

# CHILTERN DISTRICT COUNCIL

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## Licensing & Regulation Committee

**Thursday, 24th November, 2011 at 6.30 pm**

**Large & Small Committee Room, King George V House, King George V Road,  
Amersham**

### A G E N D A

- 1 Evacuation Procedures
- 2 Minutes  
To sign the Minutes of the meeting held on 12 October 2011, previously circulated.
- 3 Apologies for Absence
- 4 Declarations of Interest
- 5 Minutes of the Taxi & Private Hire Licensing Sub Committee  
To agree the Minutes of the meetings of the Taxi & Private Hire Licensing Sub Committee held on 1 September 2011 and 29 September 2011 (previously circulated).
- 6 Work Programme (*Pages 1 - 2*)  
*Appendix (Pages 3 - 4)*
- 7 Lean Thinking Presentation (*Pages 5 - 6*)
- 8 Local Government (Miscellaneous Provisions) Act 1976 Hackney Carriage  
- Tariff Extra Charges (*Pages 7 - 12*)

9 Taxi & Private Hire Sub Committee Procedures (Pages 13 - 14)  
*Appendix (Pages 15 - 20)*

10 Question & Answer Session (Pages 21 - 22)  
*Appendix 1 (Pages 23 - 42)*

*Appendix 2 (Pages 43 - 66)*

*Appendix 3 (Pages 67 - 90)*

11 Exclusion of the Public

To resolve that under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act.

12 Private Reports: (If any)

**Note:** All Reports will be updated orally at the meeting if appropriate and may be supplemented by additional reports at the Chairman's discretion.

**Membership: Licensing & Regulation Committee**

Councillors: P N Shepherd (Chairman)  
D G Meacock (Vice-Chairman)  
S P Berry  
Mrs J A Burton  
M J Cunnane  
G K Harris  
P J Hudson  
P M Jones  
D J Lacey  
S A Patel  
M Prince  
C H Spruytenburg  
N Stewert  
H A Trevette  
M Vivis

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**CHILTERN DISTRICT COUNCIL  
LICENSING AND REGULATION COMMITTEE - 24<sup>th</sup> NOVEMBER 2011**

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*Background Papers, if any, are specified at the end of the Report*

**WORK PROGRAMME**

*Contact Officer: Martin Holt 01494 732055*

**RECOMMENDATIONS**

**To review the Work Programme for Licensing**

**Background**

- 1 Members are requested to note the Work Programme for the Licensing and Regulation Committee for November 2011 to November 2012, and to comment on the potential topics for consideration (**Appendix**).

*Background Papers: None*

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**Licensing & Regulation Committee  
Forward Plan 2011/12**

<b>Date to Licensing &amp; Regulation Committee</b>	<b>Report title</b>	<b>Report detail</b>
<b>24 November 2011</b>	Taxi Licensing Sub Committee Procedures	To agree procedures to be adopted for future Licensing Sub-Committees
<b>24 November 2011</b>	Lean Licensing	Presentation on how the council has reviewed the licensing process and achieved savings
<b>24 November 2011</b>	Question and Answer session with Officers over the various licensing policies – Alcohol, Taxi, Gambling,	Opportunity for Members to gain knowledge of the range of licenses issued by the council and the enforcement activity of issues that arise
<b>24 November 2011</b>	Hackney Carriages - Options for extra charges	The Committee at the meeting held on 2 June 2011 requested a report detailing the various options for increasing extra charges in relation to Hackney Carriages
<b>19 January 2012</b>		
<b>1 March 2012</b>	Draft Street Trading Policy	Draft Proposals for a Street Trading Policy
<b>1 March 2012</b>	Options report on the review of the Taxi and Private hire Policy	Draft Proposals for the review of Taxi and Private hire Policy
<b>12 April 2012</b>		
<b>24 May 2012</b>		
<b>19 July 2012</b>	Hackney Carriages Fares	Review of the Hackney Carriages Fares
<b>6 September 2012</b>		
<b>18 October 2012</b>	Draft Policy amendments following Consultation	Consider the draft Taxi and Private hire Policy
<b>29 November 2012</b>		



**CHILTERN DISTRICT COUNCIL  
LICENSING AND REGULATION COMMITTEE - 24<sup>th</sup> NOVEMBER 2011**

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**LEAN THINKING PRESENTATION**

*Contact Officer: Martin Holt 01494 732055*

**RECOMMENDATIONS**

**To note the efficiencies made to reduce costs and improve customer service in Licensing.**

**Background**

- 1 Officers will provide a short presentation on how they have transformed some aspects of Licensing administration, enabling both cost reductions and improved customer service.

*Background Papers: None*

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## CHILTERN DISTRICT COUNCIL

LICENSING AND REGULATION COMMITTEE – 24<sup>th</sup> NOVEMBER 2011

*Background Papers, if any, are specified at the end of the Report*

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976  
HACKNEY CARRIAGE – TARIFF EXTRA CHARGES**

*Contact Officer: Ben Coakley 01494 732060 and Martin Holt 01494 732055*

**RECOMMENDATION**

**That Members consider:**

**A) If a change to the ‘extras charges section’ of the fares is appropriate at this time.**

**If it is considered appropriate;**

**B) Recommend to the Head of Health and Housing a change to the ‘extra charges section’ and agree that Officers consult with the taxi meter companies.**

**Matter for Consideration**

- 1 The table of fares were last considered on the **2<sup>nd</sup> June 2011**. Following extensive consideration, it was concluded that:
  - the Licensing and Regulation Committee recommend to the Head of Health and Housing **that there be no change to the Table of Fares.**
  - the Licensing and Regulation Committee recommend to the Head of Health and Housing **that a new MPV tariff is not introduced.**
- 2 It was noted that 12 months should elapse before they are considered again. However, it was requested that options for amending the extra charges be brought to a future committee.
- 3 This report therefore deals only with the potential options for increasing the ‘extra charges’ section of the Hackney Carriages Fares as requested by the Licensing and Regulation Committee.
- 4 Any charge that is varied or made in excess of £25 will required publication in the local press, comments to be received and a final decision made by this committee.

**Background & Information:**

- 5 Although the main table of fares has been amended with time, the current adopted extra charge options have remained unchanged since 2000.
- 6 The current adopted Chiltern tariff contains the following 'extra charge' options:

ITEM	CHARGE
Each passenger in excess of one	£0.15
Up to 3 shopping bags or light hand luggage carried free of charge. Each additional item of luggage carried (excluding the carriage of aids for older and/or disabled persons)	£0.25
Each dog (Not seeing or hearing dogs)	£0.25
Soiling Charge	£50
Toll or Congestion Charge	As Required

A comparison with the other Bucks Authorities is provided below:

ITEM	CDC	AVDC	SBDC	WDC
Each passenger in excess of one	£0.15	For each person in excess of 4 persons - £1.20	£0.15	Use Tariff 2 for 5 or more passengers
Up to 3 shopping bags or light hand luggage carried free of charge. Each additional item of luggage carried (excluding the carriage of aids for older and/or disabled persons)	£0.25	£0.10 for each in excess of 2	£0.25 each article of luggage	NA
Each dog (Not seeing or hearing dogs)	£0.25	NA	£0.50	NA
Soiling Charge	£50	NA	£50	£50
Toll or Congestion Charge	As Required	NA	NA	NA
Fuel Surcharge	NA	NA	NA	£0.40
For each hire from Railway Premises:	NA	NA	NA	£0.40
Hiring commencing away from Hackney Carriage Rank/Stand:	NA	NA	NA	£1.00

- 7 The taximeters used in the Chiltern District are calendar controlled and are restricted to Tariff 1 to 4. These tariffs are currently used for the Day rate, Evening, Bank Holiday Evening and Sundays. There is limited scope to add additional charges, however if desired this option is available through a single selector button.
- 8 As with any change to a meter, the need to maintain a consistent unit remains. This is because the required extra amount is obtained by pressing a single button a set number of times to reach the required amount. Therefore for example, to charge £0.15 extra the button needs to be pressed 3 times.
- 9 The additional items rate is currently in multiples of 0.5p. Therefore for ease of use, any proposals for changes to current amounts should retain this or perhaps a 0.10p multiplier.
- 10 The Chiltern District Drivers Association (CDDA) as part of the informal meeting held in September provided a general proposal document and the following suggestions were provided relating to the extra charges review.
  - Increase Soiling Charge to £80
  - A change to the per passenger tariff. The price per additional person over 4 to equal £3.00

(The full handout has already been printed as minutes to the 12 October 2011 meeting).

