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# Council Summons

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For the meeting to be held on  
**Tuesday, 30 November 2021**

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## CITY OF LINCOLN COUNCIL

Sir/Madam,

You are hereby summoned to attend the meeting of the COUNCIL of the City of Lincoln to be held at **The Brayford Suite, The Alive Church, Newland, Lincoln, LN1 1XG** on Tuesday, 30 November 2021 at 6.30 pm.



Chief Executive and Town Clerk

Angela Andrews

### AGENDA

<b>SECTION A</b>	<b>Page(s)</b>
1. Confirmation of Minutes - 21 September 2021	<b>5 - 18</b>
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. Receive Any Questions under Council Procedure Rule 11 from Members of the Public and Provide Answers thereon	
4. Receive Any Questions under Council Procedure Rule 12 from Members and Provide Answers thereon	
5. Receive Reports under Council Procedure Rule 2 (vi) from Members	
(a) Report by Councillor Neil Murray, Portfolio Holder for Economic Growth	<b>19 - 26</b>
6. To Consider the Following Recommendations of the Executive and Committees of the Council	
7. Gambling Act 2005 Triennial Review of Statement of Licensing Policy	<b>27 - 78</b>
8. Members' Code of Conduct Update	<b>79 - 82</b>
9. Appointments of Chairs and Vice-Chairs and Committee Membership	<b>83 - 84</b>



**Present:** Councillor Jackie Kirk (*in the Chair*),  
 Councillor Biff Bean, Councillor Bill Bilton,  
 Councillor Alan Briggs, Councillor Chris Burke,  
 Councillor Sue Burke, Councillor Bob Bushell,  
 Councillor David Clarkson, Councillor Thomas Dyer,  
 Councillor Matthew Fido, Councillor Gary Hewson,  
 Councillor Andy Kerry, Councillor Jane Loffhagen,  
 Councillor Rebecca Longbottom, Councillor Helena Mair,  
 Councillor Bill Mara, Councillor Adrianna McNulty,  
 Councillor Ric Metcalfe, Councillor Neil Murray,  
 Councillor Donald Nannestad,  
 Councillor Lucinda Preston, Councillor Christopher Reid,  
 Councillor Clare Smalley, Councillor Hilton Spratt,  
 Councillor Mark Storer, Councillor Edmund Strengiel,  
 Councillor Naomi Tweddle, Councillor Pat Vaughan,  
 Councillor Calum Watt and Councillor Loraine Woolley

**Apologies for Absence:** Councillor Liz Bushell, Councillor Rosanne Kirk and  
 Councillor Laura McWilliams

## 16. Mayoral Announcements

### Mayor's Engagements

The Mayor referred to her engagements since the last meeting of Council, which had included:

- the opening of the St John's Ambulance Service Training Centre, by HRH the Princess Royal;
- the Digby Annual Families Day;
- the Royal Anglian Regiment's Day at Duxford;
- Army benevolent fundraising evenings;
- an event to mark the completion of works at Boutham Park; and
- the Autumn Fair at the Arboretum.

## 17. Confirmation of Minutes - 27 July 2021

RESOLVED that the minutes of the meeting held on 27 July 2021 be confirmed.

*(Note: Councillors Matthew Fido and Naomi Tweddle requested that it be recorded that they had abstained from the vote, as they were not present at the meeting on the 27 July 2021.)*

## 18. Declarations of Interest

Councillors Tom Dyer, Hilton Spratt and Eddie Strengiel declared a personal interest in Minute 22 (Business and Planning Act 2020), by virtue of their membership of Lincolnshire County Council.

19. **Receive Any Questions under Council Procedure Rule 11 from Members of the Public and Provide Answers thereon**

*Question from Helen Young*

Given the humanitarian crisis happening in Afghanistan and the arrival of refugees to the UK, will Lincoln City be co-ordinating an effort to help them? I only ask as I have been on the gov.uk website: <https://www.help-refugees-uk.service.gov.uk/> where you can look up different local authorities within the different areas of the country, and state what type of support you can give, but Lincoln is not listed. Thank you for your time regarding this question.

*Reply from Councillor Ric Metcalfe, the Leader of the Council*

Councillor Ric Metcalfe, the Leader of the Council, replied that the Council had been working closely with all district councils and the County Council to respond to the request for helping people evacuated from Afghanistan over the last few weeks. All key partners, including local authorities, adult care, children's services, health and education were part of an existing partnership, which was co-ordinated by North Kesteven District Council. The partnership had come together to ensure a comprehensive and consistent response was provided across Lincolnshire.

The City Council, Councillor Metcalfe continued, had a good record responding to this type of crisis. In this case the City Council had responded to the government's request to source some longer term accommodation and the Council was waiting for the Home Office to match three families to the three properties, which the Council had sourced to date in Lincoln. All evacuees had been accommodated in a hotel for quarantine purposes on arrival in the UK and were gradually being relocated to other hotels across the country. There were two hotels being used by the Home Office in Lincolnshire to accommodate families pending their offer of more settled accommodation.

Councillor Metcalfe explained that with respect to donations, it was no surprise that the Council had been inundated by offers from a vast range of sources from the faith sector to individual members of the public. The Council had been taken aback by people's kindness and generosity. The partnership had agreed that there was a need to make sure that the right things were being collected; and donations had to be collected and distributed in a co-ordinated way to ensure Afghan families were helped quickly and correctly. Many of the families had fled their country with absolutely nothing.

A hub and spoke arrangement had been set up across the county. Colleagues at Compassionate Lincoln were co-ordinating the collection of donations in Lincoln and they would be transferred to areas where items were required. Grantham Churches Together was also playing a role in distributing items across the county.

Donations of help would be appreciated over the next few months. There was a need to make sure the items donated matched the requirements of the families. The Council looked forward to giving a warm welcome to the families.

### *Supplementary*

Helen Young asked where all the information that had been reported could be found, for example where not only useful items, but also volunteer time could be donated, as people were able to offer different skills sets, for example, the questioner worked in the health care sector.

### *Reply*

Councillor Metcalfe undertook to contact North Kesteven District Council with a view to its provision of information on a website, which could be easily accessed by all those wishing to offer help. In addition, it was advised that an officer from the City of Lincoln Council would contact the questioner directly to provide such information.

## **20. Receive Any Questions under Council Procedure Rule 12 from Members and Provide Answers thereon**

### Councillor Tom Dyer to Councillor Ric Metcalfe, Leader of the Council

#### *Question*

Can the Leader outline how the reduction in supply and thus increase in material costs have impacted City Council capital projects?

#### *Reply*

Councillor Ric Metcalfe stated that the City Council's capital projects had of course been impacted as a result of the current challenges in the construction sector, particularly around the supply of skilled labour, the availability of materials and their costs, which had been affected by inflation. The Council's officers continued to work hard to minimise these impacts.

Much depended on the relationship between the Council and its contractors and the Council was fortunate in that it had good contractor relationships, such that the Council could work collaboratively with them to minimise the impact of cost increases. For example, the sorts of things that could be used were: rescheduling the programme to absorb delays; changing materials where appropriate; accepting some delay without imposing a time penalty, so the contractor would not charge more to reflect the increase in costs; the use of contingency sums, which were always included in contracts; and looking for a *quid pro quo* from contractors, to share any escalation of costs.

Inevitably some projects had been or would be delayed in terms of completion dates, leading to some cost impacts. All of these would be reported in the normal way; and the Council was doing all it could to minimise any impact.

### *Supplementary*

Councillor Tom Dyer referred to the expectation that the shortage of materials would continue for the rest of 2021, with prices increasing further in the short term. Between July 2020 and July 2021, the cost of materials had risen by circa 20%, according to the Office for National Statistics. Councillor Dyer asked whether, assuming a major scheme such as the western growth corridor were to be approved later this year, the Leader of the Council could outline how the

current market would impact on the Council's ability to deliver this project. This was asked specifically because of the time-limited nature of the grants that would help fund the western growth corridor project.

*Reply*

Councillor Ric Metcalfe stated that he would not be commenting on specific projects, such as the western growth corridor. He made reference to the principle that where a contract referred to a fixed-price cost, any increase in costs would be met by the contractor. An example of this was the contract for the crematorium, which was a fixed price contract. Thus a large part of the answer was that it would depend on the content of the contract.

Supply issues would lead to delay in some programmes and would mean later completion dates, where rescheduling the programme and the use of contingencies within the programme could not be applied. The De Wint Court contract was an example of this circumstance.

In other projects, where there had been a negotiation of a fixed price for costs, the Council had either reached an overall agreed financial position without achieving the normally expected savings or the Council had achieved a lower cost position, with an agreement to share the financial impact with the contractor of any increase in material costs.

Delay was always possible and with delay there were always some additional costs, but this depended on the contract. This was being monitored closely and the impact was being monitored by officers during these challenging times.

Councillor Christopher Reid to Councillor Bob Bushell, Portfolio Holder for Place

*Question*

As Councillor Bushell will no doubt be aware, the on-going closures of a number of uphill public conveniences continue to cause issues for residents and businesses in the area. What additional steps is the Council taking to prevent the problems of some anti-social people choosing to use the streets, gardens and driveways of uphill Lincoln, in place of these closed toilets?

*Reply*

Councillor Bob Bushell stated in reply that there was no ongoing closure of toilets in Lincoln, only a confirmation of those that had been closed, or maintained just for events. As stated at the Policy Scrutiny Committee, the Executive and the Council, whilst the Council deeply regretted having to close any facilities, the provision of public conveniences was not a statutory function. The Council was committed to reviewing the provision of public conveniences, if its finances were to improve.

The lack of a public toilet was not an excuse for anyone not to have planned their likely toileting requirements and to behave accordingly. Going to the toilet in the locations suggested was an offence, and the Council trusted that the police would treat it as such.



### *Supplementary*

Councillor Reid stated that the actions referred to in the question had been happening and were continuing to happen, a situation which could be confirmed by local residents, and particularly over the last eighteen months. Councillor Reid asked what the Council was doing to prevent this.

### *Reply*

Councillor Bushell stated that there were adequate toilet facilities in that area, including an award winning public convenience in Castle Square and a public convenience in the Castle itself. There was good provision across the City.

