LICENSING COMMITTEE

Wednesday, 7 October 2015  5.30 pm
Committee Rooms 1, City Hall

Membership: Councillors Kathleen Brothwell (Chair), Loraine Woolley (Vice-Chair), Brent Charlesworth, Tony Gray, Ronald Hills, David Jackson, Adrianna McNulty, Marika Riddick, Fay Smith, Ralph Toofany, Pat Vaughan and Keith Weaver

Substitute member(s): Councillors Jackie Kirk, Tony Speakman, Edmund Strengiel, Peter West and Matthew Wilson

Officers attending: Ian Cullen, Will Allen, Democratic Services and Legal Services

A G E N D A

SECTION A

1. Confirmation of Minutes - 24 March 2015  3 - 6

2. Declarations of Interest

Please note that, in accordance with the Members' Code of Conduct, when declaring interests members must disclose the existence and nature of the interest, and whether it is a disclosable pecuniary interest (DPI) or personal and/or pecuniary.

3. Hackney Carriage and Private Hire minutes of previous meetings; 28 May 2015, 2 July 2015, 30 July 2015 and 3 September 2015  7 - 16


5. Private Hire and Hackney Carriage Licensing  65 - 68
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Present: Councillor Loraine Woolley (in the Chair), Councillor David Gratrick, Councillor Tony Gray, Councillor Marika Riddick, Councillor Fay Smith, Councillor Pat Vaughan, Councillor Keith Weaver and Councillor Tony Speakman (substituted for Kathleen Brothwell)

Apologies for Absence: Councillor Kathleen Brothwell, Councillor David Jackson, Councillor Adrianna McNulty and Councillor Ralph Toofany

20. Confirmation of Minutes - 27 January 2015
RESOLVED that the minutes of the meeting held on 27 January 2015 be confirmed.

21. Declarations of Interest
No declarations of interest were received.

22. Hackney Carriage and Private Hire minutes of previous meeting - 5 February 2015
RESOLVED that the minutes for the meeting held on 5 February 2015 be received.


The Licensing Officer

a. presented a report to update the committee on the activities that the Licensing Team had undertaken in the year 2014

b. advised that the Licensing Team underwent a lean review and 2014 was the first year completed following the recommendations of the review

c. advised on the work of the team as detailed at paragraph 4 of the report and highlighted that three year driver licences and cross border private hire sub-contracting would be introduced in the Deregulation Bill which was expected to receive Royal Assent in April

d. advised that the reports and investigations into child abuse in the Country and the issues of wheelchair accessible taxis had had an affect in the compiling of the new taxi licensing policy which should be completed by the summer

e. referred to paragraph 5 of the report and gave an overview of the statistics for the following:
   - Licensing Act 2003
   - Taxi Licensing
   - Gambling Act 2005
• Scrap Metal Dealers Act 2013
• Other Functions

f. advised that the revised horse registration procedure for 2014 with a requirement to micro chip the horses had been successful, it was hoped that this would result in a short and simple registration process for 2015.

Members discussed the contents of the report and asked the following questions and the Licensing Officer responded accordingly.

1. Referred to paragraph 4.7 of the report and asked for clarification on cross borderer private hire sub-contracting?

Response – An operator could use a private hire driver licensed from another area, he further explained potential issues around enforcement.

2. Referred to paragraph 5.6 and asked what house to house collections involved?

Response – They were the charity bags that were delivered to houses.

3. Were there any dangerous wild animals licensed?

Response – No there was currently none licensed.

RESOLVED that the contents of the report be noted.

24. Private Hire Vehicle Licensing - Requests To Vary Conditions Of Licence

The Licensing Officer

a. presented two applications to the committee:
   i. a private hire vehicle licence with a request to vary conditions of the licence
   ii. to vary the conditions of the private hire vehicle licence 241

b. advised that the first application was to licence a 2008 beige Volkswagon Beetle convertible to use on private contract work and special occasions such as proms, the vehicle would not be used for any other private hire work

c. advised that the applicant asked the committee to vary the conditions placed on the licence to exempt the display of operating signage and from displaying a plate to the exterior rear of the vehicle

d. advised that the applicant further asked the committee to vary the conditions on his Mercedes Benz that was currently licensed as plate number 241 to exempt the display of operator signage and from displaying a plate on the exterior rear of the vehicle.

e. advised that the Mercedes Benz would be used for executive contracts, airports, weddings and school runs only
f. advised that after consultation with the Transport Services Group at Lincolnshire County Council it was agreed that the Mercedes Benz would have to display both the operator signage and the plate to the exterior rear of the vehicle when carrying out school contract work on behalf of Lincolnshire County Council

Members of the committee discussed the applications and asked the following questions and officers responded accordingly:

1. Asked for clarification on the insurance required to licence a soft top vehicle
Response – A vehicle would only be licensed when a valid insurance certificate was provided to officers

2. Asked for clarification on what activities the vehicle would be licensed for?
Response – The Beetle would be used mainly for proms and the Mercedes Benz would be used for Executive contracts, airports, weddings and school runs only. Neither vehicle would be used for normal private hire town work.

3. Expressed concerns about the safety and behaviour young people in open top cars when travelling to their prom
Response – Suggested that a code of conduct be provided by the applicant to address the safety concerns

4. Has any soft top vehicles been licensed previously?
Response - There was a soft top vehicle licensed in 2011 with the same conditions.

RESOLVED that

1. a. the 2008 beige Volkswagon Beetle convertible be licensed for restricted private hire use subject to a code of conduct being produced to the satisfaction of the Licensing Manager

   b. the amended conditions detailed at paragraph 5.2, 5.3 and 5.4 of the report be placed on the licence

2. the conditions on the private hire vehicle licence 241 be amended to the conditions set out at paragraph 5.6 and 5.7 of the report

3. officers authorised under the Local Government (Miscellaneous Provisions) Act 1976 be given delegated authority to licence additional or replacement vehicles for specialist use by these proprietors and apply the conditions set out in the report

4. officers authorised under the Local Government (Miscellaneous Provisions) Act 1976 be given delegated authority to licence specialist vehicles for restricted private hire use and to apply the specialist conditions
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Present: Councillor Pat Vaughan (in the Chair), Councillor Loraine Woolley, Councillor Kathleen Brothwell, Councillor Marika Riddick and Councillor Fay Smith

Apologies for Absence: Councillor David Jackson and Councillor Matthew Wilson

1. **Confirmation of Minutes - 5 February 2015**

   The minutes of the meeting held on 5 February 2015 were agreed.

2. **Declarations of Interest**

   No declarations of interest were received.

3. **Exclusion of Press and Public**

   RESOLVED that the press and public be excluded from the meeting during consideration of the following item(s) of business because it is likely that if members of the public were present there would be a disclosure to them of ‘exempt information’ as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

4. **To Interview an Applicant for a Private Hire Driver’s Licence who has Failed to Disclose Offences and is Unable to Provide a Certificate of Good Conduct [06/2015]**

   The Sub-Committee interviewed an applicant for a Private Hire Driver’s Licence who had failed to disclose offences and was unable to provide a certificate of good conduct from the country that he had lived in prior to living in the United Kingdom. The applicant produced 2 letters, one from Direct Cabs to confirm that they had offered him a job and the second from the Job Centre with regard to his suitability for a licence. The applicant explained in detail the background to the offences and the circumstances that led to them occurring.

   **The decision was made as follows:**

   That the licence be granted. A letter was to be issued by the Licensing Team to advise the applicant of the seriousness and consequences of not adhering to current legislation.

   **Reasons for the decision:**

   1. The Sub-Committee agreed that the applicant gave full and frank answers to their questions and the offences had happened over 5 years ago. The applicant had matured since that time and now had responsibilities as a married man with a family. The applicant had been employed in a driving position and did have the offer of a job as a Private Hire Driver if he was successful in obtaining a licence.
2. The applicant had presented himself well and the Sub-Committee felt that there was no reason to doubt that he was a fit and proper person to hold a licence.