These two suggested elements are therefore considered further:

**A) Soiling Charge:**

ITEM	EXISTING	Option 1	Option 2	CDDA Suggestion
Soiling Charge	£50	£55	£60	£80

- 11 The above options 1 and 2 represent possible options with the CDDA suggestion in the last column. If this element is significantly increased, it may lead to a greater risk of conflict as passengers may be intoxicated and may be unlikely to be able to pay a large amount. There may be a temptation to cater for this by offering mobile phones or similar which can lead to potential conflict and or accusations made the following day. The Council has had experience of alleged theft of mobile phones in similar situations and it is difficult to gain the evidence to pursue a driver.

**B) 'Each passenger in excess of one' Charge**

- 12 In order to consider options involving extra charges for over 4 passengers, it is useful to consider the fleet mix. A breakdown of the current fleet is therefore shown below:

8 seat = 14 vehicles  
 7 seat = 5 vehicles  
 6 seat = 62 vehicles  
 5 seat = 2 vehicles  
 4 seat = 168 vehicles

- 13 Some potential options are provided as options 1 & 2, in addition to the CDDA proposal;

ITEM	EXISTING An extra...	Option 1	Option 2	CDDA Suggestion
Each passenger in excess of one	£0.15	£0.20	£0.30	Over 4 people an additional £3.00

The effect on costs per passenger from the above proposals can be seen below:

Total Number of passengers	EXISTING An extra...	Option 1 An extra...	Option 2 An extra...	CDDA Suggestion
1 passenger	£0.00	£0.00	£0.00	£0.00
2 passenger	£0.15	£0.20	£0.30	£0.00
3 passenger	£0.30	£0.40	£0.60	£0.00
4 passenger	£0.45	£0.60	£0.90	£0.00
5 passenger	£0.60	£0.80	£1.20	£3.00
6 passenger	£0.75	£1.00	£1.50	£3.00
7 passenger	£0.90	£1.20	£1.80	£3.00
8 passenger	£1.05	£1.40	£2.10	£3.00

- 14 In the above examples, an increase from £0.15 per extra passenger to £0.20 per extra passenger would result in an additional income of £0.20 per journey for a trip with 5 passengers or at a rate of £0.30 an additional £0.60 income per trip.
- 15 In determining the levels to be set it is also necessary to take into account the effect on those persons less able to afford the relevant extra charges and who may not be able to access other forms of transport. An increase in extra charges may impact for example on those who taxi share or as a community club together and share taxis.

**Decision to be Made**

16 Members are asked to recommend if a change to the extra charges section in fares is deemed appropriate at the current time.

-If Members feel that the current extra charges are reasonable and fair, they would continue to remain in force with no changes.

-If Members recommend a change to the extra charges, any proposed change would require consultation with the taximeter installers to ensure the correct calibration can be applied to meters

-Any change over £25 would require public advertisement and following comments further consideration by the Licensing and Regulation Committee prior to any change coming in to effect.

*Background information: None*

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**CHILTERN DISTRICT COUNCIL  
LICENSING AND REGULATION COMMITTEE - 24<sup>th</sup> NOVEMBER 2011**

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**TAXI LICENSING SUB COMMITTEE PROCEDURES**

*Contact Officer: Martin Holt 01494 732055*

**RECOMMENDATIONS**

**That Members adopt the Taxi Licensing Sub Committee procedures as part of the Taxi and Private Hire Licensing Policy.**

**Background**

- 1 A Private Hire or Hackney Carriage Driver or Private Hire Operator is required to be a 'fit and proper' person in accordance with the Council's Taxi and Private Hire Policy. This requires the person to demonstrate their fitness in relation to medical, criminal history and driver standards or in the case of Private Hire Operators their criminal history.
- 2 Similarly, the vehicle used must be compliant with the Council's policy in relation to compliance. These conditions adopt the European Whole Type Approval standards for passenger vehicles (M1), MOT standards and appearance conditions. Testing of vehicles is undertaken by approved garages that provide a Certificate of Compliance.
- 3 The sub committee may hear representations by officers or applicants in relation to the 'fit and proper person' test of an existing licence holder or of an applicant. Similarly application may be made to the sub committee if a vehicle does not meet the Council's vehicle standards and the applicant is seeking to appeal a decision by officers.
- 4 Following a recent Taxi Licensing sub-committee a review of the hearing procedures has been undertaken to address comments made by the applicant and Members present.
- 5 The procedures detailed in **Appendix** reflect the need to ensure the Applicant/Licence Holder has received adequate written notice of the hearing and been advised that they may have representation at the sub committee. Additionally the procedures have been amended to reflect the need to confirm in writing if an applicant or Licence Holder is to be represented.

*Background Papers: None*

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**CHILTERN DISTRICT COUNCIL**  
**TAXI LICENSING SUB-COMMITTEE - HEARING PROCEDURES**

**General Principles**

The following general principles apply to the conduct of hearings by the Taxi Licensing Sub-Committee:-

- (i) all parties have the right to a fair hearing;
- (ii) each case shall be treated on its own merits;
- (iii) decisions shall be made in accordance with the principles set out in Article 12.2 of the Council's Constitution; that is to say all decisions shall be lawful, proportionate, non discriminatory, open and transparent; and
- (iv) decisions shall be made on the basis of the following considerations:- :
  - the merits of the case;
  - the promotion of the Public Safety;
  - the controls arise from the Police Town Clauses Act 1847, Local government (Miscellaneous Provisions) Act 1976 and byelaws made in respect of Hackney Carriages
  - the Taxi and Private Hire Licensing Policy from time to time adopted by Chiltern District Council; and
  - the Guidance from time to time issued by the Secretary of State for Transport or the Home Office pursuant to Taxi and Private Hire Licensing.

The Council last reviewed its Taxi and Private Hire Licensing Policy on 26<sup>th</sup> May 2005 and a copy can be viewed on the Council web site –

[http://www.chiltern.gov.uk/downloads/Policy\\_on\\_Licensing\\_HC\\_and\\_PHV\\_2005-6\\_FINAL\\_1.pdf](http://www.chiltern.gov.uk/downloads/Policy_on_Licensing_HC_and_PHV_2005-6_FINAL_1.pdf)

The current Guidance from the Secretary of State for Transport was issued on 2<sup>nd</sup> March 2010 and a copy may be viewed on the Department for Transport, web site –

<http://www.dft.gov.uk/publications/taxi-private-hire-licensing>

The reasons for a decision will always be publicised, either immediately or within fourteen working days.

**Hearing Procedures - Preliminary Matters**

Notification of Hearing

Twenty-eight calendar days **written notice** of a hearing will be given to a licence holder or applicant. The licence holder or applicant will be advised that they may be represented at the hearing by a solicitor, colleague or member of the public.

The applicant should advise **in writing** if he wishes to be represented and by whom, within 5 working days of the hearing.

### Location of Hearings

All applications will be heard at the King George V House, King George V Road, Amersham Bucks HP6 5AW unless otherwise notified.

### Admission of the Press and Public

The Sub-Committee is committed to taking decisions in an open, accountable and transparent manner but on occasion it may be necessary exclude members of the press and public based upon the legal framework set out in Section 100A to I and Schedule 12A of the Local Government Act 1972 and the Councils Access to Information Rules. Generally speaking, hearings will be held in public but decisions will be made in private.

### Time for Assembly

All scheduled day time hearings will be listed for 10.00 a.m. and all scheduled evening hearings will be listed for 6.30 p.m. Where more than one matter has been listed the Chairman shall determine the order in which applications are heard as a preliminary matter. The parties and their advocates and witnesses are required to be present by these times.

Hearings will normally proceed regardless of the absence or reasons for absence of any of the parties, their representatives (advocates) or witnesses.

### Address of Chairman

The parties and their advocates are reminded that the proper address for the Chairman is "Chairman" or "Madam Chairman" depending on the gender of the Chairman. "Chair" is not an acceptable term of address.

### Introduction of Parties, Advocates and Witnesses

At the time for assembly, the Chairman will open the meeting, introduce the Sub-Committee and the officers present and summarise the hearing procedures adopted by Sub-Committee. The Chairman will then ask the parties to each case to identify themselves and indicate whether they intend to be represented and/or call any witnesses. Advocates and witnesses will then be required to identify themselves. The purpose of this procedure is to:-

- identify any possible conflicts of interest for members of the Sub-Committee at the earliest opportunity;
- to determine the order in which cases will be heard;
- where there are multiple representations, to determine the order that they will be heard; and
- to determine which witnesses will be heard.

### Witnesses

The Sub-Committee will normally hear representations from the Applicant or Licence Holder and the parties who have made relevant representations, whether directly or with the assistance of an advocate.

The overriding consideration for the Chairman in making a decision to hear from an advocate will be the interests of justice and the conduct of a fair hearing.

Evidence will be heard before all parties and the Applicant or Licence Holder may pose questions to the witnesses.

### Closing Submissions

In the interests of justice, closing submissions by the Applicant or Licence Holder or advocate will be permitted.

The Chairman will sum up the case for the Applicant or Licence Holder as it has been presented to the Sub-Committee.