### Councillor David Clarkson to Councillor Bob Bushell, Portfolio Holder for Place

### *Question*

Can the portfolio holder update Council with the usage rates of the City of Lincoln Council electric vehicle charging points?

### *Reply*

Councillor Bushell stated in reply that he had extensive data, which he would be willing to share on email if any councillor wished to receive it. At Lucy Tower Street car park, where there was one charging point with two sockets, there had been 17 usages in July and 18 in August 2021. At Broadgate car park, where there was one charging point with two sockets, there had been 43 usages in July and 45 in August 2021. At Chaplin Street car park, where there were five charging points, there had been 20 usages in July and 35 in August 2021. At Orchard Street car park, where there were four charging points, which had only recently been installed, there had been 16 usages in August 2021. At the Lawns car park, where there was one charging point with two sockets, there had been 39 usages in July and 48 in August 2021. At Lincoln Central car park, which had six charging points, there had been 135 usages in July and 166 in August 2021.

There had been a reduction in use during the lockdown, but the usage had been consistently increasing since that time.

### *Supplementary*

Councillor Clarkson asked whether there were any plans to extend the network of vehicle charging points, especially in the more traditional tourist areas of the city.

### *Reply*

Councillor Bushell replied that depending on finances there were plans to extend the network. These charging points had been funded by a grant. As ownership of electric vehicles increased, there would be a need for significantly more charging points. There were discussions on whether lamp posts might be used in the future as charging points. However, it was noted that national grid would need to be able to cope with the extra demand for electricity from vehicles.

Councillor Alan Briggs to Councillor Bob Bushell, Portfolio Holder for Place

*Question*

Does the City Council fully intend to follow the footsteps of other Lincolnshire district councils and rollout paper and card recycling?

*Reply*

Councillor Bob Bushell answered that the City of Lincoln Council remained a member of the Lincolnshire Waste Partnership, and as such had been fully involved in the discussions on separate paper and card collections. The transfer of waste from the 'collection authority', the City Council, to the 'disposal authority', Lincolnshire County Council, needed to be undertaken lawfully, and in the proper manner. This would mean that Lincolnshire County Council would serve a section 51 notice on the City of Lincoln Council, and this notice would set out the terms under which paper and card collection would be established.

Councillor Bushell added that when there would be clarity on the expected costs to the City of Lincoln Council, a report would be brought forward. It had been hoped that this would have been possible before now, but the Council was still awaiting the section 51 notice from Lincolnshire County Council. In any event, if Lincoln were to adopt paper and card collections, it was not anticipated that these would be before 2024.

*Supplementary*

Councillor Briggs asked whether the City of Lincoln fully intended to implement separate paper and card recycling, in the light of views expressed on social media.

*Reply*

Councillor Bushell confirmed that his earlier reply represented an accurate position of the City of Lincoln Council with regard to paper and card collections. There was a full intention to become involved in these collections.

Councillor Eddie Strenziel to Councillor Neil Murray, Portfolio Holder for Economy

*Question*

Can the portfolio holder update Council on when it plans to bring forward its review into parking in the City?

*Reply*

Councillor Neil Murray stated in reply that it was early days in the process. Parking services had been badly affected by Covid-19, but the Council was collecting data on this and the usage of the Council's car parks was improving week by week. The Council would have to see the impact of hybrid working arrangements, with people tending to work only part of the time in the office, before initiating the formal review.

### *Supplementary*

Councillor Strengiel asked why had a decision been made on the school parking arrangements prior to the outcome of the parking review?

### *Reply*

Councillor Murray replied that the Council had been requested to consider this, because some people had to use their car to take their children to school, which was acknowledged.

### Councillor Matthew Fido to Councillor Ric Metcalfe, Leader of the Council

### *Question*

Can the leader provide an update on local government reorganisation and devolution?

### *Reply*

Councillor Ric Metcalfe advised that the Lincolnshire district council leaders, together with Lincolnshire County Council, had signalled their interest in another devolution deal. The former Secretary of State for Housing, Communities and Local Government had stated that local government had provided strong leadership during the pandemic and this could provide a platform to drive the country's recovery from the pandemic and to continue re-shaping places and communities.

The County Council and the two greater Lincolnshire unitary authorities had also asked for a meeting with the government. A meeting had taken place at the beginning of September between civil servants and Lincolnshire local government officers. As part of the national context, it was understood that there had been thirty such meetings. It was understood that government had been seeking potential pilot areas and there would only be two or three areas likely to be given the go-ahead. These two or three pilots would be in advance of the long awaited white paper, which was expected sometime in the autumn 2021.

Councillor Metcalfe referred to the new Secretary of State, Rt Hon Michael Gove MP, and the situation was fast changing; and it was not known what views he would bring to the devolution agenda. Also, the Ministry of Housing, Communities and Local Government had been renamed as the Department for Levelling Up, Housing and Communities, but its title did not include local government.

### *Supplementary*

Councillor Fido referred to the new Secretary of State's reputation as someone who had 'shaken up' various government departments and asked the Leader of the Council how he thought the Secretary of State would move local government forward and whether he looked forward to working with him in the future.

### *Reply*

Councillor Metcalfe acknowledged that the new Secretary of State had a reputation for challenging the status quo, which was often a good thing, but it was not yet known what direction the new Secretary of State would lead his department. There had been changes to the ministerial team, which could bring more or less enthusiasm for local government re-organisation or devolution. It was understood that the will to undertake any local government re-organisation had diminished even further. However, owing to the centralising tendencies of many governments, a conversation on devolution would be welcome, because if local government could be given more autonomy, financially or in other respects, that would be positive.

### Councillor Tom Dyer (in place of Councillor Bill Mara) to Councillor Sue Burke, Portfolio Holder for Reducing Inequality

#### *Question*

How is the military covenant monitored within the Council?

#### *Reply*

Councillor Sue Burke informed the Council that the armed forces community covenant helped to support serving and former military personnel and help reduce barriers. The armed forces community covenant was a declaration of mutual support between local authorities and the military. The two main principles were to remove any disadvantage that individuals in the armed forces and their families may experience as a result of serving; and an understanding that special consideration might be afforded serving and veteran personnel, if appropriate. The main service areas were health and wellbeing, education and housing.

The City of Lincoln Council was one of the signatories to the covenant with all the local authorities in Lincolnshire in 2017. The City of Lincoln Council focused on housing support; and monitoring was an integral part of the whole process; an example being the identification of armed forces personnel in the Council's housing records.

The Council's housing allocation policy aligned with the covenant by making reference to armed services personnel in the section where priority was given to bidders with a local connection. This was difficult for armed forces personnel who moved around a lot as part of their military career and for whom it was difficult to prove a local connection to Lincoln. The Council's policy allowed those in, or leaving the armed forces, to refer to periods while serving or prior to serving as evidence of a connection.

The Council's lead officer was Joanne Crookes (Customer Services Manager), who was able to deal with any enquiries. The Council was in regular contact with welfare organisations such as the British Legion and the Soldiers, Sailors, Airmen and Families Association. The City of Lincoln, with its connections to the armed forces, was honoured to play its part in the armed forces covenant.

### *Supplementary*

Councillor Tom Dyer referred to Councillor Bill Mara having emailed officers some weeks ago and not having received a response. Councillor Dyer asked when Jo Crookes had been appointed as the responsible officer, as Councillor Mara had been told when he had emailed in July 2021 that there was no responsible officer.

### *Reply*

Councillor Sue Burke advised in her reply that a response to the email from Councillor Mara had now been issued. Unfortunately there had been a mix-up and the relevant director had apologised for this. The date of appointment of Jo Crookes as the responsible officer for the armed forces covenant would be notified after the meeting.

### Councillor Andy Kerry to Councillor Donald Nannestad, Portfolio Holder for Housing

### *Question*

Can the portfolio holder update the council on the City Council's housing waiting list, detailing how many applicants are in each band?

### *Reply*

Councillor Donald Nannestad advised that the Council had the following numbers on the housing register: Band One 215, Band Two 362, and Band Three 711, which gave an overall total of 1,288 applications. Band Two comprised existing tenants who were seeking to move. The reason for the numbers being at that level was the impact of 'Right to Buy'. At one time the Council had approximately 11,000 council properties, but now had less than 8,000. The remaining housing stock contained a disproportionate number of one or two bedroom dwellings, as the larger dwellings, the three and four bedroom properties, had largely been purchased. A number of those purchased properties were now rented privately, so rather than a new class of homeowners, as was originally intended, a new private landlord class had been created.

### *Supplementary*

Councillor Andrew Kerry asked how many applicants were seeking three or four bedroom properties; and given the reduced number of three and four bedroom properties in the Council's stock, he also asked whether the Council was seeking to build these properties to meet the shortfall.

### *Reply*

Council Donald Nannestad replied that there were approximately 250 applicants for three or four bedroom properties. In the Rookery Lane development there were some larger houses planned. The Council also had to be cognisant that there were a number of people waiting for two bedroom properties.

Since 1 June 2021, when the ban on evictions had been lifted, the Council had been receiving approximately 70 applications per week. It was likely that these numbers would continue to increase. These evictions had been taken place not because of any fault of the tenant, but because the landlord wished to sell the property. This represented a very difficult situation.

Councillor Mark Storer to Councillor Neil Murray, Portfolio Holder for Economy

*Question*

How does the Council square ambitions to encourage more children to walk and cycle to school, with their decision to offer discounted parking for parents dropping children off in cars?

*Reply*

Councillor Neil Murray advised that the discounted rate for car parking offer was only of benefit to the parents of those schools which had a City of Lincoln car park close by. The car parking offer would ensure that those parents who wished to drive their children to school, and this could be for a variety of reasons, were parked away from the road immediately outside of a school.

Whilst there was a hope that parents would always want to consider walking and cycling to school as preferable options, it was a fact of life that this was not always viable for families given other work-life pressures, or who simply lived too far away. Currently heavy traffic pressures are witnessed around many schools at certain times of the day, and the offer brought forward was simply an effort to reduce some of that pressure, and thus assist with child safety issues outside of schools.