3. The Sub-Committee understood the difficulties faced by the applicant in obtaining a certificate of good conduct from his home country of Iraq.

5. **To Interview an Applicant for a Private Hire Driver's Licence who cannot Supply a Certificate of Good Conduct [07/2015]**

The Sub-Committee interviewed an applicant for a Private Hire Vehicle Driver's Licence who had been unable to provide a certificate of good conduct from the country in which he had lived prior to living in the United Kingdom. The applicant held a Private Hire Vehicle Driver's Licence in Milton Keynes where he used to live but he had now moved to Lincoln to be closer to friends and family. The Sub-Committee commended the applicant on obtaining 10/10 in the knowledge test.

The decision was made as follows:

That the licence be granted.

Reasons for the decision:

1. The applicant was honest and answered all questions openly.

2. The Sub-Committee noted the administrative difficulty the applicant faced in obtaining a certificate of good conduct from Afghanistan.

3. The applicant had presented himself well and the Sub-Committee were satisfied that the applicant was a fit and proper person to hold a licence.

6. **To Interview an Applicant for a Private Hire Driver's Licence who Cannot Supply a Certificate of Good Conduct [08/2015]**

The Sub-Committee interviewed an applicant for a new licence who had been unable to provide a certificate of good conduct from his country of origin. All other checks made by Licensing were satisfactory.

The decision was made as follows:

That the licence be granted.

Reasons for the decision

1. The Sub-Committee felt that the applicant presented himself well during the hearing and did not give any cause for concern over his suitability.

2. The applicant had lived in the United Kingdom since 2002 and had obtained citizenship in 2008. During this time he had not been convicted of any offences therefore there was no reason to doubt that he was a fit and proper person to hold a licence. The Sub-Committee commended him for his 10/10 score in the knowledge test.

3. The Sub-Committee understood the difficulties faced by the applicant in obtaining a certificate of good conduct from his home country of Iraq.
7. **To Interview A Former Holder of a Private Hire Driver’s Licence who has made an Application for a new Licence. Applicant has Committed Offences. [09/2015]**

The Sub-Committee interviewed a former holder of a Private Hire Driver’s Licence who had made an application for a new licence. The applicant had overlooked renewing his licence and had continued driving 11 days after the expiry date. The applicant had admitted to driving a private hire vehicle without a Private Hire Driver’s Licence and without insurance. The applicant explained that he had not received the reminder letter and it was a mistake that he had not renewed his licence. He was extremely apologetic and realised the seriousness and implications of not renewing his licence at the correct time.

The decision was made as follows:

The licence be granted

Reasons for the decision:

1. The Sub-Committee felt that the applicant was honest and that this was a genuine mistake. During the last few months the applicant had a number of family issues which had distracted him from remembering to renew his licence. The job was extremely important to him as he was a family man and he would not intentionally jeopardise the chances of keeping his driving job.

2. The Sub-Committee agreed that the applicant presented himself well during the hearing and did not give any cause for concern over his suitability.

3. The Sub-Committee felt the applicant was a fit and proper person to hold a licence and realised that it was his responsibility to ensure that his licence was up to date.

8. **To Interview a Current Hackney Carriage Driver in Relation to his Application for a Medical Exemption Certificate [10/2015]**

The Sub-Committee interviewed a Hackney Carriage Driver in relation to his application for a medical exemption certificate. The applicant described the problems he had with his lower back and the diagnosis of trigeminal neuralgia both of which made it difficult for him to assist wheelchair users into his cab. He stated the neuralgia caused spasms and he was concerned that he would suddenly lose his grip on the wheelchair. He also mentioned that there had been an incident where a similar situation had led to a death of a passenger.

The decision was made as follows:

That the application be adjourned until the applicant supplied further medical evidence such as a specialist consultant’s report.

Reasons for this decision:

1. The Sub-Committee were concerned whether or not the conditions were temporary or permanent as this had not been answered by the doctor. The Nurse Practitioner had described the pain as chronic i.e. persisting for a
long time or constantly recurring but the Sub-Committee felt that further medical evidence was required. During the hearing, the applicant confirmed he was happy to obtain further medical evidence if this was required.

2. The Sub-Committee were concerned about the applicant’s statement that a disabled passenger had died and the Sub-Committee requested that the Licensing Team research this issue.

3. The Sub-Committee felt that the only decision that could be made at this time was to adjourn the application until such time that the applicant could provide further medical evidence.
Present: Councillor Pat Vaughan (in the Chair), Councillor Loraine Woolley, Councillor Kathleen Brothwell and Councillor Matthew Wilson

Apologies for Absence: Councillor David Jackson


RESOLVED that the minutes of the meeting held on 28 May 2015 be confirmed.

10. Declarations of Interest

No declarations of interest were received.

11. Exclusion of Press and Public

RESOLVED that the press and public be excluded from the meeting during consideration of the following item(s) of business because it is likely that if members of the public were present there would be a disclosure to them of ‘exempt information’ as defined by Section 100I and Schedule 12A to the Local Government Act 1972.


The Sub-Committee interviewed an applicant for a new licence who had been unable to provide a certificate of good conduct from his country of origin. All other checks made by Licensing were satisfactory.

The decision was made as follows:

That the licence be granted.

Reasons for the decision

1. The Sub-Committee felt that the applicant presented himself well during the hearing and did not give any cause for concern over his suitability.

2. The applicant had lived in the United Kingdom since 2001 and had been granted citizenship in 2011. During this time he had been working in a driving position and held a clean driving licence therefore there was no reason to doubt that he was a fit and proper person to hold a Private Hire Driver’s licence.

3. The Sub-Committee understood the difficulties faced by the applicant in obtaining a certificate of good conduct from his home country of Iraq.

13. To Interview an Applicant for a Private Hire Driver’s Licence who has Convictions which Fall within Current Guidelines and is Unable to Provide a Certificate of Good Conduct [12/2015]
The Sub-Committee interviewed an applicant for a new licence who was unable to provide a certificate of good conduct from his country of origin and the applicant had convictions which fell within the current guidelines.

The applicant was well presented and answered the Sub-Committee’s questions openly and honestly. The applicant identified his early lack of understanding of the English Language and English Law along with his inexperience of youth as reasons for the convictions. All other checks made by Licensing were satisfactory and the applicant had been promised work by local firms if he was successful in obtaining a Private Hire Driver’s Licence.

The decision was made as follows:

That the licence be granted.

Reasons for the decision:

1. The applicant gave a full and frank account of the circumstances that led to his convictions and the Sub-Committee did not feel they should be a hindrance to him obtaining a licence.

2. The Sub-Committee agreed that the applicant presented himself well during the hearing and did not give any cause for concern over his suitability.

3. The Sub-Committee felt the applicant was a fit and proper person to hold a licence and also understood the difficulties he faced obtaining a certificate of good conduct from his country of origin, Afghanistan.
14. **Confirmation of Minutes of Meeting Held 2 July 2015**

The minutes of the meeting held on 2 July 2015 were confirmed.

15. **Declarations of Interest**

No declarations of interest were received.

16. **Exclusion of Press and Public**

RESOLVED that the press and public be excluded from the meeting during consideration of the following item(s) of business because it is likely that if members of the public were present there would be a disclosure to them of ‘exempt information’ as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

17. **To Interview an Applicant for a Private Hire Driver’s Licence who cannot Supply a Certificate of Good Conduct [13/2015]**

The Sub-Committee interviewed an applicant who had applied for a Private Hire Driver’s Licence and had been unable to produce a certificate of good conduct from his country of origin. All other checks made by Licensing were satisfactory.

**The decision was made as follows:**

That the licence be granted.

**Reasons for the decision:**

1. The Sub-Committee felt that the applicant presented himself well during the hearing and did not give any cause for concern over his suitability to hold a Private Hire Drivers’ Licence.

2. The applicant had held a UK Driving Licence since 2010 and the Sub-Committee commended him on his excellent score in the Knowledge Test.