This is intended to re-assure the parties that their evidence has been understood and will be taken into account along with any written statements.

## **Hearing Procedures**

### Setting the Scene

- (i) The Licensing Officer will provide a brief factual outline of the case and the relevant statements and the relevance of these to the promotion of Public Safety, the legislative requirements, the Council's adopted Taxi and Private Hire Licensing Policy and the Guidance from the Secretary of State;
- (ii) Members may ask clarification questions of the Licensing Officer;
- (iii) The Chairman will ask the Applicant or Licence Holder (if present) or his advocate if he wishes to ask any clarification questions of the Licensing Officer;

### Hearing the Witnesses for Enforcement (in the case of a new application this stage may be omitted)

- (i) The Chairman will invite the Witnesses to address the Sub-Committee
- (ii) Members may question each Witness;
- (iii) The Applicant or Licence Holder may question each Witness

Hearing the case for the Applicant or Licence Holder

- (i) The Chairman will then invite the Applicant or Licence Holder or his advocate to address the Sub-Committee and call any witnesses.
- (ii) Members may question the Applicant or his advocate and any witness;
- (iii) Officers may question the Applicant or his advocate and any witness;

Hearing the Witnesses for an application for a licence

- (iv) The Chairman will invite the Witnesses to address the Sub-Committee
- (v) Members may question each Witness;
- (vi) The Applicant or Licence Holder may question each Witness

Closing Submissions

The Chairman will sum up the case for the Applicant or Licence Holder as it has been presented to the Sub-Committee.

Retirement and Decision

- (i) The Chairman will ask the Parties if they are satisfied that they have had their say;
- (ii) In cases where a decision cannot be given at the end of the hearing the Chairman will inform the Applicant and the Objectors that a decision will be made within fourteen working days and forthwith notified to the parties.
- (iii) In all other cases the Committee will retire to make its decision. In exceptional cases when a retiring room is not available, the parties, their advocates and witness and members of the public will be asked to leave the room while the Committee reaches its decision.
- (iv) The Legal Advisor and Committee Clerk/s will remain with the Sub-Committee for the purpose only of giving legal advice and recording the decision.
- (v) The Sub-Committee will return (or the parties etc. and public invited back into the room) and the Chairman will announce the decision and the reasons for the decisions. Where the decision is to grant the application subject to non mandatory conditions, the reasons will refer to which of the licensing objectives each condition is intended to promote.

**Please Remember:**

1. Decisions will generally be taken regardless of whether the Applicant or Licence Holder is present.
2. Applicant or Licence Holder will have a right to appeal if they are unhappy with the decision taken to either the Magistrates or High Court
3. The Council reserves the right to exclude any person who disrupts the hearing.



**CHILTERN DISTRICT COUNCIL  
LICENSING AND REGULATION COMMITTEE - 24<sup>th</sup> NOVEMBER 2011**

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*Background Papers, if any, are specified at the end of the Report*

**QUESTION & ANSWER SESSION**

*Contact Officer: Martin Holt 01494 732055*

**RECOMMENDATION**

**That Members consider the matters raised.**

**Background**

- 1 The Council issues a range of Licenses to protect public safety, prevent public nuisance, or control trading within the district. Licenses are issued in relation to;
  - Alcohol Regulated Entertainment and Late Night Refreshment
  - Street Trading
  - Sex Establishments
  - Houses in Multiple Occupation
  - Caravan Sites
  - Private Hire and Hackney Carriages
  - Acupuncture, Tattooing, Ear Piercing, Electrolysis
  - Dog Breeding
  - Pet Shops
  - Animal Boarding
  - Riding Establishments
  - Dangerous Wild Animals
  - Charitable Collections (street and House to House)
  - Gambling
  - Small Lotteries
  - Gaming Machine Permits
  - Betting Shops
  - Adult Entertainment
- 2 As well as administering over 1,400 licensing applications/annum, the Council provides advice, information, investigation and enforcement action in relation to licence holders.
- 3 LACORS guides for Councillors in relation to;
  - i. The Licensing Act 2003
  - ii. Taxi and Private Hire Licensing
  - iii. Gambling

are circulated in **Appendix 1, 2 & 3.**

- 4 Members have requested an opportunity to ask Officers various questions on the licensing undertaken by Chiltern District Council.
- 5 Officers will be present to answer questions, but would request the topic areas are reported to Member Services ahead of the meeting.

***Background Papers: None***

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# Licensing Act 2003

## Councillors' Handbook



# Foreword

Relaxing over a drink, enjoying our leisure time and being entertained with friends are things many of us can't live without. They're essential to our lives and to striking the balance between work, rest and play.

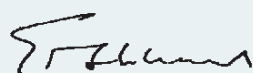
Yet social drinking and having fun can, without proper regulation, become a major problem which blights lives, causes harm and damages society.

Alcohol and entertainment licensing, therefore, plays a fundamental part in keeping us safe and healthy. It allows us to enjoy ourselves and promotes social responsibility within a framework which enables businesses to prosper.

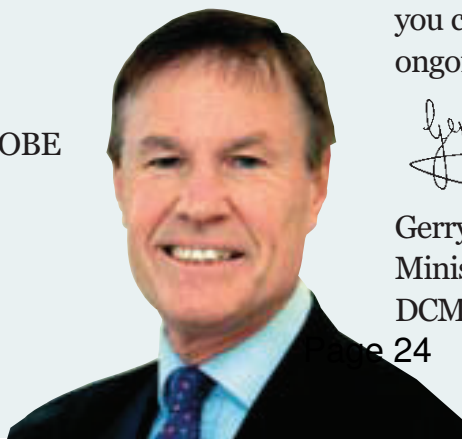
Since 2005, councils in England and Wales have had new statutory roles and duties as Licensing Authorities under the Licensing Act 2003 which introduced a new liberalised regime.

Working positively in their new roles, councils have delivered not only a smooth introduction of the legislation but also a highly effective and professional implementation of it.

This handbook, published to coincide with the second anniversary of the Licensing Act 2003 coming into force, provides practical case studies showing how councils are using the legislation to support safer healthier communities in which people and businesses thrive. We hope you find it useful.



Cllr. Geoffrey Theobald OBE  
Chairman, LACORS

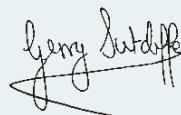


It is hard to believe that the proposed transfer of alcohol and entertainment licensing to local authorities originally attracted criticism in some quarters. Two years into the new regime, it is becoming clear that local authorities are best placed to make decisions that affect their area. Councils have become a one stop shop over licensing issues and local residents and licensees now know where to go for help.

Placing the regulation of alcohol sales with the licensing of entertainment and late night take-aways has given local communities the opportunity to better manage their leisure and night time economies. As the examples in this handbook show, these opportunities have been grasped in many locations. Problems which had been escalating for years are being tackled.

The Government has never said that simply changing licensing law would tackle problem areas overnight. These are complex issues which demand long term commitment from all partners. Local government is at the heart of these partnerships and councillors play a vital role in maintaining the balance between the interests of those who may be affected by an activity and those who wish to enjoy those activities or rely on them for income and employment.

I'd like to thank local authority members, and officers, for ensuring that licensing reform has been so successfully implemented. I am sure this handbook will prove to be a valuable resource as you continue with this important, ongoing work.



Gerry Sutcliffe, MP  
Minister for Sport,  
DCMS



# Introduction

One of the long term purposes of the Licensing Act is to foster positive changes in drinking culture to the benefit of people and businesses. But the Act is not just about alcohol, it's also about entertainment and late night refreshment. The legislation provides greater freedom for councils to sustain and enrich the cultural diversity of their communities by licensing a wide variety of events including music, theatre and sporting performances and activities.

The Licensing Act 2003 has four objectives:

- Prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance; and
- Protection of children from harm.

Within these, the Act enables the leisure industry to meet customers' needs, whilst seeking to balance rights and responsibilities. People are free to enjoy themselves, but social irresponsibility (by individuals or businesses) is countered with tougher penalties and sanctions.

## Wider context & other initiatives

The Act, as an element of government policy on alcohol and entertainment, is set within the wider context of strategies and initiatives aimed at delivering communities which are healthier, safer and economically and culturally vibrant. These include:

- Alcohol harm reduction
- Reduction of crime and disorder
- Building voluntary social responsibility
- Home Office initiatives
- Violent Crime Reduction Act

## Hampton and Rogers reports

The streamlined regime introduced by the Licensing Act 2003 stemmed from the need to reduce burdens on business whilst still delivering quality regulatory outcomes.

### *Hampton: Principles for enforcement*

The 2005 Hampton Review recommended common enforcement principles across council regulatory services, which were adopted in the 2006 Budget:

- Risk-based assessment;
- Independent, accountable regulators;
- No inspection without reason;
- Businesses not having to give unnecessary or duplicate information;
- Rapid identification of persistent offenders;
- Regulators to provide authoritative, credible advice easily and cheaply; and
- Allowing and encouraging economic progress.

