committee on 9 July 2021 concerning The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020, the Government has published revised guidance and, as a result, it has become necessary to amend the recommendations that were previously agreed by the Committee
- 2.4 It is now necessary to ensure successful applicants are included in the register for a period not exceeding five years and the proposed Fit and Proper Person Determination Policy is no longer required.

### **3. Recommendations**

- 3.1 That the delegation that was previously agreed on 9 July 2021 be extended to allow all applications made under The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 ('the Regulations') for a person to be included in the register of fit and proper persons to be determined in accordance with the provisions of the Regulations and all successful applicants to be placed on the register for a period not exceeding five years and that no charge is made in respect of these applications.

- 3.2 That a Fit and Proper Person Determination Policy ('Determination Policy') is not required and that such a Policy does not need to be prepared for consultation or implemented.

## REPORT

### 4 Risk Assessment and Opportunities Appraisal

- 4.1 The Government has significantly extended the guidance relating to the Regulations and has also published and made this available to both local authorities and to site owners. Considering the guidance in conjunction with the Regulations and taking these into account when determining actual applications has led officers to conclude that including persons in the register for any period of less than five years must only be based on reasons that demonstrate that the individual person might be deemed not to be a fit and proper person.
- 4.5 The current interpretation of the Regulations, which is supported by the guidance, indicates the Council may be acting beyond its powers (*ultra vires*) if it was to proceed with the short-term process that was previously agreed, and this may give rise to legal challenge.
- 4.8 It has also become clear that there is now no need for a separate Determination Policy as this would only reiterate what is already in the Regulations and guidance.

### 5 Financial Implications

- 5.1 In the event of a legal challenge, there would be a cost associated with this both in terms of officer time and costs for external legal representation. It would be likely, in the event that the challenge was successful, that the Council would also have to pay the costs incurred by the applicant.

### 6 Climate Change Appraisal

- 6.1 There are no anticipated climate change or environmental impacts associated with the recommendations in this report.

### 7 Background

- 7.1 This is available in the previous report.

### 8 Conclusions

- 8.1 The short-term process previously agreed by the Committee to establish and manage the fit and proper person register under



Regulations must be extended to allow the Council to fulfil its statutory duties under the Regulations and remove the risk of legal challenge.

- 8.2 As a result of the publication of detailed national guidance to support the implementation of the Regulations, the proposed Determination Policy previously agreed by the Committee is now considered unnecessary.

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

Report to Strategic Licensing Committee (Agenda Item 8) on 9 July 2021 entitled "The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020" [Agenda for Strategic Licensing Committee on Friday, 9th July, 2021, 2.00 pm – Shropshire Council](#)

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020  
<https://www.legislation.gov.uk/ukxi/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)**

Cllr Ed Potter, Deputy Leader and Portfolio Holder for Economic Growth, Regeneration and Planning

**Local Member**

County wide application

**Appendices**

None

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- 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 June 2021 and the 31 August 2021. During this period the total number of licences processed was 1370.
- 5.4 The Table in Appendix B shows that there were no Licensing and Safety Sub-Committee Meetings held between the 1 June 2021 and the 31 August 2021.
- 5.5 The Licensing Act activities at Sub Committee have also been given in Appendix C.
- 5.6 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:-

<b>Driver</b>	<b>Granted</b>	<b>Granted and/or Warning Letter, Suspension</b>	<b>Letter Council is 'Minded to refuse' or 'Revoke'</b>	<b>Refuse to Grant</b>	<b>Revoke</b>	<b>To refer to Committee</b>
New	3		3	2		
Renew		3	8			
Conduct		7	2	1	1	
<b>Vehicle</b>	<b>Granted</b>	<b>Granted and/or Warning Letter</b>	<b>Letter Council is 'Minded to refuse' or 'Revoke'</b>	<b>Refuse to Grant</b>	<b>Revoke</b>	<b>To refer to Committee</b>
New						
Renewal		1	4	5		
Condition		4				
<b>Operator</b>	<b>Granted</b>	<b>Granted and/or Warning Letter</b>	<b>Letter Council is 'Minded to refuse' or 'Revoke'</b>	<b>Refuse to Grant</b>	<b>Revoke</b>	<b>To refer to Committee</b>
New						
Renewal						
Conduct		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 Ed Potter, Deputy Leader, Economic Growth, Regeneration and Planning

**Local Member**

Cover all areas of Shropshire

**Appendices:**

A – Licences processed between 1 June 2021 and the 31 August 2021.