3. The Sub-Committee were sympathetic to the difficulties faced by the applicant in obtaining a certificate of good conduct from his country of origin, Afghanistan.
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Present: Councillor Pat Vaughan (in the Chair), Councillor Loraine Woolley, Councillor Kathleen Brothwell and Councillor Matthew Wilson

Apologies for Absence: Councillor David Jackson

18. Confirmation of Minutes 30 July 2015

The minutes of the meeting held on 30 July 2015 were confirmed.

19. Declarations of Interest

No declarations of interest were received.

20. Exclusion of Press and Public

RESOLVED that the press and public be excluded from the meeting during consideration of the following item(s) of business because it is likely that if members of the public were present there would be a disclosure to them of ‘exempt information’ as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

21. Change in order of business

RESOLVED that the order of business be amended as the first applicant had contacted the Licensing Officer to inform him that he was travelling from London, was approximately 50 miles away and would be late.

22. To Interview a Current Hackney Carriage Driver in Relation to his Application for a Medical Exemption Certificate [15/2015]

The Sub-Committee interviewed a Hackney Carriage Driver in relation to his application for a medical exemption certificate. The applicant explained that he had recently been involved in an accident on a racing bicycle which necessitated a lumbar spine x ray. The accident was not caused by an attack of trigeminal neuralgia or any of the applicant’s other medical conditions.

The Sub-Committee continued by asking the applicant for further details about his trigeminal neuralgia which the applicant stated could be brought on by exertion, straining or exposure to cold air. The applicant informed the Sub-Committee that he had not had an occurrence of this for some time but when he did he had to immediately take to his bed and take medication. Members were perplexed that the applicant had undertaken cycling which could have brought on an attack. In a letter from the applicant’s GP of 24 March 2015 the doctor advised that an attack could be triggered by exertion. This happened with some gym exercises therefore the applicant was restricted to walking.

The decision was made as follows:

That the application be adjourned until the applicant supplied further medical evidence from a specialist/consultant.
Reasons for the decision

1. The Sub-Committee had taken into account the additional letters provided by the applicant’s doctor, however they felt that they did not go into enough detail and did not answer the Sub-Committee’s concerns.

2. The Sub-Committee had carefully examined the responses from the doctor and the answers from the applicant and felt that the greater expertise of a specialist/consultant would be more appropriate. This would give better guidance to the applicant’s medical conditions and understanding of his capabilities.

3. The Sub-Committee agreed that the only decision that could be made was to adjourn the application until such time that the applicant could provide evidence from a specialist/consultant.

23. To Interview an Applicant for a Private Hire Driver’s Licence who cannot supply a Certificate of Good Conduct [14/2015]

This item was adjourned as the applicant failed to arrive in time for the meeting.
1. Purpose of Report

1.1 To update the committee on the result of the consultation of the Statement of Licensing Policy (the Policy) under the Gambling Act 2005 (‘the Act’).

2. Executive Summary

2.1 An updated Statement of Licensing Policy under the Gambling Act 2005 has been out for consultation.

2.2 Following feedback from various stakeholders, approval is sought to forward the amended Policy to Full Council for adoption.

3. Background

3.1 The Act requires that the Licensing Authority publish its Statement of Licensing Policy at least every three years. The date for publishing is on or before the 31 January 2016.

3.2 The draft Policy was forwarded to a total of 51 persons/organisations and to every member of the Licensing Committee. The Policy was also placed on the Councils website. A copy of the Policy can be seen at Appendix A.

3.3 The consultation period commenced on 31 July 2015 and ended on the 11 September 2015. A total of 4 responses were received.

3.4 In essence, the Policy remains the same and only changes made by legislation and changes to enhance clarity have been made.

4. Consultation results

4.1 Both Ladbrokes plc and Coral Racing Limited were supportive of the document and rather than comment directly about the policy document gave assurances about their good practises and the upcoming requirement to complete local risk assessments. These can be seen at appendix B & appendix C respectively.

4.2 Lincoln Business Improvement Group stated that they had nothing to add to the document but thanked us for including them in the consultation. See appendix D

4.3 The final response was from Bev Finnegan, Programme Manager with the Public Health Directorate at Lincolnshire County Council. She stated that she found it
difficult to comment on the Policy as a whole but felt it important to demonstrate they had considered the document.

4.4 Ms Finnegan’s comments were appreciated and acknowledged, however it was felt that no further amendments to the policy were necessary. See appendix E.

5. **Local Risk Assessments / Local Area Profiling**

5.1 In 2016 the Gambling Commission will introduce a new social responsibility code within their Operating Licence Conditions and Codes of Practice (LCCP) that will require gambling operators to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated.

5.2 Gambling operators will be required to undertake a risk assessment for all of their new premises; existing premises will be risk assessed when certain triggers are met.

5.3 The new codes should help to promote collaborative working between licensing authorities and local gambling operators to facilitate a coordinated approach to local issues.

5.4 The Gambling Commission (following a consultation that ended very recently) will in due course be issuing new Guidance to Licensing Authorities that is likely to include proposals for Local Area Profiles. The draft document includes the following statement:

> “Licensing authorities might find it useful to complete their own assessment of the local environment, as a means of ‘mapping out’ local areas of concern, which can be reviewed and updated to reflect changes to the local landscape. The Commission refers to these assessments as local area profiles. Completion of a local area profile is not a requirement on licensing authorities but there are significant benefits for both the licensing authority and operators, in having a better awareness of the local area and risks.”

5.5 The new Guidance will also provide clarity on the importance of the Statement of Licensing Policy as a regulatory tool and include guidance on the development of “Local Area Profiles”.

5.6 Unfortunately the current meetings timetable does not provide adequate time for consideration by this Committee of the new Gambling Commission’s Guidance (when it is released), consultation on a further revised draft Policy, and subsequent approval of the final draft by this Committee and Council before a new Policy must take effect on 31 January 2016.

5.7 It is therefore proposed that the Committee recommend to Council that the revised draft Policy as attached at appendix A be adopted and if the recommendation for Local Area Profiles is introduced by the Commission then again this Authority will need to revisit its Gambling Policy in 2016.
6. **Strategic Priorities**

6.1 Growing the local economy
By keeping the statement of policy up to date it will ensure that there is clear guidance for local businesses.

6.2 Protecting the poorest people in Lincoln
Assuming that a large proportion of the most vulnerable people are included in the poorest section, this Statement of Licensing Policy should ensure that the licensing objectives are promoted and the most vulnerable are protected.

7. **Organisational Impacts** (nb. Finance, Legal and E & D sections below are mandatory, others to be completed only where there is an impact)

7.1 Finance (including whole life costs where applicable)
Cost of consultation and printing of Policy can be contained within the current licensing budget.

7.2 Legal Implications
Gambling Act 2005 section 349.
A licensing authority shall before each successive period of three years –
   a) prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period, and
   b) publish the statement.

If the Council fails to introduce its reviewed Policy by the 31 January 2016, it cannot function as the Licensing Authority under the Gambling Act 2005.

7.3 Equality, Diversity & Human Rights
The statement of policy shall ensure that the licensing function is conducted in a fair and transparent way.
The licensing policy provides transparency for everyone, including local residents and applicants for premises licenses, who will be able to refer to the statement when making representations or when preparing their applications.

8. **Risk Implications**

8.1 (i) Options Explored

8.2 (ii) Key risks associated with the preferred approach

9. **Recommendation**

9.1 The Committee is asked to:
   - approve the draft policy; and
   - recommend it to Full Council for adoption

**Is this a key decision?**  No

**Do the exempt information categories apply?**  No
Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply? No

How many appendices does the report contain? 5

List of Background Papers: None

Lead Officer: Ian Cullen, Licensing Officer
              Telephone (01522) 873714
Gambling Act 2005

Statement of Policy
CITY OF LINCOLN STATEMENT OF POLICY
GAMBLING ACT 2005

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This Statement of Licensing Policy was approved by the City of Lincoln Council on xx/xx/2015

PART A

1. The Licensing Objectives

1.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:
   - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
   - Ensuring that gambling is conducted in a fair and open way
   - Protecting children and other vulnerable persons from being harmed or exploited by gambling

1.2 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

1.3 This Licensing Authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:
   - in accordance with any relevant code of practice issued by the Gambling Commission
   - in accordance with any relevant guidance issued by the Gambling Commission
   - reasonably consistent with the licensing objectives and
   - in accordance with the authority’s statement of policy

2. Introduction

2.1 The City of Lincoln Council is the Licensing Authority for the City of Lincoln for the purpose of the Gambling Act 2005 and any subsequent legislation and guidance.