### *Rogers: National priorities*

Legislative burdens on councils often exceed their resources for delivery. This, together with government initiatives to allow more "local choice" in service delivery, meant there was a need to define mandatory national priorities for councils to deliver.

The 2007 Rogers Review set out five national priorities for council regulatory services, defined to help them plan resources and prioritise activities. One of those was alcohol licensing.

# Initiatives and case studies

The initiatives and case studies which follow provide practical examples of how the licensing regime, created and framed by central government and delivered locally, can make a positive difference to people and places. The case studies illustrate not only how Licensing Authorities are working to deliver the four licensing objectives but also the broader themes of the legislation such as entertainment and supporting cultural diversity.

## Partnership working

Effective partnership working between Licensing Authorities and other council services as well as the police, fire, ambulance and healthcare services together with the licensed trade and local residents is vital to the delivery of positive outcomes for people and places. It is very much at the heart of the government's approach to tackling crime and disorder, improving public safety, reducing alcohol-related harm and improving health.

As a councillor, you are well-placed to shape and influence how this crucial relationship between your council and other bodies works and develops. There are many areas across the country where these partnerships are working well. Many are formalised as Crime and Disorder Reduction Partnerships (CDRPs), which also include businesses and licensed trade members.

### *Case study: Cardiff*

In the past ten years **Cardiff** has made a conscious break from its industrial heritage and now, with impressive developments such as the Millennium Stadium and Cardiff Bay, has

established itself as one of Europe's fastest growing cities.

Within this vibrant, 24-hour metropolis, sit 1200 licensed premises and Cardiff Council's Licensing Team is responsible for ensuring that each one lives up to the requirements of the Licensing Act.

Much of Cardiff's success as a Licensing Authority can be attributed to one critical factor: partnership working.

Over the years the licensing team has developed firm and rewarding relationships with other enforcement agencies, including the police, fire authority, NHS Hospital Trust, Probation Service and environmental health departments.

The Cardiff Police Force recently created a "Traffic Light Scheme" which classifies licensed premises based on recorded crimes and health authority emergency unit statistics in a simple and effective way dependent on type of venue, size and capacity, etc. It implements this scheme in tandem with licensing officers by carrying out joint inspections. These inspections seek not only to ensure that premises are operating within the parameters of their licence conditions but also that managers have a proper understanding of their duties. As a result, enforcement becomes a means to educate and communicate with licensees in accordance with the recommendations of the Hampton Review.

Licensing officers equally work with fire officers to address public safety issues in premises and with noise pollution officers to combat noise nuisance.

With only a handful of officers, Cardiff's licensing task would be impossible if not for its positive and proactive approach to enforcement and the synergetic relations it shares with its partnership agencies.

### *Case study: Worthing CDRP*

Until three or four years ago the responsibility for combating public place violent crime and disorder in **Worthing** rested firmly with Sussex Police. Only relatively recently was it recognised that, to achieve long term improvements, all members of the community had to take some responsibility and action. Sussex Police, Worthing Borough Council and their partners plus representatives from local business and the licensed trade meet regularly to work constructively together on matters concerning violent crime and disorder.

Examples of positive outcomes include a scheme to ban drinking in public; producing bids for more late night transport; and ongoing work to provide new late night transport initiatives such as a taxi voucher or pre-paid transport "credit" card which could be administered through the local Taxi Association or by a private company.

Worthing was the joint winner of the local authority Responsible Drink Retailing Award (RDR) in 2006. These annual awards aim to reward businesses, councils and police that maximize their efforts to retail alcohol responsibly with the use of new initiatives, sharing best practice and maintaining a consistent approach.

## **Pubwatch**

Pubwatch schemes have been in existence throughout the UK for over forty years and range in size from over two hundred premises in cities to small rural schemes with as few as five premises involved. They have an established role in the prevention of crime and disorder and are often key members of CDRPs. **National Pubwatch** is a voluntary organisation, set up in 1997, to promote the work of local Pubwatch schemes. It operates as a good practice exchange and helps those wishing to set up new schemes. It has lobbied government to support Pubwatch schemes and is referred to in the Licensing Act 2003 guidance.

In a Pubwatch scheme, licensees jointly agree on action to be taken against individuals who cause or threaten to cause damage, disorder or violence or who use or deal in drugs in their premises.

An ongoing survey of Pubwatch schemes reveals that some have reduced crime and disorder by between 50% and 80%.

Pubwatch schemes rely on police and licensing officers to attend their meetings and raise local issues.





### Case study: Aylesbury

**Aylesbury Pubwatch** has made a significant impact on crime and disorder problems in a number of areas – not only those relating to alcohol. Premises in the scheme display information on domestic violence in female toilet areas and carry signage elsewhere in their premises. Aylesbury Pubwatch also took the initiative of using search dogs at nightclub and late-night venues in the town centre to search for drugs. Dog handlers patrol entry queues, and if drugs are detected the dogs are trained to sit beside the individual concerned who is then refused entry and reported. Aylesbury has also devised a short video which members screen throughout their premises called *‘Mike’s Night Out’*. The video was produced with financial support from a pub company and illustrates how bad behaviour in one Pubwatch premises leads to automatic barring from all premises within the network. This video is now available for use by all Pubwatch schemes.

### Case studies: Wales

In **Tredegar, South Wales**, a new Pubwatch scheme was launched in August 2007. Representatives from licensed premises meet regularly to discuss issues or concerns on licensing matters. Local police officers and representatives from the council’s licensing department as well as from CCTV and trading standards services also attend to ensure a joined-up approach to making pubs in the network safer for people to enjoy themselves.

Similarly, in **North Wales**, a rural Pubwatch scheme was set up in January 2006. Five pubs across the villages of **Hawarden** and **Ewloe**,

near Chester, have been working in partnership with police in North Wales to stamp out aggressive and violent behaviour by a minority of customers. Twelve customers were banned in the first four months of the scheme, and North Wales police reported a dramatic drop in their call-outs as a result.

### City Safe

One of the greatest advantages of the Licensing Act 2003 is the flexibility it allows Licensing Authorities, working in partnership with others, to radically improve public safety in their communities.



### Case studies: Manchester

City Safe (formerly City Centre Safe) was launched by **Greater Manchester** Police (GMP) in 2000 in order to:

- Reduce the number of alcohol-related assaults and injuries;
- improve the management of licensed premises;
- Promote the provision of safe drinking; and to
- Reduce perceptions of drunkenness, rowdiness and disorder in the night-time economy.

The scheme proved so successful in the Manchester City area that it has become a widely adopted template for similar initiatives nationwide. Led by the police and the Licensing Authority, a number of innovative projects have developed under the City Safe umbrella as part of a holistic approach to tackling alcohol related crime and disorder.

### *Taxi Safe*

Manchester launched its Taxi Safe project with a marketing campaign using the slogan: 'Take a taxi you can trust' to convey a serious message and catch people's attention. The slogan was printed on publicity material to support the Manchester Police Sexual Crime Unit, Talon, and has also been adopted by other councils such as **Eastbourne**. There, taxi safety tips can be downloaded from the council's website and printed out in the form of a handy wallet-sized card. Elsewhere, cities such as **Liverpool** and **Sheffield** have introduced taxi marshalling schemes at key locations to ensure that night time revelers can depart quickly and safely rather than becoming embroiled in disorder or violence.



### *Think Safe, Drink Safe*

Devised by the GMP, the 'Think Safe, Drink Safe' logo has been used nationwide across a variety of media from radio station adverts to advertising space on the sides of buses. The campaign focuses on simple coping strategies, using keywords such as 'plan' and 'pace' to attack the culture of binge drinking and provides helpful advice to drinkers. In December 2006, **Derby Constabulary**, together with the Licensing Authority and a host of other agencies, used the 'Think Safe, Drink Safe' campaign as a platform from which to launch a series of multi-agency visits to licensed premises over the weekends leading up to, and throughout, the Christmas and New Year period. The local Pubwatch scheme supported the initiative which was designed to enforce, in a proactive way, so as to prevent problems rather than reacting to them later.

### *Best Bar None*

This award scheme was developed by the **Manchester** City Centre Safe Project in 2003 as a way to reward responsible licensees and set national benchmarking standards of good practice for clubs, pubs and bars. The scheme is entirely voluntary with licensees positively engaging in self-assessment of their premises, followed by an external assessment. The process then concludes with a black-tie event where accredited premises and category winners are named and receive their awards.

Although Best Bar None (BBN) is led by local councils and the police, partnership working is



a critical component of the project and agencies such as the NHS, the Security Industry Authority and the British Beer and Pub Association are all involved.