*Supplementary*

Councillor Mark Storer asked for the full environmental impact of the decision to provide discounted parking for parents.

*Reply*

Councillor Neil Murray stated that he would see if this information could be provided.

Councillor Hilton Spratt to Councillor Ric Metcalfe, Leader of the Council

*Question*

Please can the Leader update Council on the Council's financial position with respect to the ongoing budget shortfall?

*Reply*

Councillor Ric Metcalfe stated that the Council's approved budget for 2021/22 had included a requirement to deliver savings of £850,000, which represented a significant sum. It had been reported to the Executive and the Performance Scrutiny Committee in August 2021 that at the end of quarter 1 savings of £427,040 had been secured against this target. The position as at quarter 2 would be reported to the Executive and the Performance Scrutiny Committee in

November 2021. At this stage in the financial year there was confidence that the full £850,000 would be delivered in 2021/22. Whilst this was challenging, it was currently considered achievable.

### *Supplementary*

Councillor Hilton Spratt asked whether the Leader of the Council agreed with the use of advice and guidance from the Local Government Association to local authorities in respect of how financial investments could support a carbon-free and sustainable future.

### *Reply*

Councillor Ric Metcalfe confirmed that, as the Council had done for a number of years, the efforts on carbon reduction had yielded significant savings. All the energy efficiency measures, which the Council had been making, had made a contribution to reducing the city Council's overall carbon footprint. If there were further opportunities, as part of the Council's savings effort and as part of the climate change agenda, the Council would take them.

## **21. Receive Reports under Council Procedure Rule 2 (vi) from Members**

### **(a) Report by Councillor Ric Metcalfe, Portfolio Holder for Our People and Resources 2021/22**

Councillor Ric Metcalfe, Portfolio Holder for Our People and Resources, presented his report to the Council which had been set out on pages 13 to 34 of the agenda. Councillor Metcalfe paid tribute to the all Council's staff, who had risen to the challenges presented by the pandemic. The Council had raised its game in terms of improving the wellbeing of staff.

Councillor Metcalfe also referred to the improving budgetary position of the Council, when compared to twelve months before. He stated he was confident that the budget could be balanced in the next two years. He also stressed the importance of the 'one council' agenda, which would affect the delivery of all services.

The Council was provided with an opportunity to ask questions, where the following points were noted:

- Western Growth Corridor – The planning application for the Western Growth Corridor would be determined by the Council, sitting as the Planning Committee. This was currently expected by the end of 2021 and all councillors would be offered a briefing on this.
- Towns Fund Bid – This represented a good example of partnership working, which had included Karl McCartney as the local MP, who had supported the process.
- Staff – It was important that all staff were thanked for their efforts during the pandemic. Their work had provided an excellent example of the importance of local authorities and their links to local communities.
- Energy Costs – The Leader of the Council would advise Councillor Tom Dyer in writing of the arrangements for the Council's purchase of gas, together with any impact of recent price increases.
- Apprenticeships – The Council was proud of its longstanding support for the apprenticeship programme.

- Guildhall – The Council paid tribute to the Mayor's Officer, Richard Storey, who had represented the heritage of Lincoln, including the Guildhall, in a recent television programme called Britain's Historic Towns on Channel 4.
- Greyfriars Regeneration Project – The project for the regeneration of the Greyfriars was welcomed, as it was an important building with a long and interesting history.

The report was noted.

**(b) Report by Councillor Chris Burke, Portfolio Holder for Customer Experience and Review 2020/21**

Councillor Chris Burke, Portfolio Holder for Customer Experience and Review, presented his report to the Council which had been set out on pages 35 to 44 of the agenda. Councillor Burke reiterated the tributes to staff for their efforts during the pandemic.

The Council was provided with an opportunity to ask questions, where the following points were noted:

- IT Costs – Councillor Chris Burke offered to provide a written answer to Councillor Tom Dyer on the costs of the roll-out of new IT equipment to staff and which budget this had been funded from.
- Fix My Street App - Councillor Chris Burke undertook to consider the use of the *Fix My Street* app for reporting matters within the City Council's remit.

The report was noted.

**(c) Report by Councillor Bob Bushell, Portfolio Holder for Remarkable Place 2020/21**

Councillor Bob Bushell, Portfolio Holder for Remarkable Place, presented his report to the Council, which had been set out on pages 45 to 68 of the agenda. Councillor Bushell added that on 20 September 2021 the Executive had approved an updated environmental policy, which would require all decision reports to include environmental implications. Councillor Bushell also thanked staff and the Council's contractors who had continued to work hard during the challenges of the pandemic.

The Council was provided with an opportunity to ask questions, where the following points were noted:

- Parks and Open Space Maintenance – Reduced grass cutting had supported the increase in wildflowers.
- Boultham Park – A number of trees had been removed following the advice from the Lincolnshire Wildlife Trust and the Woodland Trust, with a view encouraging more wildlife. There was an intention to introduce a boating platform on the lake, which would be designed and managed to ensure it could not be misused. Members of the Lincolnshire Angling Association, which controlled fishing from the lake, were also members of the Boultham Park advisory group.
- Hartsholme Country Park and Camp Site – A green flag was expected to be confirmed for Hartsholme Country Park during October 2021, which



would be the third green flag park across the city. Trees would continue to be maintained as and when required.

- Council's Investments – In response to a suggestion that the council invested into environmental schemes, rather than leaving money in reserves, it was advised that it was hoped that more investment could be made in environmentally sustainable schemes generally.
- Syston Green – It was advised that a councillor had been informed by an officer that the cost of the required maintenance to Syston Green would exceed the reserves for unmaintained land. However, this area was in need of maintenance. Councillor Bushell undertook to investigate the issue of the maintenance of Syston Green.
- Net Zero for Housing Revenue Account – A report from the Portfolio Holder for Housing had previously outlined the activities to reduce the carbon footprint of the housing function.
- Tree Survey – A tree survey was undertaken on a regular basis to ascertain whether any of the trees, including any newly planted trees, required maintenance.
- Shortage of HGV Drivers – The national shortage of HGV drivers had not to date impacted the Council's contractors.
- Fly Tipping – An anti-fly-tipping strategy had been introduced by the Lincolnshire Waste Partnership. It was hoped that the re-opening of the household waste recycling centre would reduce incidences of fly-tipping across the county.

The report was noted.

**(d) Report by Councillor Jane Loffhagen, Chair of the Community Leadership Scrutiny Committee 2020/21**

Councillor Jane Loffhagen, Chair of the Community Leadership Scrutiny Committee, presented her report to the Council, which had been set out on pages 69 to 72 of the agenda.

Councillor Loffhagen highlighted that any recommendations from the Committee's consideration of the two issues relating to the Covid-19 Pandemic, were fed into the Council's response to the pandemic report, via the senior officers who attended the meetings of the Committee.

The report was noted.

**22. Business and Planning Act 2020**

A report on the function of granting pavement licences under the Business and Planning Act 2020 was submitted, which invited the Council to consider the delegation of its functions under the legislation to Lincolnshire County Council.

The recommendations in the report were moved by Councillor Neil Murray and seconded by Councillor Ric Metcalfe.

On being put to the meeting, the motion was declared carried.

## RESOLVED

- (1) That approval be given to the City of Lincoln Council entering into an agreement with Lincolnshire County Council, following the proposal from the County Council to assume the function of pavement licences under the Business and Planning Act 2020.
- (2) That the Strategic Director of Communities and Environment, in consultation with the Portfolio Holder, be delegated authority to finalise the terms of the delegation within the parameters set out in the report.
- (3) That the function of granting pavement licences under the Business and Planning Act 2020 be delegated to the Highways Department of Lincolnshire County Council.

**REPORT UNDER RULE 2(vi) OF THE COUNCIL PROCEDURE RULES REPORT BY COUNCILLOR NEIL MURRAY, PORTFOLIO HOLDER FOR ECONOMIC GROWTH**

As we emerge from Covid Lincoln is busy again and we are getting used to living with the virus and adapting our lives. The city is busy again. Most people are working, and many people have returned to their workplace for at least part of the week. Our NHS is under great strain and everyone needs to pull together, get vaccinated and help keep each other safe.

There are a large number of vacancies in the local economy and many of them are in the social care sector. Some of these vacancies are advertised as having competitive salaries. These are often a few pence per hour over the National Minimum wage. The basic problem in social care is the very low wages paid to most staff. Sadly, this has not been addressed by government who control the wage rates.

There are sectors where wage rates are increasing, notably in construction where there are shortages of skilled trades. But the idea that we have moved into a high skilled, high wage economy is a fantasy.

I am visiting several local manufacturing businesses and the Lincoln Science and Innovation Park this month to discuss how businesses are managing as we come out of the pandemic and how they see the future. As a council we are ambitious for Lincoln and we are playing an active role in the economy and we have several ambitious projects to look forward to.

**TOWNS FUND**

**CENTRAL MARKET AND CITY SQUARE TRANSFORMATION**

The biggest project of the Towns Fund will result in the transformation of the Central Market and the City Square area. That part of Sincil Street and the Waterside is scruffy and under-used. It is in stark contrast to the high quality of the refurbished and new buildings further along Sincil Street and at the Cornhill. Our project will improve the market and the surrounding area and create a place that will attract people for retail and leisure.

The city council undertook an extensive consultation programme which resulted in a good level of public support from those who responded, and planning permission has been granted. We are now in the process of consultation with the stallholders who will be compensated and helped to find alternative premises.

This is what we will do:

- Demolish the existing, poor quality, WCs, and butchers/fishmonger's corridor.
- Build a new commercial unit on the part of the market with potential bar/restaurant use over ground or first floor with a balcony overlooking Sincil Street.

- Create a reconfigured market hall with both new and refurbished stalls catering for food and non food retail and a central food court offering people a great place to eat and drink.
- Create a dedicated butcher/fishmonger sales area located at the western end of the market hall beneath a new mezzanine floor accessed from within the hall.
- Provide new, high quality unisex toilets accessed from the refurbished hall.
- Open up the stone arches and replace the stone with glazing to provide natural light and visibility from inside and outside the hall.
- Replace the existing stalls and replicate those of 1938.
- Redesign city square to connect with the market and create an attractive open space.