B – Number of Hackney Carriage / Private Hire Vehicle applications considered at the Licensing and Safety Sub-Committees from 1 June 2021 to the 31 August 2021.

C – Hearings held for licensed premises at the Licensing Act Sub-Committees from 1 June 2021 to the 31 August 2021.

## Licences processed – from the 1 June 2021 to the 31 August 2021

<b>General Licensing</b>	<b>Total</b>
Acupuncture Personal	
Acupuncture Premises	
Activities Involving Animals Licence	15
Animal Breeding	
Caravan Sites	7
Cosmetic Piercing Personal	17
Cosmetic Piercing Premises	8
House to House Collection	3
House to House Exemption Order	6
Pet Shops	
Riding Establishments	
Scrap Metal Site (new/renewal)	2
Scrap Metal Collector (new/renewal)	2
Sex Establishment Licence	
Street Collection	30
Street Trading Licence (new/renewal)	11
Tattooing Personal	
Tattooing Premises	
Electrolysis	
Dangerous Wild Animals	
Zoo	
Performing Animals	
Distribution of Free Printed Matter	
Explosives	12
Pavement Licence	50
Pavement Permit	21
<b>Total Applications General</b>	<b>184</b>

<b>Taxi Licensing</b>	<b>Total</b>
Hackney Carriage N	4
Hackney Carriage R	11
Joint HC/PH Driver N	7
Joint HC/PH Driver R	78
Private Hire Operator N	5
Private Hire Operator R	3
Private Hire Vehicle N	36
Private Hire Vehicle R	125

Hackney Vehicle Transfer	1
Private Hire Vehicle Transfer	23
Private Hire Licensee Transfer	
Trailer Licence	
<b>Total Taxi Applications</b>	<b>293</b>

<b>Taxi Licensing (Surrendered)</b>	<b>Total</b>
Private Hire Vehicles	12
Hackney Carriages	1
<b>Total Surrendered Vehicles</b>	<b>13</b>

<b>Licensing Act 2003</b>	<b>Total</b>
Club Certificate with alcohol	2
Personal Alcohol (variation/new)	71
Premises Licence	17
Temp Event Notice no Alcohol	
Temp Event Notice with Alcohol	301
Minor Variation Application	7
DPS Change/Variation	53
Premises Licence Transfer Application	15
Annual Fee	359
Notification of Interest	6
Premises Licence with Alcohol - Full Variation	
Premises Licence without Alcohol - Full Variation	
<b>Total Licensing Act Applications</b>	<b>831</b>

<b>Gambling Act 2005</b>	<b>Total</b>
Bingo Premise Licence	
Betting Premise Licence (other than track)	
Licensed Premise Gaming Machine Permit	1
Notification of Intent to have gaming machines	
Club Machine Permits	
Occasional Use Notice	1
Adult Gaming Centre	
Small Society Lotteries	11
Change of Promoter	
Annual Fee	36
Family Entertainment gaming machine permit	
<b>Total Gambling Act 2005 Applications</b>	<b>49</b>

<b>Total Applications</b>	<b>1370</b>
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<b>Total Surrendered Vehicles</b>	<b>13</b>
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**Licensing and Safety Sub-Committee Meetings from 1 June 2021 to the 31 August 2021**

Date of Meeting	Scheduled/ Additional	Item	Meeting Venue	Decisions
None				



**Licensing Act Sub-Committees.****Hearings held for licensed premises from 1 June 2021 to the 31 August 2021**

<b>Date</b>	<b>Premises</b>	<b>Type of Application</b>	<b>Councillors</b>	<b>Decision</b>	<b>Review Requested by</b>
05/07/21	Bridgnorth Football Club, Crown Meadow, Bridgnorth	Licence Variation	Simon Jones Dave Tremellen Robert Tindall	Granted with 1 additional condition	n/a