In conjunction with other City Safe initiatives, the award scheme has had a profound impact on the areas which have implemented it, helping to reduce alcohol-related disorder and encourage a healthy, competitive spirit between licensees. The scheme is also an opportunity to facilitate dialogue and create mutually beneficial relationships between enforcement agencies and licensees.

In **Doncaster**, a successful Best Bar None scheme has been rolled-out under the auspices of the Doncaster Evening Economy Partnership (DEEP). Launched in September 2006, the scheme has attracted tremendous uptake and offers subsidised training to address gaps identified from applications and assessments. A host of initiatives led by trading standards run alongside and complement BBN, including the Designated Driver Scheme, Test Purchasing and Responsible Retailer Award. Results for the first twelve months were promising, with a reduction in violent crime of around 37%. To build on this success, in 2007 the geographical area covered by the scheme was doubled with a consequent increase in venues eligible to participate.

As the overall popularity and success of Best Bar None grows, innovative diversions have been made from its traditional template. **Brighton**, for example, introduced a category for venues serving the Lesbian, Gay and Bisexual community. Meanwhile, in Manchester, where the award scheme is so well known that the City Safe team no longer needs to canvas for applications, a complementary sister-scheme is being devised to include off licenses.

In 2007, GMP, the British Institute of Innkeeping and the Home Office, along with other relevant organisations, established a working relationship to further develop the current Best Bar None scheme and roll it out nationally.

**i** Eight out of ten adults count themselves as pub goers and over 15 million people drink in a pub at least once a week  
*British Beer and Pub Association, 2003*





## Safer Clubbing

In 2002 the Home Office issued a guide entitled *Safer Clubbing* which contains advice for club owners, dance event promoters and local councils on how to ensure the health and safety of those attending dance events. In particular the guide focuses on reducing the likelihood of drug-related deaths occurring, tackling drug-dealing and dealing with drug-induced problems. At the time of its induction, there was a nationwide push to raise the profile of the guide and its contents. Since then, there has been a sporadic approach among local councils to implementing the measures which *Safer Clubbing* suggests.

Some councils have, however, continued to work with the guide in an innovative and proactive way. As a councillor, promotion and encouragement of such an initiative is another way your council can deliver positive outcomes in partnership with others.

## Case Study: Blackpool

In **Blackpool**, the council, the local Crime and Disorder Reduction Partnership and the Drug Action Team work together to deliver Night Safe, a holistic strategy which, amongst other objectives, aims to deliver harm reduction education and to reduce alcohol and drug-related anti-social behaviour. Night Safe has implemented a number of measures which fall in line with Safer Clubbing recommendations for example: delivering guidance to nightclubs on tackling drug-related issues, working in partnership to review licences based on violent crime statistics and providing advice on issues such as sexual health and contraception through an outreach worker.

Additionally, initiatives have been developed which deliver a number of more inventive and cutting-edge projects. These include the creation of a database to catalogue drug seizures and assist with prosecution action; arming bouncers with specialist equipment to detect dangerous articles; the use of head-cams to gather evidence; and the introduction of a secure container system to prevent the use of Rohypnol and other date-rape drugs.

As with other successful partnership schemes, the Night Safe initiative is a fantastic example of what can be achieved when licensees, voluntary agencies and enforcement authorities work together in a proactive and constructive way.



Clubbing provides an opportunity for nearly 4 million people every week to meet up, socialise and dance

*The Home Office; the City of London Drugs Action Team; the London Drug Policy Forum, "Safer Clubbing" report, January 2002*

## Safer Socialising

The Safer Socialising Award was developed by Action Against Business Crime (AABC), a partnership between the British Retail Consortium (BRC) and the Home Office to expand the work and impact of Business Crime Reduction Partnerships (BCRPs). AABC is the national organisation for BCRPs. The Award is similar to Best Bar None, but covers a wider range of businesses selling alcohol. It encourages them to achieve higher standards as part of their commitment to crime and disorder reduction.

### *Case study: Maidstone*

In **Maidstone**, the achievements of the local CDRP, MaidaSafe, were recognised in July 2006 with the award of the BRC's Safer Business Award for the successful management of the day and night-time economies. This award combines those for Safer Socialising and Safer Shopping, and recognises the partnership's ongoing work in keeping the town centre a safe and enjoyable place to be, both day and night.

A partnership of town centre management, the police, the council, the licensed trade, night clubs, restaurants as well as taxi and bus companies has successfully achieved the launch of a town-wide radio system and the employment of a dedicated intelligence officer. The partnership's work has turned around Maidstone's previous bad reputation, with residents and visitors now reassured it is a safe place to be. Safer Socialising in Maidstone is a tremendous example of partnership working which delivers a safer community – all within the framework of the licensing objectives.

## Night Vision

In October 2006 the Civic Trust published its Night Vision report which draws on three years of research and interviews with key stakeholders in the evening and night time economy: local councils, central government, developers, the drinks industry, licensees, retailers, residents and consumers.

In its report, the Trust sets out a vision for better town centres at night together with practical steps which could be taken towards achieving this.

In conjunction with regeneration specialists Erskine, the Trust has begun work on four pilot projects which will deliver local improvements and help develop good practice. The report also celebrates areas which are already successfully implementing aspects of the Trust's vision.

### *Case study: Wolverhampton*

Improving accessibility and delivering safe, affordable public transport at night.

A late-night bus service has operated in **Wolverhampton** since 1996. This scheme was originally set up and financed by the police, nightclub owners and one of the main bus operators. The bus company works in liaison with the nightclubs in the town to ensure that the night buses serve the route most popular with the town's clubbers. This has ensured that the night buses are well used and that the buses are now self-financing.

*(The Civic Trust has kindly agreed to the inclusion of this example)*

## Business Improvement Districts

Business Improvement Districts (BIDs) are another example of how a council can work in partnership with others to deliver positive licensing-related outcomes. Again, as a councillor, you are well-placed to support and encourage the creation of BIDs in your area.

A BID is a partnership between a council and the local business community. It is legislation-driven and aims to develop projects and services to benefit the district.

BIDs are often led initially by the council (e.g. Town Centre Management). Or they might be coordinated by a group such as a local Pubwatch scheme. If initiated by a council, overall ownership of the BID initiative must be passed on to the local business partners.

BIDs enable local businesses to have more control of their trading environment by investing in things they want to improve. These might be extra security, cleaning and environmental measures or better promotion of the area, improved events, and greater advocacy on issues such as responsible drinking and personal safety.

To become a BID, the partnership has to develop and agree proposals in an action plan for the district. Upon a majority vote in favour, the plan binds the businesses and partners to pay towards its implementation.

BIDs have been very successful, not only from economic and financial perspectives but also in terms of improving the appearance of public spaces and reducing crime and disorder.



### Case study: Birmingham

The Broad Street BID was established in July 2005. It has produced dramatic results – almost a 60% reduction in general crime during the first year. Crime prevention systems have been applied, including a radio network enabling businesses to share information, taxi marshalling and an enhanced warden service. Aesthetically, the area has also been given a makeover. There is more decorative planting, street cleaning and graffiti removal. Cigarette disposal units were introduced ahead of the smokefree legislation.

Future goals include a lighting strategy which will aim to deliver innovative designs, animation and big screen displays. This will help to improve safety by creating a “daylight effect” at night to deter criminal activity.

A recent measure of the BID’s success is its organisation and funding of the Birmingham Walk of Stars which honours Birmingham-born individuals who have made a significant contribution to their field of work. In July 2007, Ozzy Osbourne became the first celebrity to be inducted on the Walk with Jasper Carrott nominated next in line!

## Supporting cultural enrichment

The Licensing Act 2003 provides greater freedom for councils to build and sustain the cultural diversity of their communities by licensing a wide variety of events including music, theatre and sporting performances and activities.

### *Case study: North Norfolk, Holkham Hall, Concerts in the Park*

The 'Concerts in the Park' weekend, at Holkham Hall, **North Norfolk** in 2006 is a great example of collaborative working between events organisers and councils and of how licensed public spaces can be used to encourage live music events.

The grounds of Holkham Hall have been licensed as public spaces and the council worked closely with Viscount Coke and event organisers to plan two major outdoor concerts for the first time ever. International stars José Carreras and Jools Holland performed to audiences of around 5000 people.



i

Twenty-five percent of adults go to the theatre

*Arts Council England, November 2006*

The concerts were a resounding success. It was the first time a performer of José Carreras' calibre had performed in Norfolk. Further events are being planned.

North Norfolk Council is keen to work closely with organisers hosting an event to ensure it is as successful and as safe as possible for all. The council has also licensed a great deal of local public land in order to encourage others to hold events with minimum cost whilst cutting down on red tape, as well as encouraging and supporting local premises to use the Licensing Act to full advantage.