This project is a longstanding ambition and I hope we will be on site early in 2022.

## OTHER TOWN FUND SCHEMES

Two other schemes will benefit residents in Park ward. Our officers are working with Highways officers to achieve improvements in the Sincil Bank area which will implement the Residents Parking Scheme and reduce rat runs in the area. The Lincoln City Football club scheme will improve the Stacey-West stand and the community education facilities beneath the stand.

## LEVELLING UP FUND

Strangely The MP for Lincoln did not support some of the applications for funds for projects in Lincoln from the “Levelling Up Fund. Notably he refused to support the bridge crossing over the railway connecting the north end of Park ward with the city centre and the scheme to open up Wigford Way for development. He said, “I confirm that I will not be providing a letter of support for your chosen priorities as they do not accord with my view as to the best utilisation of taxpayers monies in providing enhancements for the majority of my constituents and the local business interests across the city of Lincoln.”

This is very strange and seems to indicate the Levelling Up agenda is not for Lincoln. East Midlands railways and Lincolnshire County Council must be scratching their heads at this strange statement and his lack of support for two excellent projects. Lincoln deserves better from its MP.

## HIGH STREET HISTORIC ACTION ZONE

We have grasped the opportunity to improve/refurbish some of the historic buildings in the High Street Historic Action Zone area. The area runs from the South End of the High Street right up to the city centre.

St Mary’s Guildhall. This building is historically significant and is in need of substantial specialist work to make it structurally safe and bring it into regular public use. After very thorough survey work the physical works to make the building fit for purpose will start next month. As I have said before this is a gem of a building which would not look out of place in the uphill historic core of the city.

The Barbican/Albion Hotel. Most Lincoln people will be pleased to know that the HSHAZ board has approved grant money towards the refurbishment of the Barbican/Albion hotel. This will bring the building back into use and is part of the overall regeneration of the area just behind the High Street. The building is now a grade II listing building.

Grant money has also been allocated to improve the shops at 38- 44 Sincil Street. The grant will go towards refurbishing the shop fronts and improving the look and feel of the area.

I am in discussion with Heritage England regarding a significant heritage opportunity in the Southern part of the High Street and I will report on progress if we are able to proceed.

## PARKING SERVICES

Many people mistakenly believe that it is a city council responsibility to provide car parking. It is not a statutory duty but over many years we have chosen to invest in car parks around the city to enable people from the city and outside to park to shop, for leisure and work. This supports local businesses and residents and underpins the local economy.

I have attached income information to the report which shows we have collected £2.6 million against a target of £4.5 million. Income tends to be uneven across the year and tends to drop off after Christmas. The income graph shows that October was a record month. If the figures continue to be healthy the trend will of course be positive.

But we have to be careful because we could be in an artificial bubble producing the high figures. People are returning to the city centre after covid, and staycations remain popular extending the holiday season into November. People may also be Christmas shopping early given the extensive media coverage of shortages of various goods. This is making up for the commuters staying working at home.

The income target for parking services has been reduced significantly this year to £4.5 million. Before covid the target was £6 million. This is of course very important in the context of the Medium-Term Financial Strategy. No-one knows how many commuters will return so we have to be cautious and continue to observe the trends before we decide on our strategy for the long term.

## TRANSPORT IN LINCOLN

A sustainable economy needs good transport links and different ways of getting around. Our officers have been involved in shaping the Bus Improvement (BSIP) for Lincolnshire that was submitted to government on 31<sup>st</sup> October which sets out an ambitious plan for improving public transport, particularly around reliability, service quality and extended services in the evening and at the weekend.

The objectives of the BSIP are:

1. For buses to contribute to the quality of place across Lincolnshire.

2. To recover bus usage to pre covid levels.
3. To improve bus user satisfaction rates.
4. To improve the perception of travelling safely on public transport.
5. To reduce journey times and improve reliability.
6. To increase service levels to include new developments.
7. To provide efficient multi modal connectivity between rail, bus, and other networks to connect the county with the rest of the East Midlands.
8. To support a reduction in operating costs through an efficient use of resources.
9. To maintain the number of operators providing bus services in the county.
10. To support economic growth and the levelling up of our most deprived communities through improving access for all to education, employment, and leisure.
11. To improve rural bus services to reduce rural isolation.
12. To reduce barriers to public transport use through attractive fares.
13. To improve air quality and reduce carbon emissions from transport.
14. To give users a say in how services are provided.

## LOCAL TRANSPORT PLAN 5

The County council are consulting, and we are pleased that they are focusing on all forms of transport and not just cars.

## PARK WARD REGENERATION

The good work continues in Park ward to bring the community together and to improve the quality of life for residents and to improve the built environment.

Our officers are working with Highways officers to implement the Residents Parking scheme in two new zones 5C and 5D. This follows votes in favour by residents and should be in place by April 2022. The difference will benefit residents by removing the hundreds of cars which appear on the streets in the morning and disappear in the evening. The streets will be less crowded and there will be less traffic and better air quality.

Highways plan to redesign the road infrastructure to deter rat running and improve the street scene for pedestrians enabling quieter lives for resident and more opportunities for play and green spaces.

The redesign of Hermit Street will transform the area by making more family friendly with the flats redesigned and bigger and new family houses in places of unused garages. This will have a positive knock-on effect on Portland Street, Sincil Bank, and the north end of Park ward in general. We are at the Detailed design stage and I will report on progress. As we move forward, we will be looking at other opportunities to improve the built environment in the area and we will consider what can do in Palmer Street and other sites.

## BUSINESS VISITS

I visited James Dawson/Fenner and the Lincoln Science and Innovation Park this week and will visit forgings manufacturer Bifrangi next week. I plan to visit Siemens

and the University of Lincoln before the end of the year and other businesses in early 2022. I am keen to understand how these businesses are adapting to the new economic and social conditions as covid recedes. It is also important to build relationships with local businesses and do anything we can to assist them and their workforces.

Dawson's and LSIP are near neighbours in the historic industrial Beevor Street area. Dawson's produce belts, hoses, tyres, and related products in labour intensive and high-tech ways. The long-standing business was acquired by the tyre giant Michelin and fortunately Michelin has invested heavily in new machinery and technology. I visited the Beevor Street site and also viewed the new manufacturing centre on Tritton Road where the investment is centred. I met the new general manager and look forward to working with them in the future.

Tom Blount welcomed us to the LSIP at the other end of the street and explained how the project was succeeding in stimulating the development of high tech businesses. I walked round the existing building and viewed the new buildings and preparatory works on the rest of the site. As members will probably know the LSIP site sits on what was the core of heavy engineering in Lincoln and it is great to see new and varied businesses there which reflects our much more diverse local economy.

## PLANNING POLICY - LOCAL PLAN – ENVIRONMENTAL ISSUES

The Central Lincolnshire Local Plan is working its way through the consultative process and the next version will be taken to the Joint committee in February for approval before the final round of public consultation prior to being submitted to the Planning Inspectorate in the Spring.

I hope our county council colleagues will have a change of heart and support our ambitious proposals to address climate change by adopting changes in the planning regime which would see new buildings which are less polluting and more sustainable. At the moment they are fixed on a 2050 date and are wedded to a strange obsession regarding wind turbines. COP26 should have woken them up as should the increasingly strange weather across the globe. The problem is urgent.

Key to the success of all local plans in Britain is action by the government in terms of new build housing and insisting that they should be energy efficient. It is much cheaper to do this at the build stage than to retrofit houses. Hopefully the government will realise this could contribute substantially to reducing our carbon footprint nationally by 2030.

## PLANNING SUCCESS

I think it is important to inform council and our residents of the excellent standard of our planning department. The statistics:

- 94% of non major applications granted within the prescribed framework against the national set minimum of 70%.
- 88% of major applications determined within the prescribed timeframe against the national set minimum of 60%.

- 97% of all applications are approved (due to the proactive work of officers negotiating good outcomes at pre-application and application stage).
- No appeals overturned in the last 12 months.
- We successfully defended a judicial review of the decision to grant permission for a new Aldi store on the former Co-op site at the Morland centre. A lot of officer input was required in defending this case and we were awarded £10,000 in costs by the courts.

Excellent work, well done.

#### GUILDHALL WINNERS.

The Guildhall has been recognised by Visit England as a venue whose staff go the extra mile to welcome visitors. We have been awarded an Accolade by VE. Well done to our staff who welcome visitors to our historic Guildhall. It is good to see the building being used more often and for Lincoln people and visitors to appreciate its historic value.

#### VISITOR ECONOMY

Christmas Market. Officers are working on final preparations for the Christmas Market. The event is hugely important in terms of our local economy and in attracting visitors to Lincoln and Lincolnshire in the future. This year the event is even more significant given that we could not stage it last year and it will signal a return to something more like normal life and the chance to celebrate Christmas with friends and family after the miserable experience for many people last year.

Preparations for the market are going well and are on schedule and the safety plan has been shared and agreed with the Safety Advisory Group partner agencies.

We will have 150 official stalls around the normal footprint of the market. This is slightly less than usual but will mean there is more room for visitors.