2.2 The City of Lincoln Council is situated in the County of Lincolnshire, which contains 7 District Councils in total. The Council area has a population of 96,202 making it the fourth largest in the County in terms of population. In terms of area it is the smallest covering 3569 hectares. The Council’s area is mainly urban.

2.3 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the policy, which they proposed to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

2.4 The City of Lincoln Council has worked in partnership with the other District Councils in the County in preparing this statement of policy. It is based on:
   - a draft statement of principles template issued jointly by the Department for Culture, Media and Sport (DCMS), the Gambling Commission (the Commission) and the Local Authorities Coordinators of Regulatory Services (LACORS),
• guidance from the Commission’s "Guidance to Licensing Authorities" (the Guidance) and
• advice from the DCMS.

2.5 The Gambling Act requires that the following parties are consulted by Licensing Authorities:
• The Chief Officer of Police;
• One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area;
• One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority’s functions under the Gambling Act 2005.

2.6 The City of Lincoln Council consulted widely upon this statement before finalising and publishing. A list of those persons consulted is provided below (appendix B).

2.7 Our consultation took place between 31st July 2015 and 11th September 2015.

2.8 The City of Lincoln Council recognises its duties to consider the impact of all its functions and decisions on crime and disorder under the requirements of Section 17 of the Crime and Disorder Act 1998 in adopting this statement of policy. The City of Lincoln Council acknowledges the benefits to the community of properly regulating gambling in the district.

2.9 The statement of policy was approved at a meeting of the Full Council on XXXX 2015 and was published via our website on XXXX 2016. Copies were placed in the public libraries of the area as well as being available at City Hall.

2.10 It should be noted that this statement of policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

3. Declaration

3.1 In producing the final statement, this Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

4. Responsible Authorities

4.1 The Licensing Authority is required by regulations to state the policy it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the Authority about the protection of children from harm. The policy is:
• the need for the body to be responsible for an area covering the whole of the Licensing Authority’s area;
• the need for the body to be answerable to democratically elected persons,
rather than any particular vested interest group; and
• that this body is experienced in dealing with the protection of children.

4.2 In accordance with the suggestion in the Gambling Commission’s Guidance for licensing authorities, this authority designates the Local Safeguarding Children Board for this purpose.

4.3 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the City of Lincoln Council’s website at: www.lincoln.gov.uk

5. Interested parties

5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:
“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the applications is made, the person-
 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 paragraph (a) or (b)”

5.2 The Licensing Authority is required by regulations to state the policy it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The policy is:

5.3 Each case will be decided upon its merits. This Authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission’s Guidance for licensing authorities at 8.15 and 8.16. It will also consider the Gambling Commission’s Guidance that “has business interests” should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

5.4 The Gambling Commission has recommended that the Licensing Authority state whom it considers represent interested parties. These include, but are not confined to, democratically elected representatives such as local councillors and Members of Parliament (no specific evidence of being asked to represent an interested person will be required as long as the councillor or Member represents the ward likely to be affected) and bodies such as trade associations and trade unions, and residents’ and tenants’ associations. This Authority will not however generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by, or has business interests that might be affected by the authorised activities being applied for. A letter from one of these persons requesting representation shall be sufficient.
If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing department on 01522 873564 or licensing@lincoln.gov.uk.

6. Exchange of Information

6.1 The Licensing Authority may share information received in the exercise of its functions with the Gambling Commission, a responsible authority, an authorised officer of another Licensing Authority, The Gambling Appeal Tribunal, The National Lottery Commission or the Secretary of State.

6.2 The Licensing Authority will act in accordance with the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened.

6.3 The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to Licensing Authorities as well as any relevant regulations issued by the Secretary of State under powers provided in the Gambling Act 2005.

6.4 The Licensing Authority will inform the Gambling Commission without delay if:

- Information that causes the Licensing Authority to question the suitability of a person or business holding or applying to hold an operating licence is received.

- There are persistent or serious disorder problems that an operator could or should do more to prevent, so that the Commission may consider the continuing suitability of the operator to hold an Operating Licence.

- If it comes to the Licensing Authority’s attention that alcohol-licensed premises, clubs or institutes are playing bingo during the course of a week which involves significant stakes and prizes that that make it possible that £2,000 in seven days is being exceeded.

- Any other reasonable and relevant information that the Licensing Authority is of the opinion the Gambling Commission should be made aware of.

6.5 Should any protocols be established as regards information exchange with other bodies then they will be made available on the City of Lincoln Council’s website at www.lincoln.gov.uk.

7. Enforcement and Inspection

7.1 Licensing Authorities are required by regulation under the Gambling Act 2005 to state the policy to be applied by the Authority in exercising the functions under
Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

7.2 This Licensing Authority’s policy is that:
It will be guided by the Gambling Commission’s Guidance for Licensing Authorities and will endeavour to be:
- Proportionate: regulators should only intervene when necessary; remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

7.3 As per the Gambling Commission’s Guidance for Licensing Authorities this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

7.4 This Licensing Authority will implement a risk-based inspection programme on a multi-agency basis, based on:
- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of policy

7.5 The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions, which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

7.6 This Licensing Authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

7.7 Bearing in mind the principle of transparency, this Licensing Authority’s enforcement/compliance policies/protocols/written agreements will be available upon request to the licensing department.

7.8 The Authority recognises that certain gambling premises operators have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the Authority a single named point of contact, who should be a senior
individual, and who the Authority will contact first should any compliance queries or issues arise.

7.9 In considering enforcement action, the Licensing Authority will bear in mind the Human Rights Act, in particular:

- Article 1, Protocol 1 – Peaceful enjoyment of possessions
- Article 6 – right to a fair hearing
- Article 8 – respect for private and family life
- Article 10 – right to freedom of expression

8. Licensing Authority functions

8.1 Licensing Authorities are required under the Act to:
- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate members’ clubs and miners’ welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section above on ‘information exchange’)
- Maintain registers of the permits and licences that are issued under these functions

8.2 It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

8.3 The Gambling Commission has recommended that licensing authorities include a list of licensable activities in their statements of policy.
PART B
PREMISES LICENCES

1. General Policy

1.1 Premises licences will be subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

1.2 This Licensing Authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:
• in accordance with any relevant code of practice issued by the Gambling Commission;
• in accordance with any relevant guidance issued by the Gambling Commission
• reasonably consistent with the licensing objectives; and
• in accordance with the Authority’s statement of licensing policy.

1.3 It is appreciated that as per the Gambling Commission’s Guidance for Licensing Authorities “moral objections to gambling are not a valid reason to reject applications for premises licences” (except as regards any ‘no casino resolution’ - see section on Casinos below – page 14) and also that unmet demand is not a criterion for a Licensing Authority.

1.4 Premises Licences authorise the provision of gambling facilities on the following:
• Casino premises
• Bingo Premises
• Betting Premises (including race tracks used by betting intermediaries)
• Adult Gaming Centres (AGCs)
• Family Entertainment Centres (FECs)

1.5 Definition of “premises” - Premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
1.5.1 This Licensing Authority takes particular note of the Gambling Commission’s Guidance for Licensing Authorities which states that: Licensing Authorities should take particular care in considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not ‘drift’ into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

1.5.2 The Guidance also gives a list of factors which the Licensing Authority should be aware of, which may include:

- Do premises have a separate registration for business rates?
- Is the premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises by accessed from the street or a public passageway?
- Can a premises only be accessed from any other gambling premises?