*Case study: Fenland, Cambridgeshire*

**Fenland** District Council in Cambridgeshire comprises the market towns of **Chatteris, March, Whittlesey** and **Wisbech**. It has licensed many public spaces including parks, fields and market places and provided practical encouragement and support for local residents, groups and others planning licensable events in the area.

The licensed public spaces are used throughout the year for events, many of which involve live music. They include an amateur talent day and continental markets which not only involve food stalls, but also entertainers and live music. There are local fayres and seasonal celebrations at Valentines and Easter. Licensed buskers perform at weekend markets. The Rose Fair, held over several days, is very popular and includes parades and various entertainments. The annual Christmas Market has grown to such an extent that additional stalls and entertainment areas had to be licensed. Local retailers have licensed an area themselves so that they can be part of the festivities.

There is also Straw Bear Day, which is a large, traditional folk day. On the smaller scale, the band stands in Wisbech and March have been licensed to enable performances throughout the summer by bands and children's choirs.

All of this is possible through constructive and imaginative application of the Licensing Act.

Another way in which the legislation allows communities to develop a richer cultural life is in the licensing of various different public buildings and land. The Department for Culture, Media and Sport hosts an extensive database of licensed public land<sup>1</sup>.

Councils in rural areas are taking progressive measures to support the cultural life of the community and promote arts. Community buildings, such as schools and village halls, are increasingly used as cultural and entertainment centres. A study published by Action Communities in Rural England in 2006, however, identified that some village halls did not hold a premises licence.



<sup>1</sup> [http://www.culture.gov.uk/what\\_we\\_do/Alcohol\\_entertainment/licensed\\_public\\_spaces.htm](http://www.culture.gov.uk/what_we_do/Alcohol_entertainment/licensed_public_spaces.htm)

According to the study, the apparent reluctance to apply for a licence could stem from a number of factors such as financial concerns or uncertainty regarding the legislation. Some councils have developed initiatives to tackle these concerns and to inform local communities including parish and town councils of what the legislation could enable them to do in terms of licensing their public buildings for community uses.

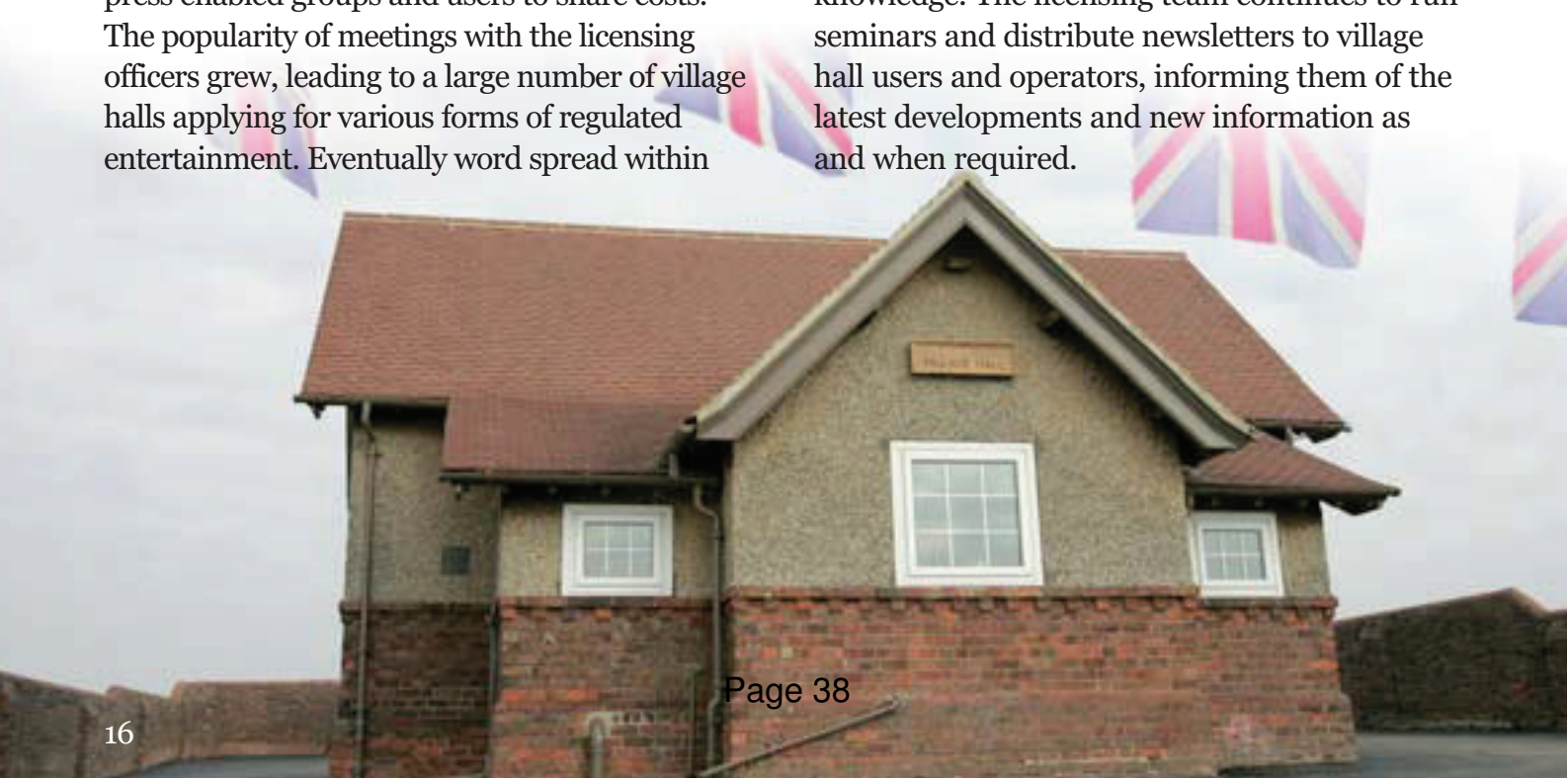
### *Case study: Berwick upon Tweed*

**Berwick upon Tweed** Borough Council encouraged representatives of school and community buildings management/users groups, including residents and community groups, to organise a meeting with licensing officers. Officers were able to use the meeting as a positive platform to inform the group of opportunities presented by the Licensing Act, to guide them through the application process and suggest ways of saving money. For example: making simultaneous applications and placing a single advert covering all of these in the local press enabled groups and users to share costs. The popularity of meetings with the licensing officers grew, leading to a large number of village halls applying for various forms of regulated entertainment. Eventually word spread within

the community and Berwick were contacted by a number of schools. A further presentation was given and as a result twenty-two schools simultaneously applied for a new premises licence. As of October 2006, 87% of school and community buildings in the area were licensed for a wide range of regulated entertainment.

### *Case study: North Devon*

In **North Devon** the Licensing Authority was so concerned about the possible detrimental effect of the new legislation on village hall users and operators and the rural community that it organised a comprehensive series of workshops and seminars for village hall users, residents' and community groups as well as parish and town councils. Officers worked closely with the community council of Devon and the community projects officer. Articles were written for the community magazine, while newsletters and guidance leaflets were distributed widely. Details of the Act were sent to residents through the council tax notification system, which significantly increased local knowledge. The licensing team continues to run seminars and distribute newsletters to village hall users and operators, informing them of the latest developments and new information as and when required.





# Making a difference for people and places - what you can do...

As a local councillor, you can help to ensure that the licensing service is included as an integral part of your council's corporate plan and plays a full role in meeting objectives for sustainable communities through your area's local area agreement or local service agreement.

By requesting regular updates, you can check that your council's licensing service is properly resourced and focused.

## Address community concerns

You also have an important role to play in linking your council's licensing service to the community you represent by:

- Helping your constituents understand how the service makes a difference to their lives; and
- Ensuring council officers are aware of different constituents concerns and issues

As a representative of your community, you can inform the council's decision-making process based on residents concerns. If you are already a licensing committee councillor, you will be aware of the particular requirements of the

Standards Board Model Code of Conduct 2007 in relation to licensing committee members and the extent to which they can speak at or otherwise represent their ward constituents at licensing hearings. Your monitoring officer as well as your legal and licensing officers will be able to advise you. Specific LACORS' guidance is also available on our website at **[www.lacors.gov.uk](http://www.lacors.gov.uk)**

## Sign-up for our Chairman's Update

One of LACORS' key priorities is to raise the profile of council regulatory services such as licensing, private sector housing, health and safety and trading standards. These services are vital in protecting communities and supporting businesses, but tend to suffer from having a low political profile.

Through our regular Chairman's Update, we provide a range of relevant and timely information which aims to equip councillors with the tools needed to better promote and raise the profile of regulatory services generally. Please contact us to find out more: **[info@lacors.gov.uk](mailto:info@lacors.gov.uk)**



# Councillors' checklist

This list is intended to help you gauge your council's effectiveness when dealing with Licensing Act issues. The answers should help you to develop an informed view on the extent to which your council, as Licensing Authority, delivers positive outcomes for people and places.