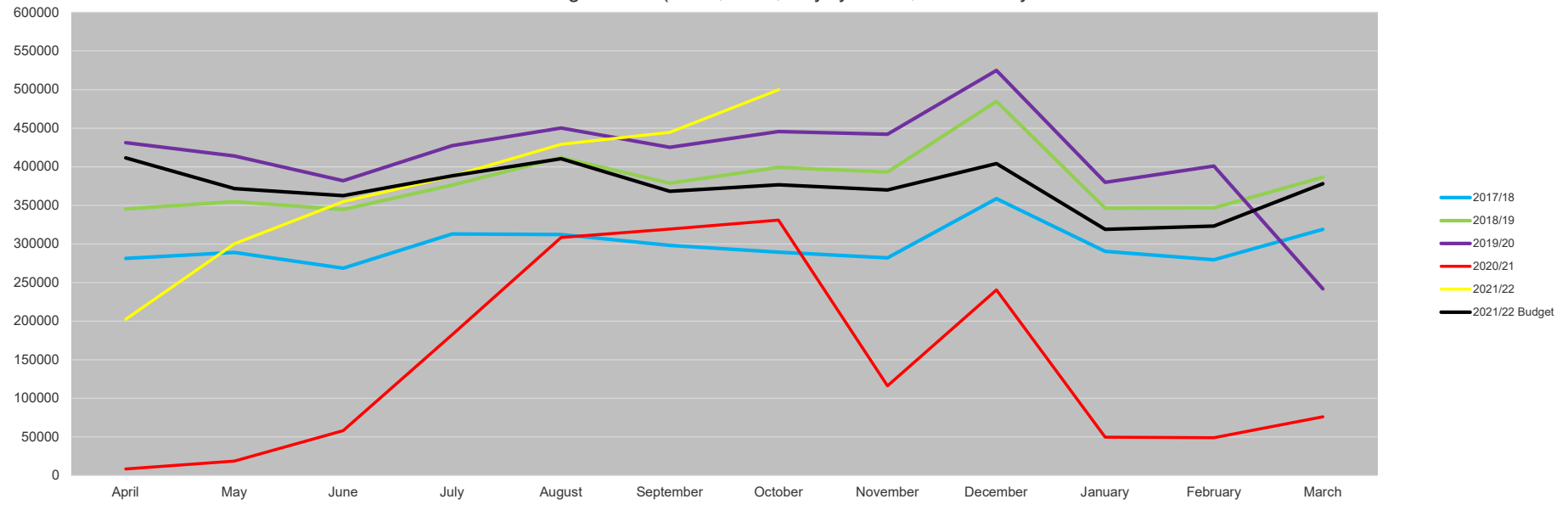
We are publicising a campaign to encourage visitors to follow guidelines agreed with public health. These are 1) Test before visiting. 2) wear a face covering in indoor areas or when it is very busy or crowded. 3) Use the hand sanitiser provided or bring your own.

Following a successful trial last year, we will also have our online Christmas Market on our market website. This will allow visitors who cannot attend to browse through our stallholders' businesses virtually and also links to the Shop Lincoln website to promote our city retail offer.

COUNCILLOR NEIL MURRAY – EXECUTIVE MEMBER FOR ECONOMIC GROWTH.



Parking Income (Cash, Card, PayByPhone, Parkonomy)



	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
2021/22	202,306	300,451	354,770	387,790	428,839	444,457	499,765					
2021/22 Budget	411,472	371,782	362,731	388,349	410,430	368,031	376,504	370,022	404,171	318,834	322,941	377,900
Difference	-209,166	-71,331	-7,961	-559	18,409	76,426	123,261	-370,022	-404,171	-318,834	-322,941	-377,900

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<b>SUBJECT:</b>	<b>GAMBLING ACT 2005 TRIENNIAL REVIEW OF STATEMENT OF LICENSING POLICY</b>
<b>REPORT BY:</b>	<b>CHIEF EXECUTIVE AND TOWN CLERK</b>
<b>LEAD OFFICER:</b>	<b>CHERYL EVANS, DEMOCRATIC SERVICES AND ELECTIONS MANAGER</b>

**1. Matter for Council**

1.1 To approve the Gambling Act 2005 Statement of Principles Policy 2022-2025, referred from Licensing Committee.

**List of Background Papers / Appendices:** Licensing Committee– 17 November 2021 Report, Policy and Associated Minute

**Lead Officer:** Cheryl Evans, Democratic Services and Elections Manager  
Telephone – 873439

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<b>SUBJECT:</b>	<b>GAMBLING ACT 2005 TRIENNIAL REVIEW OF STATEMENT OF LICENSING POLICY</b>
<b>DIRECTORATE:</b>	<b>COMMUNITIES &amp; ENVIRONMENT</b>
<b>REPORT AUTHOR:</b>	<b>IAN CULLEN, LICENSING TEAM LEADER</b>

## **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 31 January 2022.

3.2 Core to the Gambling Act are the licensing objectives. These are:

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

3.3 The draft Policy was forwarded to a total of 47 persons/organisations and to every member of the Licensing Committee. The Policy was also placed on the Councils website.

3.4 The list of persons consulted when reviewing the gambling policy was deliberately wide. This enables the licensing authority to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in the policy.

3.5 The consultation period commenced on 26 August 2021 and ended on the 8 October 2021. A total of 2 responses were received.

### 3.6 The Gambling Commission Guidance to licensing authorities' states:

In determining its statement of policy, the licensing authority must give appropriate weight to the views of those it has consulted. In deciding what weight to give, the factors to be taken into account include:

- who is making the representations, the nature of their interest and their expertise
- relevance of the factors to the licensing objectives
- how many other people have expressed the same or similar views
- how far the representations relate to matters that the licensing authority should be including in its policy statement.

## 4. Consultation results

- 4.1 The first response was on behalf of Gambleaware. They were thankful of inclusion in the consultation and rather than comment directly about the policy they offered guidance, recommending two documents published by the Local Government Association.
- 4.2 The comments from Gambleaware were appreciated and acknowledged, however it was felt that the documents did not need incorporating into the policy but would serve as a valuable tool alongside the policy when performing functions under the Act.
- 4.3 The second response received was a letter from Gosschalks Solicitors on behalf of the Betting and Gaming Council (BGC). Their response gives an overview of the work of the BGC and also makes some specific comments on the draft policy.
- 4.4 Contact was made with the author of the letter and the points raised were discussed as presented below.
- 4.5 The suggestion for the removal of the penultimate sentence of paragraph 1.18 was taken on board, however because the sentence refers to potential future amendments to the legislation it was felt unnecessary to exclude it from the document. Furthermore, were there to be an amendment to the legislation then this policy document would likely be re-examined.
- 4.6 A further point raised in the response from Gosschalks refers to paragraphs 1.28 to 1.36 of Part B of the Policy document. Clarity was sought on the imposition of conditions on premises licences. It was felt that paragraphs 1.1 to 1.9 of Part B addressed the points raised in the letter and give sufficient guidance on how the Authority would approach each application.
- 4.7 The final point refers to paragraphs 2 to 7 of Part B of the Policy. The points raised here are acknowledged and appreciated. This Authority recognises that the risk assessments produced by applicants and operators are a dynamic document and should therefore be updated and changed depending on circumstance. It is felt that the measures and examples given in the corresponding paragraphs are meant as guidance and therefore an aid when producing these documents. Any imposition of conditions would only be if the discretion of the Licensing Authority was engaged, and it was felt the risk assessments weren't sufficient to

address any perceived risk to the licensing objectives.

4.8 No other responses were received during the consultation period.

## **5. Strategic Priorities**

### **5.1 Let's drive inclusive economic growth**

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

### **5.2 Let's reduce all kinds of inequality**

Protecting vulnerable people is a key objective of the Act. This Statement of Licensing Policy should ensure that the licensing objectives are promoted and the most vulnerable are protected.

### **5.3 Let's deliver quality housing**

N/A

### **5.4 Let's enhance our remarkable place**

N/A

### **5.5 Let's address the challenge of climate change**

N/A

## **6. Organisational Impacts**

### **6.1 Finance (including whole life costs where applicable)**

Cost of consultation and printing of Policy can be contained within the current licensing budget.

### **6.2 Legal Implications including Procurement Rules 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 31 January 2022, it cannot function as the Licensing Authority under the Gambling Act 2005.

Additionally, the Licensing Authority must ensure that its decisions and policies can withstand scrutiny by reference to the principle of proportionality, i.e. is the decision / action proportionate to what it wishes to achieve?

### **6.3 Equality, Diversity and Human Rights**

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

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 licences, who will be able to refer to the statement when making representations or when preparing their applications. There is therefore not a need to complete an Equality Impact Assessment as there are no specific impacts on anyone who has a protected characteristic.

## **7. Risk Implications**

7.1 (i) Options Explored

7.2 (ii) Key risks associated with the preferred approach

## **8. Recommendation**

8.1 The Committee is asked to:

- approve the draft policy; and
- recommend it to Full Council for adoption

**Is this a key decision?** No

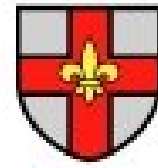
**Do the exempt information categories apply?** No

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

**List of Background Papers:** Draft Policy document  
Response Gambleaware  
Response Gosschalks

**Lead Officer:** Ian Cullen, Licensing Team Leader  
Telephone (01522) 873714





CITY OF  
*Lincoln*  
COUNCIL

Gambling Act 2005

Statement of Principles (Policy)

2022 - 2025

[www.lincoln.gov.uk](http://www.lincoln.gov.uk)

# CITY OF LINCOLN STATEMENT OF PRINCIPLES GAMBLING ACT 2005

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*This Statement of Licensing Policy was approved by the City of Lincoln Council on 30<sup>th</sup> November 2021*

*All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities, published April 2021*

## **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 The 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
- 1.4 The Gambling Commission issues two types of code of practice. Social responsibility (SR) codes and ordinary codes (OC). A social responsibility code must be adhered to by all licence holders in the same manner as a licence condition. An ordinary code is not mandatory but operators are expected to take account of them. Both sets of codes can be found in the [Commission’s Licence Conditions and Codes of Practices](#) (LCCP).

### **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 99,039 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 propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts 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 in part on
- guidance from the Commission's "[Guidance to Licensing Authorities](#)" (the Guidance)
- 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 27 August 2021 and 8 October 2021
- 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 30<sup>th</sup> November 2021 and was published via our website on tbc. Copies were placed in the public libraries of the area as well as being available at City Hall. The statement, once approved, will be effective from 31<sup>st</sup> January 2022
- 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.
- 2.11 The Licensing Authority recommends that applicants and interested persons study the [Lincoln City Profile](#). (this is a link to the 'live' document, updated by City of Lincoln Council.)

### **3. Declaration**

- 3.1 In producing the final statement, The 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, the Authority designates the Lincolnshire Safeguarding Children Partnership 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](http://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)" e.g. ward councillors or member of parliament.

##### **Principles of determining Interested Parties:**

- 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.
- 5.3 Each case will be decided upon its merits. The 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 8.12 and 8.15. 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. The 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.