1.5.3 **Premises “ready for gambling”** - It should be noted that following the case of The Queen (on the application of) Betting Shop Services Limited v Southend-on-Sea Borough Council, an applicant can obtain a full premises licence for premises in which it is proposed to offer gambling but the facilities have still to be constructed or altered. Licensing Authorities are required to determine such applications on their merits.

1.5.4 This Authority shall consider such applications in a two-stage process;

- First, whether the premises should be permitted to be used for gambling in accordance with section 153 of the Act.
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

1.5.5 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have the right to occupy them, then an application for a provisional statement can be made instead.
1.5.6 Applicants should note that this Authority is entitled to decide that it is appropriate to grant such a licence subject to conditions, but it is not obliged to grant such a licence.

1.5.7 More detailed examples of circumstances in which such a licence may be granted can be found at paragraphs 7.60-7.67 of the Gambling Commissions Guidance.

1.6 **Location** - This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission’s Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

1.7 **Duplication with other regulatory regimes** - This Licensing Authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. This Licensing Authority will not consider any planning or building regulations issues in relation to the premises, in its consideration of the licence application. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

1.8 **Licensing objectives** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Gambling Commission’s Guidance to local authorities and some comments are made below.

1.8.1 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - This Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission’s Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

1.8.2 **Ensuring that gambling is conducted in a fair and open way** - This Licensing Authority has noted that the Gambling Commission has stated that it would generally not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to
tracks which is explained in more detail in the 'tracks' section below – page 15).

1.8.3 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This Licensing Authority has noted the Gambling Commission's Guidance for Licensing Authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The Licensing Authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

1.8.4 This Licensing Authority will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

1.8.5 As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This Licensing Authority will consider this licensing objective on a case-by-case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

1.9 **Conditions** - Any conditions attached to licences will be proportionate and will be:

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

1.9.1 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

1.9.2 This Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's
Guidance.

1.9.3 This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

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

1.9.4 These considerations will apply to premises including buildings where multiple premises licences are applicable.

1.9.5 This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission’s Guidance, this Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

1.9.6 It is noted that there are conditions which the Licensing Authority cannot attach to premises licences which are:

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

1.10 **Door Supervisors** - If there are concerns that premises may attract disorder or be subject to unauthorised access by children and young persons, then the Licensing Authority may require that Door Supervisors control entrances to the premises. The Licensing Authority recognises that each premises application shall be treated on its own merit. In addition, the Licensing Authority shall take into account the previous trading history of the type of premises proposed and that any decision shall be necessary and proportionate.

1.10.1 Where door supervisors are imposed as a condition on a Premises Licence (except casino or bingo premises), Section 178 of the 2005 Act requires that any person employed in that capacity will hold a relevant licence issued by the Security Industry Authority (SIA).

2. **Adult Gaming Centres**
2.1 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

2.2 This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas (e.g. use of door supervisors)
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

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

3. (Licensed) Family Entertainment Centres:

3.1 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Children and young persons are permitted to enter an FEC and may play on Category D machines. They are not permitted to play on Category C machines, and it is a requirement that there is clear segregation between the two types of machine, to prevent access by children and young persons to Category C machines.

3.2 This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- CCTV
- Supervision of entrances / machine areas (e.g. use of door supervisors)
- Physical separation of areas
- Location of entrance
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as
GamCare.

- Measures / training for staff on how to deal with suspected truant school children on the premises

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

3.3 This Licensing Authority will, as per the Gambling Commission’s guidance, refer to the Commission’s website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This Licensing Authority will also make itself aware of any mandatory or default conditions on these premises licences.

4. Casinos

4.1 No Casinos resolution - This Licensing Authority has not passed a ‘no casino’ resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. The Full Council will make any such decision.

5. Bingo premises

5.1 This Licensing Authority notes that the Gambling Commission’s Guidance states at paragraph 18.4:

5.2 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a licence. This is a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence or multiple licence, for that or those excluded areas.

5.3 It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted licensing authorities should ensure that:

- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- 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 of the operator or the licence holder; and
- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

5.4 Where Bingo is provided in alcohol-licensed premises and reaches a certain threshold, it will no longer be authorised as equal chance gaming and a Bingo
Operating Licence will need to be obtained from the Gambling Commission. The aim of this provision is to prevent bingo becoming a predominant commercial activity on such non-gambling premises.

6. **Betting premises**

6.1 **Betting machines** - This Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions or the availability of Fixed-Odds Betting Terminals, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

6.2 While the Authority has discretion as to the number, nature and circumstances of the use of betting machines, currently there is no evidence that such machines give rise to regulatory concerns. Therefore, this Authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this Authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.

7. **Tracks**

7.1 This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission’s Guidance, this Licensing Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

7.2 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

7.3 This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
• Notices / signage
• Specific opening hours
• Self-barring schemes
• Provision of information leaflets / helpline numbers for organisations such as GamCare

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

7.4 Gaming machines – Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

7.5 Betting machines - This Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

7.6 Applications and plans – The Gambling Act (s151) requires applicants to submit plans of the premises with their application, in order to ensure that the Licensing Authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the Licensing Authority to plan future premises inspection activity. (See the Guidance to Licensing Authorities, para 20.28)

7.7 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Guidance to Licensing Authorities, para 20.29)

7.8 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such circumstances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities, para 20.31).

7.9 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined (See Guidance to Licensing Authorities, Para 20.32)

7.10 This Authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants
should provide sufficient information so that this Authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting area subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan (see Guidance to Licensing Authorities Para 20.33)

8. Travelling Fairs

8.1 It will fall to this Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

8.2 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

8.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This Licensing Authority will work with its neighbouring authorities to ensure that land that crosses our boundaries is monitored so that the statutory limits are not exceeded.

9. Provisional Statements

9.1 Developers may wish to apply to this authority for a Provisional Statement before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

9.2 Section 204 of the Gambling Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:

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

9.3 The process for considering an application for a Provisional Statement is the same as that for a Premises Licence application. The applicant is obliged to give notice of the application in the same way as when applying for a Premises Licence. Responsible Authorities and Interested Parties may make representations and there are rights of appeal.

9.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
9.5 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant’s circumstances. In addition, the Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

a) which could not have been raised by way of representations at the provisional licence stage
b) which, in the Authority’s opinion, reflect change in the operator’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 and Licensing Authorities should discuss any concerns they have with the applicant before making a decision.

10. Reviews:

10.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the Licensing Authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Authority’s statement of licensing policy.

10.2 The request for the review will also be subject to the consideration by the Authority as to whether the request is frivolous, vexatious or whether it will certainly not cause this Authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

10.3 The Licensing Authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks appropriate.

10.4 Once a valid application for review has been received by the Licensing Authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the Licensing Authority, who will publish notice of the application within 7 days of receipt.

10.5 The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
10.6 The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. If action is justified, the options open to the Licensing Authority are:

- Add, remove or amend a licence condition imposed by the Licensing Authority;
- Exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such a condition;
- Suspend the premises licence for a period not exceeding three months; and
- Revoke the licence.

In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in Section 153 of the Act, as well as any relevant representation.

10.7 In particular, the Licensing Authority may also initiate a review of a premises licence 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.

10.8 Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:

- The licence holder
- The applicant for review (if any)
- The Gambling Commission
- Any person who made a representation
- The Chief Officer of Police or Chief Constable
- Her Majesty’s Commissioners for Revenue and Customs.

10.9 Appeals – There is a right of appeal both for applicants and those who have made relevant representations or applied for a review. This appeal must be lodged within a period of 21 days from the day on which the applicant was notified by the Licensing Authority of the decision and must be made to Lincoln Magistrates Court.
PART C
Permits / Temporary & Occasional Use Notices / Lotteries

1. Unlicensed Family Entertainment Centre (FEC) gaming machine permits (Statement of Policy on Permits - Schedule 10 paragraph 7)

1.1 Where a premises does not hold a premises licence but wishes to provide category D gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

1.2 The Gambling Act 2005 states that a Licensing Authority may prepare a statement of policy that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission’s Guidance for Licensing Authorities also states: “In its Licensing Authority Statement of Policy, a Licensing Authority may include a statement of principles that it proposes to apply in exercising its function in considering applications for permits….. Licensing Authorities may want to give weight to matters relating to child protection issues.” (24.6)

1.3 Guidance also states: “…An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. …Licensing Authorities might wish to consider asking applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that employees are trained to have a full understanding of the maximum stakes and prizes.” (24.7)

1.4 It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

1.5 This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This Licensing Authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in
Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

2. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, from a bar, without a requirement that alcohol is served only with food to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority and pay the relevant fee. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

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

2.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “such matters as they think relevant.” This Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

2.3 It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

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

2.5 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of
the machine.