## Local knowledge

Does your council have comprehensive and current knowledge about the profile of licensable premises and activities within its area?

## A strategic approach

Is the importance of the Licensing Authority accurately reflected in your council's corporate plan and objectives as well as in the community plan?

## Partnership working

Does your Licensing Authority work collaboratively in partnership with the rest of the council and externally with others including the police and fire services as well as healthcare providers, the licensed trade, residents and community groups?

## Promotional work

What is your council doing to promote and raise awareness of licensing issues in all of the communities it serves?

## Regional working

Does your council work with neighbouring councils to share good practice and provide a consistent approach?

Does your council make active use of the services and resources LACORS provides to disseminate information and best practice on Licensing Act issues? Have you signed-up for our Chairman's Update?

## Resources

Do current resource levels enable officers to deliver an effective service? Are licensing activities a distinct area in your council's budget setting and reviewing processes?

## Reviewing & scrutinising

How are the outcomes of licensing regulatory activity reported to you and your colleagues? How is financial and budget information relating to Licensing Act issues reported to you and your colleagues? Is the extent and quality of this financial information sufficient for you to make informed judgements about the resourcing and performance of the service?

Do you have sufficient information and understanding of your council's licensing activities as a whole either to defend or to challenge them within the context of an overview and scrutiny committee?

**i**

**Fewer pubs and off-licences persistently sell alcohol to children thanks to strict penalties, tough enforcement and positive efforts by the industry**

*National Tackling Underage Sales of Alcohol Campaign, October 2007*

# Sharing the knowledge

In this handbook, we have given some examples of what councils across the country are doing to use the opportunities the new licensing regime provides to improve outcomes for people and businesses in their areas.

A major part of what we do at LACORS is to coordinate and share examples and best practice in handbooks such as this and on our website at **[www.lacors.gov.uk](http://www.lacors.gov.uk)**

This handbook is one of a series covering:

- Environmental Protection Services
- Private Sector Housing
- Local Authority Trading Standards Services
- Health & Safety

If you would like more copies of this handbook or the others we have produced, please contact us.

Similarly if you have any information, knowledge or best practice to share about licensing or other council regulatory services, we would be delighted to hear from you.

And finally, tell us what you think. We always aim to improve the information and services we provide. Did you find this handbook useful? Are there any other areas which, as a councillor, you would like to see covered? Please contact us and let us know: [info@lacors.gov.uk](mailto:info@lacors.gov.uk)



## LACORS

LACORS (the Local Authorities Coordinators of Regulatory Services) has produced this handbook to support councillors.

LACORS is a local government central body working with, and on behalf of, the UK local authority associations. Our vision is to be an exemplar local government organisation, leading on policy development, driving improvement and adding value to council regulatory services. LACORS facilitates good practice and consistency in the delivery of regulatory services, enhancing their contribution to local communities. We lobby on behalf of local government and ensure that legislation and government policy can be practically implemented.

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INVESTOR IN PEOPLE



Safer and stronger communities

# Taxi and Private Hire Vehicles licensing

Councillors' handbook (England and Wales)

# Foreword



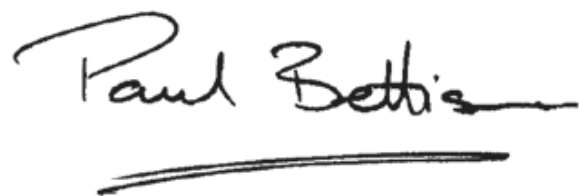
Taxis and Private Hire Vehicles (PHVs) are an important mode of local transport. They are of

particular importance in areas that have limited public transport, such as in rural communities. Local councils have the responsibility to provide a robust taxi and PHV licensing system, which ensures the public travel safely, receive a good level of service and drivers are not overly burdened by unnecessary conditions.

Elderly and disabled users regularly rely on the door to door service taxis and PHVs provide, as it is often the only way for many residents to access local services. Drivers are often the first point of contact to visitors from outside your local council area, and people remember when they have had a particularly good service from a driver, which can impact

on the reputation of an area. Taxis and PHVs also have an important role in the night time economy, ensuring the public return home safely. LG Regulation supports taxi licensing for all councils in England and Wales outside London.

This informative handbook has been developed to help you as a councillor, understand some of the key issues concerning taxi and PHV licensing. It is intended to be used as a starting point to explain some of the difficulties that can arise in this complex area of business regulation. We hope you find it useful.



**Councillor Paul Bettison**  
Chairman, Local Government  
Regulation

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# Checklist for councillors in England and Wales

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This list is intended to help you gauge your council's effectiveness in providing a competent taxi and PHV licensing service.

The answers should help you determine the quality of the service your council delivers, and whether changes to policy should be made.

- Do your taxi licensing officers have a regular dialogue with neighbouring councils, with a view to adopting consistent standards, developing a common approach and to share relevant information?
- Does your council have a multi agency enforcement programme with the police, Vehicle and Operator Services Agency (VOSA) and neighbouring councils? Such operations help ensure the public remain safe.
- Does your council have adequate numbers of accessible taxis – to ensure people who are vulnerable in society such as disabled users can utilise the service?
- Does your council have effective consultation methods with taxi and PHV representatives and taxi users? Many councils have taxi liaison forums which meet on a regular basis.
- Are vehicles subject to agreed and routine stringent testing to ensure they are mechanically safe and suitable to transport the public?
- Does your council license stretched limousines under eight passenger seats? Many are operating unlicensed and unchecked as some councils refuse to license such vehicles.
- Does your council have a taxi and PHV licensing policy document, which has been subject to regular review and has regard to the Department for Transport's Best Practice Guidance (last issued March

- 2010) and has been consulted on with the trade and user groups?
- Are drivers assessed against agreed and appropriate standards to ensure they are “fit and proper” and entitled to hold a licence? Many councils require applicants to undertake group 2 medical checks, enhanced Criminal Record Bureau (CRB) checks and local knowledge tests before they are licensed to carry the public.
  - Do you have sufficient information and understanding to challenge or defend your council’s taxi and PHV licensing activity in the context of an overview and scrutiny committee?

## Terminology

Taxis are referred to in legislation, regulation and common language as ‘hackney carriages’, ‘black cabs’ and ‘cabs’. The term taxi is used throughout this handbook and refers to all such vehicles

Private hire vehicles (PHVs) include a range of vehicles including minicabs, executive cars, limousines and chauffeur services. The term PHV is used throughout this handbook to refer to all such vehicles.

Councils are only responsible for the licensing of vehicles which carry up to a maximum of eight passengers. Vehicles with a seating capacity of more than eight passenger seats, which can include some stretched limousines, are licensed by the Traffic Commissioners, who are appointed by the Transport Secretary.



## Statistics, Department for Transport (DfT)

- In England and Wales, there were around 73,000 taxis and 132,000 PHVs licensed as at the end of March 2007.
- In Wales, over 4,000 taxis and a further 4,000 PHVs were licensed.
- Taxis and PHVs together account for just over 1 per cent of all trip stages per person per year in Great Britain. This is about 600 million trip stages or around 3 million miles a year.



### Did you know?

The primary piece of legislation for licensing taxis is the Town and Police Clauses Act 1847 – which was written before the internal combustion engine was invented.

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# Taxi and PHV licensing in England and Wales - introduction

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## Legislation

Taxi and Private Hire Vehicle legislation is primarily concentrated in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The legislation provides a broad framework for the licensing of drivers, vehicles and operators but the detail of how this is done, including standards and conditions is the responsibility of individual councils. There are a number of other Acts which also have an impact however, such as the Equalities Act 2010 which enables regulations to improve disabled access to taxis.

Taxi and PHV licensing in England and Wales is undertaken by district and unitary councils which have the responsibility for ensuring the public travel in safe, well maintained vehicles driven by competent drivers, as well as providing a fair and reasonable service for the taxi and PHV trade.

In London taxi and PHV licensing is the responsibility of Transport for London, which is accountable to the Mayor of London and responsible for delivering the Mayor's Transport Strategy. Local councils in London have no direct role in licensing taxis and PHVs.

## Differences - Taxi/PHV

One of the key differences between the vehicles is that a PHV, unlike a taxi, cannot ply for hire, which means that all journeys must be pre-booked in advance through a licensed operator. It is an offence for PHVs to pick up passengers from any location unless pre-booked. Local councils can, if they wish, also regulate the fares charged by taxis whereas there is no power to do so with PHVs.

## Department for Transport's role (DfT)

DfT's role is that of regulatory ownership and maintenance of the regulatory framework for taxis and private hire vehicles. The DfT provide guidance to local councils as to how to discharge their duties under the regulatory framework. The Department

collects and publishes statistics on a regular basis and produces guidance to assist local councils in carrying out their taxi and PHV licensing functions. The guidance is considered to be 'best practice' and addresses a number of issues where inconsistency of approach exists in taxi and private hire licensing in England and Wales.