- 5.5 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 873714 or [licensing@lincoln.gov.uk](mailto:licensing@lincoln.gov.uk) .

## **6. Exchange of Information**

- 6.1 In accordance with Section 350 and Schedule 6 of the Gambling Act 2005, in exercise of its duty the Licensing Authority may exchange information with the following persons and statutory bodies:
- A constable or police force;
  - An enforcement officer;
  - A Licensing Authority;
  - Her Majesty's Revenues and Customs;
  - The First-tier Tribunal;
  - The Secretary of State;
  - Scottish Ministers; and
  - Any other person or body designated by the Secretary of State in accordance with the Act.

The Council may also exchange information provided by applicants with law enforcement agencies for purposes connected with the prevention and detection of crime, but we will only share any personal details for this purpose if required to do so by law.

- 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 2018 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 The council is a signatory to a joint protocol on information sharing under the provisions of Section 115 of the Crime and Disorder Act 1998 with the [Safer Lincolnshire Partnership](#). The council will use this protocol as appropriate.
- 6.6 Should any further 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](http://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 The 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 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4 The 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 The 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 The 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, The 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.

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## 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 The 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 15) 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 **Local Risk Assessments** – It is a requirement of the Commission's Licence Conditions and Codes of Practices (LCCP), specifically an SR code requirement that licensees assess local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.
- 1.6 Licensees must review (and update as necessary) their local risk assessments:
- to take account of significant changes in local circumstances, including those identified in a Licensing Authority's statement of licensing policy;
  - when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
  - when applying for a variation of a premises licence; and
  - in any case, undertake a local risk assessment when applying for a new premises licence.

1.7 The Licensing Authority expects the local risk assessment to consider as a minimum:

- whether the premises are in an area subject to high levels of crime and/or disorder;
- the location of any nearby sensitive premises, such as hostels and other facilities used by vulnerable persons e.g. drug and alcohol addictions;
- the location of services for children such as schools, playgrounds, toy shops, leisure/community centres and other areas where children will gather;
- the demographics of the area in relation to vulnerable groups
- how vulnerable people, including people with gambling dependencies are protected.
- whether there is a prevalence of street drinking in the area, which may increase the risk of vulnerable persons using the premises;
- any indication in the area of young people attempting to access adult gambling facilities of the type offered in the area.
- High unemployment area
- The area has a high number of rough sleepers/homeless people.

The risk assessment should take into account the risks presented by the local landscape. The Council publishes a range of information about the district in the [Lincoln City Profile](#) which will be of use to applicants in the preparation of local risk assessments.

1.8 This policy does not preclude any application being made and every application will be decided on its individual merits, with the opportunity given for the applicant to show how potential concerns can be overcome.

1.9 The Authority acknowledges the Commission's guidance that "moral or ethical objections to gambling are not a valid reason to reject applications for premises licences" and also that unmet demand is not a criterion for a Licensing Authority.

1.10 **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.

1.11 The 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.
- 1.12 The Guidance also gives a list of factors which the Licensing Authority should be aware of, which may include:
- Is a separate registration for business rates in place for the premises?
  - Is the premises' neighbouring premises owned by the same person or someone else?
  - Can each of the premises be accessed from the street or a public passageway?
  - Can a premises only be accessed from any other gambling premises?
- 1.13 **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.
- 1.14 The 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.
- 1.15 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.
- 1.16 Applicants should note that the 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.
- 1.17 More detailed examples of circumstances in which such a licence may be granted can be found at paragraphs 7.60-7.65 of the Gambling Commissions Guidance.

- 1.18 **Location** - The 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, the 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.
- 1.19 **Duplication with other regulatory regimes** - The Licensing Authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. The 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.
- 1.20 Furthermore, the Authority notes the following excerpt from the Commission's Guidance:
- When dealing with a premises licence application for finished buildings, the Licensing Authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. S.210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.
- 1.21 **Licensing objectives** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, The Licensing Authority has considered the Gambling Commission's Guidance to licensing authorities and some comments are made below.
- 1.22 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - The 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. The 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.

1.23 **Ensuring that gambling is conducted in a fair and open way** - The 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.

1.24 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - The 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.

1.25 To prevent children and young people accessing adult gambling activities, safeguarding measures should be in place. The Licensing Authority will therefore consider whether or not specific measures are needed to protect children at particular premises. Such measures may include:

- Proof of age scheme e.g. the Think 21 scheme and only recognised proof of age accepted (for example photo driving licence, passport and PASS cards)
- All points of entry monitored by staff/CCTV
- Signage prominently displayed at all points of entry regarding the prohibition of under 18's
- Signage displayed on machines highlighting age restrictions
- Supervision of gaming machines in non-adult gambling specific premises.
- All staff being trained to be vigilant and respond if a child gains illegal access to premises.
- Third party test purchasing
- Maintain refusal registers

1.26 The 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.

1.27 As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to define 'vulnerable persons' but it does, for regulatory purposes, assume that this group includes people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs. Information and sources of help regarding problem gambling can be found on the [Gamcare](#) and [Gambleaware](#) websites. The Licensing

Authority will consider this licensing objective on a case-by-case basis. Further specific information on the Authority's recommendations and expectations, in relation to the protection of children and other vulnerable persons can be found at Appendix D and E of this policy document.

- 1.28 **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.
- 1.29 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures The 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. The 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.
- 1.30 The 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.
- 1.31 The 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.
- 1.32 These considerations will apply to premises including buildings where multiple premises licences are applicable.
- 1.33 The 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, The 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.

- 1.34 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.
- 1.35 **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.
- 1.36 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 (AGCs)**

- 2.1 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and expects 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 The Licensing Authority expects 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 (including the statutory requirement for GamCare stickers)
  - Specific opening hours
  - Self-exclusion 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.



2.3 The Licensing Authority expects applicants to adopt an approved proof of age scheme (such as Think 21), for staff to be suitably trained and aware of the gambling laws, social responsibility and statutory requirements relating to age restrictions.

### **3. (Licensed) Family Entertainment Centres (FECs)**

3.1 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and expects 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 Therefore, all Category C machines must be 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.

3.3 The Licensing Authority expects 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 (including the statutory requirement for GamCare stickers)
- Specific opening hours
- Self-exclusion 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.

3.4 The 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. The Licensing Authority will also make itself aware of any mandatory or default conditions on these premises licences.

3.5 The Licensing Authority acknowledges that only premises that are wholly or mainly used for making gaming machines available may hold a Family

Entertainment Centre (uFEC) gaming machine permit (see page 24 for more on uFECs) or a Family Entertainment Centre (FEC) premises licence. Both a licensed FEC and uFEC are classified as 'premises'. The Licensing Authority considers that, generally, premises such as an entire shopping centre, motorway service station, bowling alley or similar would not be suitable for licensing or to hold a permit. Further the Authority believes that the machines should be in a designated, enclosed area, they should not be in walkways or corridors forming part of a larger building

#### **4. Casinos**

- 4.1 **No Casinos resolution** - The 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 The 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 The Licensing Authority notes that the Gambling Commission's Guidance states at paragraph 18.5:

Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises.

- 5.2 The authority also notes the Guidance regarding the provision of gaming machines in premises subject to a bingo premises licence.

- 5.3 The Guidance also states:

Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed. Social Responsibility (SR) code 3.2.5(3) states that 'licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent underage gambling.

- 5.4 Where category C or above machines are available in premises to which children are admitted the Authority shall seek to 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.
- 5.5 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.
- 5.6 The threshold is reached if the bingo played during any seven-day period exceeds £2,000 (either in money taken or prizes awarded) once in a year, referred to as 'high turnover bingo'.
- 5.7 If it comes to the attention of the Licensing Authority that alcohol-licensed premises or clubs or institutes are playing bingo during the course of a week which involves significant stakes and prizes, that makes it possible that the £2,000 in seven days is being exceeded, the Licensing Authority shall inform the Commission accordingly.

## **6. Betting premises**

- 6.1 The Licensing Authority is responsible for issuing and monitoring Premises Licences for all betting premises. Children and young persons are not permitted entry to a premises which has a Betting Premises Licence. They may, however, be permitted entry to tracks and special rules will apply. The Licensing Authority recommends that an applicant for betting premises considers carefully the location of gaming and betting machines to ensure that they are not in sight of the entrance of the premises.
- 6.2 Betting machines - The Licensing Authority notes that Section 181 of the Act contains a power for licensing authorities to restrict the number of Self-Service Betting Terminals (SSBTs), their nature and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of SSBTs, the Licensing Authority, amongst other things, will take into account the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people.
- 6.3 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, the 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, the Authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.

6.4 The Licensing Authority expects 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 (including the statutory requirement for GamCare stickers)
- Specific opening hours
- Self-exclusion 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. Tracks**

7.1 The 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, The 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 The 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 The Licensing Authority expects 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 (including the statutory requirement for GamCare stickers)

- Specific opening hours
- Self-exclusion 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** - Licensed operators may install Self-Service Betting Terminals (SSBTs) on tracks. There is no restriction on the number of SSBTs that may be in use but operators must, by virtue of their operating licence conditions, supervise such terminals to prevent them being used by those under 18 years of age.
- 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 20.43)
- 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 20.44)
- 7.8 The 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 the Authority can satisfy itself that the plan indicates the main areas where betting might take place.

## 8. Travelling Fairs

- 8.1 It will fall to The 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. The 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 the 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.
  - c) 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 the 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.

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**PART C**  
**Permits / Temporary & Occasional Use Notices / Lotteries**

**Permits**

Permits regulate gambling and the use of gaming machines in premises, which do not hold a premises licence. They are required when a premises provides gambling facilities but either the stakes are very low or gambling is not the main function of the premises.

The Licensing Authority is responsible for issuing the following permits:

- uFEC gaming machine permits
- Alcohol licensed gaming machine permits
- Prize gaming permits
- Club gaming permits and club machine permits

The Licensing Authority can only grant or reject an application for a permit and cannot attach conditions. Therefore, the Licensing Authority will consider a number of factors before determining an application for a permit to ensure that the permit holder and the premises are suitable for the proposed gambling activities.