3. **Prize Gaming Permits - (Statement of Policy on Permits - Schedule 14 paragraph 8 (3))**

3.1 The Gambling Act 2005 states that a Licensing Authority may “prepare a statement of policy that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the Licensing Authority propose to consider in determining the suitability of the applicant for a permit”.

3.2 This Licensing Authority’s Statement of Policy is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
   - that they understand the limits to stakes and prizes that are set out in Regulations;
   - and that the gaming offered is within the law.
   - clear polices that outline steps to be taken to protect children from harm.

3.3 In making its decision on an application for this permit the Licensing Authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

3.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:
   - the limits on participation fees, as set out in regulations, must be complied with;
   - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
   - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
   - participation in the gaming must not entitle the player to take part in any other gambling.

4. **Club Gaming and Club Machine Permits**

4.1 Members Clubs and Miners’ welfare institutes may apply for a Club Gaming Permit (but not Commercial Clubs) or if a club does not wish to have the full facilities permitted under a Club Gaming Permit or is a commercial club, then they can apply for a Club Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D – but only 1 B3A can be sited as part of this entitlement), equal chance gaming and games of chance as set out in regulations. A Club Machine Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D – but only 1 B3A can be sited as part of this entitlement) if a
Members Club or Miners’ welfare institute but not category B3A in Commercial Clubs.

4.2 Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members’ club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men’s clubs, branches of Royal British Legion and clubs with political affiliations."

4.3 The Commission Guidance also notes that "Licensing Authorities may only refuse an application on the grounds that:
   a) the applicant does not fulfil the requirements for a members’ or commercial club or miners’ welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
   b) the applicant’s premises are used wholly or mainly by children and/or young persons;
   c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
   d) a permit held by the applicant has been cancelled in the previous ten years; or
   e) an objection has been lodged by the Commission or the police.

4.4 There is also a ‘fast-track’ procedure available under the Act for premises that hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission’s Guidance for Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an Authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:
   a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
   b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
   c) (that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

4.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5. Temporary Use Notices

5.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would
include hotels, conference centres and sporting venues.

5.2 The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence i.e. a non-remote casino operating licence.

5.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

5.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of “premises” in Part 8 of the Act is discussed in Part 7 of the Gambling Commission’s Guidance to Licensing Authorities. As with “premises”, the definition of “a set of premises” will be a question of fact in the particular circumstances of each notice that is given. In the Act “premises” is defined as including “any place”. In considering whether a place falls within the definition of a “set of premises” the Licensing Authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

5.5 The Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commissions Guidance to Local Authorities.

6. Occasional Use Notices:

6.1 The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This Licensing Authority will though consider the definition of a ‘track’ and whether the applicant is permitted to avail him/herself of the notice.

7. Lotteries:

7.1 The promotion or facilitating of lotteries falls within 2 categories:

- Licensed Lotteries (these require an Operating Licence from the Gambling Commission); and
- Exempt Lotteries

7.2 One such exemption is ‘Small Society Lotteries’, these are non-commercial and have been established and conducted for one of the following purposes:

- for charitable purposes;
- for the purpose of enabling participation in, or of supporting, sports, athletic or a cultural activity; or
- for any other non-commercial purpose other than for private gain
7.3 Those societies wishing to operate small society lotteries must first register with the Licensing Authority in the area where their principle office is located. Where the Licensing Authority believes the Society’s principal office is situated in another area it will inform the Society as soon as possible.

7.4 The Licensing Authority will keep a Public Register of all applications and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority. As soon as the entry on the Register is completed, the Licensing Authority will notify the applicant of registration.

7.5 Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion.

8. Review

8.1 This statement of policy will remain in force for a period of three years and will be subject to review and further consultation before January 2019. However, following consultation, the Licensing Authority may make revisions to it as deemed necessary.

9. Glossary

9.1 A glossary of terms is attached at Appendix C.
**Appendix A**

<table>
<thead>
<tr>
<th>Summary of Licensing Authority delegations permitted under the Gambling Act.</th>
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<td><strong>MATTER TO BE DEALT WITH</strong></td>
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<td>Final approval of three year licensing statement of principles</td>
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<td>Statement of principles not to permit casinos</td>
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<td>Application for premises licences</td>
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<td>Application for a variation to a licence</td>
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<td>Application for a transfer of a licence</td>
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<td>Application for a provisional statement</td>
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<tr>
<td>Revocation of a premises licence due to non-payment of annual fee.</td>
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<td>Review of a premises licence</td>
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<tr>
<td>Application for a club gaming/club machine permit</td>
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<tr>
<td>Cancellation of club gaming/club machine permits</td>
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<td>Application for other permits</td>
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<tr>
<td>Cancellation of licensed premises gaming machine permits</td>
</tr>
<tr>
<td>Consideration of temporary use notice</td>
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<td>--------------------------------------</td>
</tr>
<tr>
<td>Decision to give a counter notice to a temporary use notice</td>
</tr>
<tr>
<td>Registration of small society lotteries</td>
</tr>
<tr>
<td>Cancellation of a small society lottery due to non-payment of annual fee.</td>
</tr>
</tbody>
</table>
Appendix B

Consultees

Addaction
Age UK
Association of British Bookmakers Ltd
BACTA
BALPPA (The British Association of Leisure Parks, Piers & Attractions Limited)
BII
British Beer & Pub Association
Businesses in Sport and Leisure
Chamber of Commerce
Citizens Advice Bureau
City of Lincoln Council
City of Lincoln Council Head of Environmental Sustainability
Civic Voice
DAAT, Public Health Directorate
Done Brothers
Federation of Small Businesses
Gala Coral Group
Gamble Aware
Gamblers Anonymous
Gambling Commission
GamCare
H.M. Revenue & Customs
Head of Community Services, Leisure and Sport
Health & Safety Executive
Institute of Directors
Ladbrokes Betting and Gaming Ltd
Licensing Committee City of Lincoln Council
Lincoln Business Improvement Group
Lincoln Magistrates Court
Lincolnshire County Council
Lincolnshire County Council Chief Executive
Lincolnshire County Council Director for Communities
Lincolnshire County Council Director of Adult Services
Lincolnshire Fire & Rescue
Lincolnshire Police
Lincolnshire Safeguarding Children Board
Local MP Karl McCartney
Lotteries Council
Mencap
Mental Health Trust
MIND
NSPCC
Relate
Responsible Gambling Trust
RTB Investments Limited
Teddy Clark Limited
The Bingo Association
The Racecourse Association
Trading Standards Service
William Hill Organization Ltd
## Appendix C