There is a minimum age of 18 for all players for all category A, B and C gaming machines, including category B3A gaming machines offering lottery style games. However, there is no minimum age for players of category D machines. The holder of any permit or premises licence has to comply with the codes of practice issued by the Commission on the location of and access to gaming machines by children and young persons, and the separation from category C and B machines where those are also located on the same premises.

**1. (Unlicensed) Family Entertainment Centre (uFEC) gaming machine permits (Statement of Principles on Permits – 2005 Act, 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 (2005 Act, 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 protection of children from being

harmed or exploited by gambling and to ensure that staff supervision adequately reflects the level of risk to this group. ." (24.8)

- 1.3 The Licensing Authority will require applicants 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 the applicant to do this by producing a Basic Disclosure and Barring Service (DBS) Certificate dated within one calendar month of the date of the application being submitted to the Licensing Authority;
  - that employees are trained to have a full understanding of the maximum stakes and prizes.
- 1.4 It should be noted that a Licensing Authority cannot attach conditions to this type of permit.
- 1.5 The Licensing Authority expects 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 young children being on the premises,
  - measures / training covering how staff would deal with children causing perceived problems on / around the premises.
- 1.6 The Licensing Authority acknowledges that only premises that are wholly or mainly used for making gaming machines available may hold a Family Entertainment Centre (uFEC) gaming machine permit or a Family Entertainment Centre (FEC) premises licence. Both a licensed FEC and uFEC are classified as 'premises'. The Licensing Authority considers that, generally, premises such as an entire shopping centre, motorway service station, bowling alley or similar would not be suitable for licensing or to hold a permit. Further the Authority believes that the machines should be in a designated, enclosed area, they should not be in walkways or corridors forming part of a larger building.
- 1.7 The Authority expects that a plan of the uFEC shall be supplied as part of the application.
- 1.8 N.B. Applicants and permit holders are reminded that there is no provision within the Gambling Act 2005 and associated regulations which enables the transfer of a permit from one person to another, therefore a new operator will need to apply for their own permit.

## 2. (Alcohol) Licensed premises gaming machine permits and notifications

- 2.1 **Notifications of 2 or less machines** 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 **Permits for 3 or more machines** 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.*” The 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 expects 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 When determining an application for an alcohol-licensed premises gaming machine permit, the Licensing Authority will consider each application on its own merits.
- 2.6 The Licensing Authority may cancel a permit or may vary the number or category (or both) of gaming machines authorised by it if:

- It would not be reasonably consistent with pursuit of the licensing objectives for the permit to continue to have effect
  - Gaming has taken place on the premises in purported reliance on the permit but otherwise than in accordance with the permit or a condition of the permit
  - The premises are mainly used or to be used for making gaming machines available, or
  - An offence under the 2005 Act has been committed on the premises
- 2.7 Before the Licensing Authority cancels or varies a permit it will give the permit holder 21 days' notice of its intention and allow him/her the opportunity to make a representation. If the permit holder requests a hearing the Licensing Authority will arrange a Licensing Sub-Committee hearing to consider the permit holder's representation and any other evidence available before making its determination.
- 2.8 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**

- 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 The 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 policies 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 (TUN)**

- 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 (OUN)**

- 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. The 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 principal 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 The Licensing Authority will ask applicants to set out the purposes for which the society is established and will ask the society to declare that they represent a bona fide non-commercial society and have no relevant convictions. The Licensing Authority may, however, seek further information from the society and in particular may require a copy of the society's constitution.

7.6 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.

7.7 The Licensing Authority may revoke the registered status of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. However, no revocations will take place unless the society has been given the opportunity to make representations. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.

7.8 With regards to where small society lottery tickets may be sold, the Licensing Authority applies the following guidance criteria to all small society lotteries it registers:

- Tickets should not be sold in a street, where street includes any bridge, road, lane, footway, subway, square, court or passage (including passages through enclosed premises such as shopping malls); and
- Tickets may be sold from a kiosk, in a shop or door-to-door.

This approach is consistent with the operating licence conditions imposed by the Commission upon operators of large lotteries.

## **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 2025. 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.

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## Appendix A

<b>Summary of Licensing Authority delegations permitted under the Gambling Act.</b>			
<b>MATTER TO BE DEALT WITH</b>	<b>FULL COUNCIL</b>	<b>SUB-COMMITTEE OF LICENSING COMMITTEE</b>	<b>OFFICERS</b>
Final approval of three year licensing statement of principles	✓		
Statement of principles not to permit casinos	✓		
Fee setting (when appropriate)	✓		
Application for premises licences (including applications for reinstatement under S195)		<p>Where representations have been received and not withdrawn</p> <p>Representation made and not withdrawn (S154 (4)(a))and/or Where the Licensing Authority considers that a condition should be added to the licence under S169(1)(a) or a default condition should be excluded under section 169(1)(b) unless the applicant and any persons making representations agree to this course of action and that a hearing is unnecessary</p>	<p>Where no representations received/representations have been withdrawn</p> <p>The only representations received are vexatious, frivolous, or certainly will not influence the Authority's determination of the application.</p>
Application for a variation to a licence		<p>Where representations have been received and not withdrawn</p> <p>Where the Licensing</p>	<p>Where no representations received/representations have been withdrawn</p> <p>The only representations received are vexatious,</p>

		<p>Authority considers that a condition should be added to the licence under S169(1)(a) or a default condition should be excluded under section 169(1)(b) unless the applicant and any persons making representations agree to this course of action and that a hearing is unnecessary (S187(3))</p> <p>If the application for variation is to remove a default condition and there are no representations and there are no proposals by the Authority to otherwise alter the conditions this could be dealt with at officer level without a hearing</p>	<p>frivolous, or certainly will not influence the Authority's determination of the application</p>
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission/ representations have been withdrawn
Application for a provisional statement		<p>Where representations have been received and not withdrawn</p> <p>Where the Licensing Authority considers that a condition should be added to the licence under S169(1)(a) or a default condition should be excluded under section 169(1)(b)</p>	Where no objections made/objections have been withdrawn

Revocation of a premises licence due to non-payment of annual fee.			✓
Review of a premises licence		✓	
Application for a club gaming/club machine permit		Where objections have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/club machine permits		✓	
Application for other permits			✓
Cancellation of licensed premises gaming machine permits Sch 13 paragraph 16		✓	
Cancellation of licensed premises gaming machine permits for non-payment of fee			✓
Cancellation Club Gaming Permits/Club Machine Permits for non-payment of fee			✓
Consideration of temporary use notice		<p>All cases where an objection notice has been received unless each person who would be entitled to make representations agrees that a hearing is unnecessary.</p> <p>All cases where a counter notice may be required (S232(3))</p>	All other cases
Decision to give a counter notice to a temporary use notice		All Cases except where time limits for temporary events are exceeded	All Cases where time limits for temporary events are exceeded pursuant to Section

		pursuant to Section 218(3) and Section 218(5)	218(3) and Section 218(5)
Registration of small society lotteries		Where officers believe there is reason to refuse the application for registration	✓
Cancellation of a small society lottery due to non-payment of annual fee.			✓

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## Appendix B

### Consultees

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  
Buzz Group Limited  
Chamber of Commerce  
Citizens Advice Bureau  
City of Lincoln Council  
Civic Voice  
Public Health Directorate  
Done Brothers  
Federation of Small Businesses  
Framework  
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 Fire & Rescue  
Lincolnshire Police  
Lincolnshire Safeguarding Children Partnership  
Lotteries Council  
Mencap  
Mental Health Trust  
MIND  
Merkur Slots UK Limited  
NSPCC  
Relate  
Responsible Gambling Trust  
RTB Investments Limited  
The Bingo Association  
The Racecourse Association  
Trading Standards Service  
We are with you

## Appendix C

### GLOSSARY OF TERMS UNDER THE GAMBLING ACT 2005

Council:	City of Lincoln Council
Applications:	Applications for licences and permits as stated in the Statement of Policy
Notifications:	Notifications of temporary and occasional use notices
The Act:	The Gambling Act 2005
Regulations:	Regulations made under the Gambling Act 2005
Premises:	Any place, including a vehicle, vessel or moveable structure
Premises Licence	Issued by the Licensing Authority to authorise premises to be used for the activities as defined by Section 150 of the Gambling Act
Operator Licence	Issued by the Gambling Commission to organisations and individuals who are providing facilities for gambling as defined by Section 65 of the Gambling Act
Personal Licence	Issued by the Gambling Commission to certain categories of people working in the gambling industry as defined by Section 127 of the Gambling Act
Family Entertainment Centre	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
Adult Gaming Centre	Premises which provide category B, C and D gaming machines and require an operating licence and a premises licence
Members' Club	Club as defined by section 266 of The Gambling Act 2005.
Commercial Club	Club as defined by section 267 of The Gambling

Act 2005

Miners' welfare institute

Association as defined by section 268 of The Gambling Act 2005

Gaming Machine

A machine which is designed or adapted for use by individuals to gamble as defined by Section 235 of the Gambling Act

Money Prize Machine

A machine in respect of which every prize which can be won as a result of using the machine is a money prize as defined in regulation 3(7) of the Categories of Gaming Machine (Amendment) Regulations 2009.

Non- Money Prize Machine

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.

Crane Grab Machine

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

Coin Pusher or Penny Fall Machine

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).

***The Gambling Commission's web site contains up to date [information about gaming machine categories, stakes and prizes](#)***

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 Safeguarding Children's Partnership, 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.



## Appendix D

### **Safeguarding of Children**

#### **What are the risks to children?**

The risks will vary, depending on the type of gambling activities taking place at the premises. For example, at Adult Gaming Centres, Off-Course (High Street) Betting Premises or Casinos, safeguarding systems should be in place to prevent young people gaining access to the premises.

If children are permitted access to adult gambling activities, they may be at risk of being:

- exposed to information or advertisements encouraging them to gamble
- allowed, or invited to, gamble or bet in a commercial setting
- allowed to purchase and consume alcohol (casino premises)
- financially exploited.

They may also witness, or be involved in, other dangerous or threatening behaviour.