### Glossary of Terms Under the Gambling Act 2005

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council</td>
<td>City of Lincoln Council</td>
</tr>
<tr>
<td>Applications</td>
<td>Applications for licences and permits as stated in the Statement of Policy</td>
</tr>
<tr>
<td>Notifications</td>
<td>Notifications of temporary and occasional use notices</td>
</tr>
<tr>
<td>Act</td>
<td>The Gambling Act 2005</td>
</tr>
<tr>
<td>Regulations</td>
<td>Regulations made under the Gambling Act 2005</td>
</tr>
<tr>
<td>Premises</td>
<td>Any place, including a vehicle, vessel or moveable structure</td>
</tr>
<tr>
<td>Premises Licence</td>
<td>Issued by the Licensing Authority to authorise premises to be used for the activities as defined by Section 150 of the Gambling Act</td>
</tr>
<tr>
<td>Operator Licence</td>
<td>Issued by the Gambling Commission to organisations and individuals who are providing facilities for gambling as defined by Section 65 of the Gambling Act</td>
</tr>
<tr>
<td>Personal Licence</td>
<td>Issued by the Gambling Commission to certain categories of people working in the gambling industry as defined by Section 127 of the Gambling Act</td>
</tr>
<tr>
<td>Family Entertainment Centre</td>
<td>The Act creates two classes of Family Entertainment Centres – Licensed: which provide category C and D gaming machines and require a premises licence Unlicensed: which provide category D gaming machines in reliance on a Gaming machine Permit</td>
</tr>
<tr>
<td>Adult Gaming Centre</td>
<td>Premises which provide category B, C and D gaming machines and require an operating licence and a premises licence</td>
</tr>
<tr>
<td>Gaming Machine</td>
<td>A machine which is designed or adapted for use by individuals to gamble as defined by Section 235 of the Gambling Act</td>
</tr>
<tr>
<td>Money Prize Machine</td>
<td>A machine in respect of which every prize which</td>
</tr>
</tbody>
</table>
A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize as defined in regulation 3(7) of the Categories of Gaming Machine (Amendment) Regulations 2009. For non-money prize machines in general, the maximum stake (charge for use) must be no more than 30 pence, and the maximum prize value must be no more than £8.

A crane grab machine is defined as a non-money prize machine in respect of which two conditions are satisfied. The first is that every prize which can be won as a result of using the machine consists of an individual physical object (such as a stuffed toy). The second is that whether or not a person using the machine wins a prize is determined by the person’s success or failure in manipulating a device forming part of the machine so as to separate and keep separate one or more physical objects from a group of such objects. The maximum stake may be anything up to and including £1, and the maximum prize value may be anything up to and including £50.

These machines are commonly found in seaside arcades and are defined in regulation 2(3) of the Categories of Gaming Machine Regulations 2007 with the additional requirement that the machine be neither a money-prize nor a non-money prize machine. The maximum stake may be anything up to and including 20 pence, and the maximum prize value may be anything up to and including £20 (of which no more than £10 may be a money prize).

A – Maximum Stake: unlimited, Maximum Prize: unlimited
B1 – Maximum Stake: £5, Maximum Prize: £10,000
B2 – Maximum Stake: £100 (in multiples of £10), Maximum Prize: £500
B3A – Maximum Stake: £2, Maximum Prize: £500
B3 – Maximum Stake: £2, Maximum Prize: £500
B4 – Maximum Stake: £2, Maximum Prize: £400
C – Maximum Stake: £1, Maximum Prize: £100
D – Maximum Stake: 10p or 30p when non-monetary prize, Maximum Prize: £5 cash or £8 non-monetary prize

**Code of Practice:**
Means any relevant code of practice under section 24 of the Gambling Act 2005

**Responsible Authority:**
For the purposes of this Act, the following are responsible authorities in relation to premises:
1. The Licensing Authority in whose area the premises are wholly or mainly situated (City of Lincoln Council);
2. The Gambling Commission;
3. Lincolnshire Police;
4. Lincolnshire Fire and Rescue;
5. Planning Department, City of Lincoln Council;
6. Environmental Health (Pollution Section) City of Lincoln Council
7. Lincolnshire Safe Guarding Children’s Board, Lincolnshire County Council;
8. HM Revenue and Customs.

**Interested Party:**
For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:-

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;
c) Represents persons who satisfy a) or b) above.
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APPENDIX B

Ian Cullen
Licencing Officer
City of Lincoln Council
City Hall
Beaumont Fee
Lincoln
LN1 1DB

17th August 2015

Ladbrokes consultation response – Local Council statement on Gambling Act Statement of Principles

Introduction

Ladbrokes is one of the world’s largest betting operators, employing around 13,000 across 2,200 shops in the UK. As a responsible business we are committed to providing our customers with a safe, fair and fun leisure experience, whilst helping the small number of individuals who suffer from gambling related harm.

Betting offices are also valuable contributors to the vitality and viability of high streets throughout the UK, employing local people, building relationships with local customers and supporting local good causes in the community:

- They are an established high street use.
- They generate footfall at least comparable to that of retail facilities.
- They generate linked trips so supporting the retail vitality and viability of town centres.
- In physical character terms they generate at least as lively an exterior aspect as retail facilities.
- They are compatible in scale with retail facilities.

We welcome the opportunity to respond to this consultation. As a highly regulated industry, we also devote significant resources to regulatory compliance and fully support both the principle and practice of better working partnerships between local betting operators and local authorities. In our view the current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.

We are therefore concerned that the guidance as currently drafted aims to alter the premises licence regime from that established in the Gambling Act and either intentionally or unintentionally increases the burdens on an already responsible business and prescribes additional conditions above and beyond what has been currently agreed by the independent regulator.

We hope that in responding to this consultation we can better support the implementation of an effective, consistent and clear local licensing regime which is mutually beneficial to operators and local authorities.

Local Partnerships
We welcome the focus on partnership working and that is one of the reasons we are a leading signatory to the ‘ABB-LGA Framework for local partnerships on betting shops’ which was published in January this year. We also have Primary Authority agreements with Liverpool Council and Milton Keynes Council which has resulted in greater clarity and consistency of regulation at a local level. In contrast, we are concerned that this guidance as currently drafted would lead to variations and inconsistencies which prove burdensome and costly for a business that operates across a multi-site estate in numerous different local authorities.

**Local area risk assessments**

From April 2016, under new Gambling Commission LCCP provisions, we are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated. As a responsible business, we must take into account relevant matters identified in the licensing authority’s statement of licensing policy in their risk assessment, and review our policies where there are significant local changes.

It is important that any changes or additional conditions are evidence based and as a result, deemed to have a real impact on the ability of betting operators to uphold any or all of the three licensing conditions. Such a list of factors, based on opinion rather than fact, and therefore open to interpretation in many different ways could result in an inconsistent licencing regime.

Operators already take certain factors into consideration to ensure compliance with the licensing objectives, both in relation to new applications and existing licensed premises, and therefore it should be, as it is now, a matter for the local operator to decide how this is determined and what should be included. This being the case, only local risks that are evidence based, would be included in the risk assessment. We would therefore caution against the inclusion of certain named categories which operators are prescribed to take into account by the local authority, including educational establishments and general levels of crime.

It is important to note that betting shops are often the victims of crime rather than a source of crime (burglaries, robberies etc). However, as a responsible business we would consider the existing levels of gambling and betting related crimes as well as the measures we can take to mitigate this risk before applying for a local licence. It is unclear and we would expect that other general levels of crime would not affect a licencing application.

Instead, each case should be considered on its own merits and therefore we would caution against general statements that gambling premises should automatically face a higher burden of proof in these areas. Without any clear requirements in the revised licensing policy statements that additional licence conditions should be accompanied by robust evidence, this process could lead to unintended consequences and local shop closures and job losses.

**Existing responsible practices**

Ladbrokes shops already operate strict age restrictions and we do not promote betting or gambling in our shop windows attractive to young children or vulnerable adults.

We accept the importance of the premises design to mitigate risk, which is one of the reasons we install CCTV cameras in specific places to monitor activity (for example at the entrance and exit of the shop) and it is our policy, unless physically impossible, to locate machines in line of sight of our
cashiers. Where this is not possible, we implement alternative measures to ensure that shop team are in a position to monitor the activity in the machines area of the shop.

Security and health and safety risk assessments already detail control measures in this area which are effective in tackling these issues. Similarly, we do not accept the premise that the proximity of young people to betting shops should be regarded as an additional risk. We have strict policies and procedures in place to ensure that only those who are eligible to bet can do so. We have also invested in colleague training for the Challenge 21 policy, whereby any new customer who does not look old enough to bet is asked to provide identification. If official age verification is not provided, the customer will be asked to leave the premises. Ladbrokes also has a Primary Authority Partnership for age-restricted products.