#### **Managing the risks**

To prevent children and young people accessing adult gambling activities, stringent safeguarding measures should be in place, examples of such measures could include:

- the Think 21 scheme operated by all door and bar staff and only recognised proof of age accepted (for example photo driving licence or passport; PASS cards)
- all points of entry monitored by security staff/CCTV
- signage prominently displayed at all points of entry regarding the prohibition of under 18's
- signage displayed on machines highlighting age restrictions
- signage prominently displayed in bar areas regarding the law and the sale of alcohol
- operating a membership scheme
- all staff being trained to be vigilant and respond if a child gains illegal access to premises.

If a premises offers a range of gambling activities (for example, a licensed Family Entertainment Centre or Bingo Premises) premises must operate systems to ensure that under 18's are prevented from accessing areas where adult activities (such as betting or high stakes gambling) take place; or where adult gaming machines are located.

The measures set out above should be used to help the public clearly identify from which areas children are prohibited.

If a premise offers a variety of activities, it may be necessary to operate the following systems:

- designated family-friendly areas using physical barriers/cordons to segregate these from restricted areas

- points of access/egress located for easy supervision by staff and regularly monitored
- signage displayed to indicate access rules
- signage to remind parents/adults of their responsibilities
- use of screens
- use of the Think 21 scheme
- assigning at least one member of staff as a 'Children's Safeguarding Lead'

Premises should ensure that the environment to which they allow children access is safe and suitable.

Action should be taken if adults demonstrate irresponsible behaviour, such as showing signs of intoxication, using strong or offensive language, threatening behaviour, or violence towards others or towards machinery.

Adults accompanying children should be encouraged to supervise them, to minimise the risk of children being exposed to inappropriate or dangerous behaviour or gaining access to prohibited areas of the premises.

### **The employment of children and young people**

The Gambling Act 2005 does not prohibit the employment of children and young people at some premises.

However, it does restrict the type of tasks and areas to which children and young people may have access and it is important that premises comply with these restrictions, as failure to do so may result in committing an offence; for example, it is an offence to employ children and young people to provide facilities for gambling, or to perform a function in relation to a gaming machine, at any time.

Children should not be exposed to gambling as they carry out their employment functions.

## **Appendix E**

### **Safeguarding of Vulnerable persons**

The Gambling Commission puts a high priority on the social responsibilities operators have to protect vulnerable persons from the harm associated with gambling; and policies must be in place to support the protection of vulnerable persons.

Who is a vulnerable person?

Persons may be vulnerable if, for example, they are taking certain types of prescribed medication which may impair their judgement or prevent them making informed, balanced decisions about gambling; or if they are intoxicated from misusing drugs or alcohol.

If a person has mental health issues, a mental impairment or problems with addiction, they may also be vulnerable as they may have difficulty controlling their activities or behaviour, or understanding the players' guides to games.

#### **What are the risks to vulnerable persons?**

If a vulnerable person are not supported within the gambling environment they may be at risk of:

- gambling beyond their financial means
- problems with addiction
- financial exploitation
- causing, or being a victim of dangerous, abusive or threatening behaviour
- physical, emotional or accidental harm.

These difficulties may have a serious impact upon the person's relationships, home life or employment.

#### **Managing the risks and being socially responsible**

Premises should consider the following steps:

- Designate a member of staff to lead on problem gambling issues.
- Train staff on how to recognise and respond to indicators of concern.
- Staff should be trained to recognise the signs of persons becoming aggressive and how to deal with such situations whilst maintaining their own safety.
- Information should be made readily/discreetly available to customers on how to gamble responsibly and seek help in respect of problem gambling.
- Offer a self-exclusion, or self-limit scheme, enabling individuals to restrict the amount of time or money they spend.
- When offering membership schemes, the details of a contactable person should be required in the event of an emergency.

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4. **Gambling Act 2005 Triennial Review of Statement of Licensing Policy**

Francesca Bell, PPASB and Licensing Service Manager

- a) presented a report to update Licensing Committee on the result of the consultation on the Gambling Act 2005 Triennial Review of the Statement of Licensing Policy, under the Gambling Act 2005.
- b) explained the background to the consultation process covering the following main points:
  - The Gambling Act 2005 required a Licensing Authority to publish its statement of Licensing Policy at least every three years; the current statement was due to expire on 31 January 2022.
  - The draft policy, as detailed within Appendix A of the report, was forwarded to a total of 47 persons/organisations and to every member of the Licensing Committee as well as being placed on the Councils website.
  - The consultation period commenced on 26 August 2021 and concluded on 8 October 2021. A total of 2 responses were received.
  - The first response was received on behalf of Gambleaware who were thankful for inclusion in the consultation and offered guidance, recommending two documents published by the Local Government Association, as detailed at Appendix B to the report, be incorporated into the policy. It was felt that reference to such non statutory documents was not required, however, they would serve as a valuable tool alongside the policy when performing functions under the Act.
  - The second response was received from Gosschalks Solicitors on behalf of the Betting and Gambling Council, (Appendix C referred)
  - Contact was made with the author of the letter and points raised were discussed. It was felt that the policy was currently sufficiently broad in nature. Each application for a premises licence was dealt with on its own merits, additional conditions could be imposed as required/if a particular issue emerged when a risk assessment was conducted.
  - The review of policy saw amendments to include updated GDPR and Data Protection elements that had arisen since the policy was last reviewed.
- c) requested that consideration be given to the policy prior to recommendation to full Council for approval.

The Chair thanked Francesca for a thorough report and welcomed any comments and questions from members. The following suggested amendments emerged from discussions held:

- The format of the policy felt inconsistent.
- There was a lack of blank lines between paragraphs.

- Throughout, there was reference to both 'the licensing authority' and 'this licensing authority'. It was concluded that as this would be a policy for the City of Lincoln Council, consistent use of 'the licensing authority' would be sufficient.
- At page 4 of the policy, section 5.2, there was no indentation of the words following 'the policy is:' For clarity, it was suggested that this action be added to the final policy document
- At page 3 of the policy, section 2.11, the hyperlink to the Lincoln City Profile should be embedded in the document with a link to take the reader directly to it.
- At page 3 of the policy, section 2.4, due to partnership work with County Licensing groups, reference to a commonality of approach with other Local Authorities would be useful.
- At page 16 of the policy, section 2.3, revision of verb use, 'the Local Authority will expect' to 'the Local Authority will adopt as approved' was necessary to clarify future activities.

The Chair gave thanks for comments received.

RESOLVED that subject to relevant amendments to the policy as detailed above, the Gambling Act 2005 Statement of Principles Policy 2022-2025 be referred to full Council for approval.

<b>SUBJECT:</b>	<b>MEMBERS' CODE OF CONDUCT UPDATE</b>
<b>REPORT BY:</b>	<b>CAROLYN WHEATER, MONITORING OFFICER</b>

**1. Purpose of Report**

1.1 To update Council on the outcome of a recent complaint considered by the Hearing Sub-Committee in relation to the Members' Code of Conduct (attached as Appendix A).

**2. Recommendation**

2.1 That Council note the report.

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**Update on Members' Code of Conduct**

<b>Councillor</b>	<b>Date of alleged breach</b>	<b>Allegation</b>	<b>Decision of the Hearing Sub-Committee</b>
Gary Hewson	10 August 2021	The complaint from the Resident Involvement Manager consisted of an allegation of a breach of the Members' Code of Conduct due to the behaviour and comments made by Councillor Gary Hewson during a telephone call with the officer on 10 <sup>th</sup> August 2021.	<p>The Hearing Sub-Committee unanimously agreed that Councillor Gary Hewson had broken the Code of Conduct for Members and applied the following sanctions:</p> <ul style="list-style-type: none"> <li>(1) That Councillor Gary Hewson be requested to send a sincere apology to the Resident Involvement Manager.</li> <li>(2) That a recommendation be made to Councillor Ric Metcalfe (Group Leader) that Councillor Gary Hewson be removed from the membership of the Performance Scrutiny Committee and the Housing Scrutiny Sub-Committee for the remainder of the civic year.</li> <li>(3) That a report be presented to the Council detailing the Sub-Committee's findings and decision.</li> </ul>

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<b>SUBJECT:</b>	<b>APPOINTMENTS TO CHAIRS AND VICE-CHAIRS AND COMMITTEE MEMBERSHIP</b>
<b>DIRECTORATE:</b>	<b>CHIEF EXECUTIVE AND TOWN CLERK</b>
<b>REPORT BY:</b>	<b>CHERYL EVANS, DEMOCRATIC SERVICES AND ELECTIONS MANAGER</b>

**1. Purpose of the Report**

1.1 To approve appointments to the following positions:

- the Vice-Chair of the Licensing Committee;
- the Chair the Performance Scrutiny Committee;
- the Chair to the Housing Scrutiny Sub-Committee.

1.2 To note the appointments made by the Labour Group to a vacancy on the Performance Scrutiny Committee and to a vacancy on the Housing Scrutiny Sub-Committee. Nominations will be put forward at the Council meeting.

**2. Vice-Chair of the Licensing Committee**

2.1 Councillor Patrick Vaughan has been nominated to replace Councillor Bill Bilton in the office of Vice-Chair of the Licensing Committee. Councillor Bilton will remain as a member of the Licensing Committee.

**3. Chair of the Performance Scrutiny Committee**

3.1 The Council is invited to consider appointing to the vacant office of Chair of the Performance Scrutiny Committee. Nominations will be put forward at the Council meeting.

**4. Chair of the Housing Scrutiny Sub-Committee**

4.1 The Council is invited to consider appointing to the vacant office of Chair of the Housing Scrutiny Sub-Committee. Nominations will be put forward at the Council meeting.

**5. Recommendations**

- (1) That Councillor Patrick Vaughan be appointed as the Vice-Chair of the Licensing Committee.
- (2) That an appointment be made to office of Chair of the Performance Scrutiny Committee.
- (3) That an appointment be made to office of Chair of the Housing Scrutiny Sub-Committee.
- (4) That the appointments made by the Labour Group to a vacancy on the Performance Scrutiny Committee and to a vacancy on the Housing Scrutiny Sub-Committee be noted.