Our policies regarding compliance with the licensing objectives are supported by thorough staff induction training programmes followed by annual refresher training in the higher risk areas such as the prevention of underage gambling (Think 21) and tested through internal audit processes and, in the case of Think 21, test purchasing conducted by a third party service provider and the fact that those results are and other associated information is shared with the Gambling Commission.

Who should be an interested party?

There is a clear, existing process in place for interested parties or responsible authorities to make representations and we would therefore caution against statements of theoretical risk without any evidence to support the argument.

For further information please contact:

Grainne Hurst
Corporate Affairs Director, Ladbrokes
grainne.hurst@ladbrokes.co.uk
Licensing Department,
City of Lincoln Council,
City Hall,
Beaumont Fee,
Lincoln,
LN1 1DB

11th September 2015

Dear Sir,

Consultation on City of Lincoln Council’s Statement of Principles – Gambling Act 2005

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.

Coral Racing Limited are supportive of the document. It again notes that the Board when considering applications are still required to ‘aim to permit gambling’ where this is ‘reasonably consistent with the licensing objectives’. We politely note that when judging applications, the Council should not take into account of any moral objections to gambling.

Coral Racing Limited recognise the requirement to supply risk assessments with future applications & variations following the consultation completion (requirement is from 6th April 2016) and whilst this detail is not currently included within the Statement, we would be pleased to contribute to a consultation when it is.

Coral’s experience is that through all it does, it achieves an exemplary degree of compliance already, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced, Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed.

If we can provide any further information, we would be pleased to do so.

Yours faithfully,

John Liddle
Director of Development – Coral Retail
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Hi Ian,

After speaking with the Boss and Yvette, we here at BIG don’t have anything to add to the document.

Many thanks for sending it to us.

Kind Regards

Marion Cooney
Evening Economy Manager

Lincoln Business Improvement Group
St. Swithins House
3-5 St. Swithins Square
Lincoln
LN2 1HA

Email: marion.cooney@lincolnbig.co.uk

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Registered in England Company No. 4662323
Registered Address; 3-5 St Swithins Square, Lincoln, LN2 1HA
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Hi Ian,

In response to your email sent to our Chief Executive we have the following comments:

We would ask whether the community and voluntary sector have been invited to respond?

With our knowledge and experience of consultation / engagement, we feel that it is difficult to comment on the policy as it is; the language in itself does not help the process. It would have benefited from outlining changes or areas that could be in scope of the consultation rather than asking people for general comment on the policy in its entirety. We always recommend this clarity of scope when meeting colleagues starting a consultation process; an initial scoping document helps to identify what the changes or additions are, separating these out from the rest of the document for ease of access.

On the policy, 1.8.5 (below), whilst recognising the Gambling Commission's definition of "vulnerable persons" as being someone who 'gambles more than they want to' we feel that this is too open to interpretation and argument. A person might want to gamble, for example, when they are on drugs but not in the morning when they realise they've lost lots of money, or they may not admit to not wanting to gamble because they are addicted to it.

As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This Licensing Authority will consider this licensing objective on a case-by-case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

In general a difficult policy to comment on but we felt it important to demonstrate that we have considered it.

Regards

Bev Finnegan
Programme Manager, Communities Commissioning

Web: www.lincolnshire.gov.uk

Public Health, Lincolnshire County Council, 15/17 The Avenue, Lincoln, LN1 1PD

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1. Purpose of Report

1.1 To inform Members of the timetable for the implementation of the provisions within the Deregulation Act 2015 applicable to Hackney Carriage and Private Hire licences.

2. Executive Summary

2.1 The Licensing Committee is advised that the introduction of the Deregulation Act 2015 has introduced 3 year licences for drivers and the impact of this on the proposed Taxi Licensing Policy needs to be considered.

3. Background

3.1 On 26 March 2015, the Deregulation Act 2015 (‘The Act’) received Royal assent, with a commencement date of 1 October 2015 for the provisions, relevant to this report.

3.2 Section 10 of the Act amended two sections of the Local Government (Miscellaneous Provisions) Act 1976, the granting of licences to drive hackney carriage and private hire vehicles and licences to operate private hire vehicles.

3.3 Subsection (2) looks to establish a general policy nationwide of Local Authorities issuing 3 year licences to drivers. It would also allow for a shorter period but this must be considered on a case by case basis, it cannot be a blanket policy.

3.4 Subsection (3) also looks to establish a nationwide policy in relation to private hire operators by issuing 5 year licences. This would again be subject to potential shorter periods depending on the case.

3.5 Section 11 of the Act refers to the provision for private hire operators to sub contract bookings, this has been amended to remove the requirement for the second operator to be based in the same Authority.

4. Considerations

Hackney Carriage/Private Hire Drivers Licences

4.1 Currently licences for hackney carriage and private hire drivers are issued for a period of 1 year. A consequence of the introduction of the provisions within the Act, is that the Authority will now have to look at what is the appropriate approach to take, including considerations as to on what basis a 1 year licence may be
issued, on a case by case basis. This policy will be approved by January 2015 and implemented by April 2016 to give drivers the opportunity to budget accordingly.

4.2 Hackney carriage and private hire drivers are currently licensed for 1 year and are required to undergo an annual driving licence check at the time of renewal. Drivers sign a mandate to give us permission to check their licence record for up to 3 years.

4.3 Licence holders are also required to inform us of any convictions. Drivers must undertake a DBS disclosure every 3 years.

4.4 The Authority has also adopted the DVLA Group 2 Medical Standards to assess their fitness to drive, these are required when you reach the age of 45 and every 5 years up to the age of 65, when they are required annually thereafter.

4.5 For all new driver applications all of the above is required on initial application along with successful completion of a knowledge test and the Driver Improvement Programme (DIP).

4.6 Due to the introduction of the provisions of The Act, and the requirement to licence for 3 years, officers will no longer be seeing the licence holders on an annual basis. Officers believe that this poses a greater risk in relation to potential non-disclosure of offences or medical conditions, therefore potentially affecting the Authority’s ability to safeguard members of the public.

4.7 Due to the provisions, mechanisms must be put in place to protect the public. The Committee is asked to consider that these changes are incorporated into the consultation on the new Taxi Licensing Policy.

4.8 The new Policy will propose that all licence holders have to complete the Level 2 Certificate ‘Introduction to the Role of The Professional Taxi and Private Hire Driver’ which is a nationally recognised qualification and is also used by other authorities, and undertake safeguarding training accredited by the Lincolnshire Safeguarding Children Board (LSCB).

4.9 It is proposed that all current licence holders must complete the Certificate and safeguarding training before they can be issued a 3 year licence.

4.10 It is also proposed that new applicants must complete the safeguarding element of the Level 2 Certificate and safeguarding training by the LSCB before granting a licence, this however would only be a 1 year licence.

4.11 Another area of consideration is medicals, it is proposed that if during a 3 year licence a trigger point for a medical is reached, then drivers will have a set deadline by which to produce a medical, or their licence be suspended until one is supplied.

Private Hire Operators

4.12 Operator licences are currently issued every 5 years after receipt of the application form, a criminal disclosure of a standard level, planning permission and proof of requisite insurance.
4.13 Under the Deregulation Act 2015 it requires Authorities to grant operators licences “for 5 years or for such lesser period, specified in the licence”.

5. Summary

5.1 To agree to incorporate the provisions within The Act in respect of 3 year driver’s licences be delayed until full consultation is undertaken on the proposed Taxi Licensing Policy, to increase awareness of the new regime and to roll all changes into one phase.

6. Finance Implications

6.1 Application fees will have to be reviewed, this is currently being undertaken by the Licensing Team.

6.2 By issuing 3 year licences there is possibility to see shortfalls in income for each subsequent 2 year period.

7. Recommendation

The Committee is asked to agree that there will be full consultation on the issue of 3 year licences to incorporate this into the proposed taxi licence policy when approved by Licensing committee.

Is this a key decision?  No

Do the exempt information categories apply?  No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?  No

How many appendices does the report contain?  None

List of Background Papers:  None

Lead Officer:  Will Allen, Licensing Officer
              Telephone (01522) 873715