	Taxi	Private Hire
Ply for hire	✓	X
Pre-booked	✓	✓
Operating from a rank	✓	X
Fare meter required	✓	X
Fare tariff set by council	✓	X
Number of vehicles may be restricted by councils	✓	X

Types of licence	
Taxis require two types of licence:	<ul style="list-style-type: none"> <li>• Hackney Carriage Proprietors (Vehicle) Licence</li> <li>• Hackney Carriage Drivers Licence</li> </ul>
The provision of a private hire service requires three types of licence	<ul style="list-style-type: none"> <li>• Private Hire Operators Licence</li> <li>• Private Vehicle Licence</li> <li>• Private Hire Drivers Licence</li> </ul>

## Service delivery

Taxi and private hire licensing may be undertaken within a single department but usually sits within one of the council's regulatory services such as environmental health or legal services. It is often also combined with other licensing functions.

Local councils have the power to attach conditions to taxis and PHVs and PHV drivers' licences. Many councils also adopt local byelaws to attach conditions to taxi drivers' licences. Over time this has created differing standards with little coordination within regions and nationally. This has led to confusion for taxi and PHV businesses, differing standards of service for disabled persons and stretched limousines operating unregulated.

This lack of coordination has also meant that a range of licensing policies have developed from quite relaxed to very strict. This creates an administrative burden on local councils and confusion and unfairness on businesses.

An additional problem of cross border hiring has also developed, where a hackney carriage operates as a PHV in another district and the local council has no powers to intervene if the driver contravenes any condition of the licence. It is also unfair on the trade in the area as they face competition from drivers who may have paid cheaper licence fees or undergone less rigorous checks.

### Did you know?

Local councils have the power to set conditions on PHV driver and vehicle and taxi vehicle licences – this is why taxis fleets often have different colour schemes, and taxi fares vary.

## Charging

In providing the licensing function, the council, under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 is entitled to levy fees to recover the reasonable cost associated with:

- the administration and issue of licences
- the inspection of vehicles for the purposes of determining whether any such licence should be granted or renewed and
- the provision of hackney carriage stands and administrative or other costs in connection with the control and supervision of hackney carriage and private hire vehicles.

With the exception of drivers' licences, the council is required to consult upon the fees it intends to levy.



## Councillors and the council's regulatory/licensing committee

Councils will usually operate with a regulatory/licensing committee, which may be made up of non executive/cabinet councillors and sub-committees made up of councillors of the full committee.

The role of the full committee is to consider and propose policy, including setting the overall approach of the council, conditions and standards for vehicles and drivers and the setting of fare tariffs for taxis.

Decision making in respect of individual applications for licences or where matters are brought to the attention of the council following the grant of a licence, for example breach of conditions, convictions, driving endorsements etc are often made by a regulatory/licensing sub-committee. This sits as a quasi-judicial body and therefore must follow the rules of natural justice – anyone affected by a decision has a right to be heard and no one should be a judge in his own cause. Sub-committees often

have a range of options available to them including:

- to do nothing
- to issue a formal warning
- to suspend a licence
- to revoke a licence.

Decision making may also be delegated to officers. Applicants seeking new licences and the holders of existing licences will have the right of appeal to the local magistrates' or crown court if they are aggrieved by the decision of the council. In all cases where a licence is suspended or revoked, reasons must be given for that decision. Drivers must reach the standard of a 'fit and proper person' with each case being dealt with on its merits, normally with reference to an objective policy published by the council. The overriding consideration is the safety of the public which may, in some cases outweigh the right of the applicant to hold or continue to hold a licence.

## Rother – penalty points enforcement system

When taxi and PHV drivers contravene conditions of their licence the statutory sanctions available to members of taxi licensing committees are revocation or suspension of the licence. For minor infringements, such as not displaying a name badge at all times revocation or suspension can be too harsh a punishment. Drivers who make an error in judgment on any given day, with a previous unblemished career, face all or nothing decisions by members if they are reported to committee following a complaint from a member of the public.

Also when drivers are licensed there is little information available for members to monitor the fit and properness of a driver, and as such gain a clear view of their past conduct when drivers are called to committee for hearings.

In light of this Rother District Council decided to develop a penalty points enforcement

scheme, where drivers can carry a fixed number of points for minor matters of misconduct that would allow the driver to continue driving until such time as they either reached the level set by members, or if officers decided that the nature of the complaint against a driver was too serious to deal with under the scheme.

Rother found that on the whole the trade agreed that the process leads to improvements in behaviour. The trade appreciated that the scheme is transparent and clear, and removes any ambiguity about whether officers or members felt that a matter was serious, when the driver thought it was very minor.

The scheme gives councillors a more influential role in the licensing process, and it allows drivers to understand that members make the decisions on fitness and propriety and not officers.

Many other councils have introduced similar schemes and there has been a noticeable raising of standards of behaviour and compliance.

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## Case studies

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The case studies on the following pages provide practical examples where local councils have undertaken initiatives to ensure safeguards are in place to protect the public when travelling by taxi or PHV.

### Partnership working

Effective partnership working between local licensing authorities, the Vehicle and Operator Services Agency (VOSA), police and other council services such as trading standards and environmental health as well as the local trade is vital to the delivery of positive outcomes for people and places.

As a councillor, you are well placed to shape and influence how this crucial relationship between your council and other bodies works and develops. There are many areas across England and Wales where these partnerships are working well,

dealing with some of the problem areas which have arisen from outdated legislation.

### Quantity restrictions

Quantity restriction is a term used to describe a local council imposing limits to the number of taxi licences within the area. This is often seen as a controversial issue as in those areas that continue to restrict the taxi trade are often strong advocates of keeping a “restricted fleet”. Currently only 88 councils in England and Wales continue to restrict the taxi trade. LG Regulation believes that the decision to restrict taxis should be left to the local council, but suggests that councils consider the DfT’s view.



‘Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered.’

**Taxi and Private Hire Vehicle Licensing: Best Practice Guidance**  
(Department for Transport, 2010,  
<http://www.dft.gov.uk/pgr/regional/taxis/bestpractice/>)

### Stockport – restricting the number of taxis

Local councils which limit the number of taxis within their fleets should regularly produce an “unmet demand survey”. The survey reviews the consumer demand for taxis and considers factors such as the length of time customers wait at ranks and waiting times for street hailings and telephone bookings.

In 2008 Stockport Metropolitan Borough Council carried out an unmet demand and public opinion survey, which indicated that there was no significant unmet demand. Stockport Licensing Committee agreed to maintain a limit on the number of taxis currently licensed by the authority. To ensure this was a balanced decision Stockport

considered the guidance issued by the DfT in relation to maintaining limits and various consumer reports which indicate that a general increase in the number of taxis is beneficial for consumers. Whilst maintaining a limit the Committee also agreed to increase that limit by five licences per year over the next three years.

They further committed to reviewing current rank facilities including creating new ranks, particularly night time ranks in busy areas, and also allowing access by taxis to prohibited routes through the town. Looking ahead Stockport have agreed to monitor the effect of the increase in licences and change in taxi provision and to review the situation in 2011.

## Salford – Lifting quantity restrictions

Salford City Council previously had a policy of limiting taxi licence numbers. An unmet demand survey had been carried out in 2004 which recommended an increase in the issue of one licence which brought the total number of taxis in Salford to 79. If the council wished to retain this limit, an additional unmet demand survey would have been required in 2007 costing the council additional resources. It was recognised that a complete review of taxi and private hire licensing functions was required.

The decision to delimit was based on a number of factors:

- (i) The 2003 Office of Fair Trading (OFT) market study into the ‘The Regulation of Licensed Taxi and Private Hire Services in the UK’ and the Department for Transport Taxi and Private Hire Best Practice Guidance’ which called for the removal of quantity restrictions;
- (ii) The National Consumer

Council campaign which also called for the removal of quantity restrictions;

- (iii) Representations from certain members of the taxi and private hire trades that the wheelchair users were unable to hire taxis at certain times of the day or in certain areas of the City;
- (iv) Feedback following consultation with the public, business community, wheelchair users, elected members and the taxi trade as to taxi availability.

Following adoption of the policy to delimit taxi numbers an interim injunction was served on the Council, on behalf of two taxi proprietors who operated a total of 18 vehicles preventing implementation of the policy, pending a judicial review.

The case was heard in the High Court where the judge ruled that none of the grounds put forward by the claimants were properly arguable for the purpose of judicial review and the council was awarded its costs in full.

## Enforcement – What your council should be doing

When council officers undertake enforcement activities it is considered good practice to join up these operations with the police as taxi licensing officers do not have powers to stop and search vehicles. It may be advisable for council taxi licensing officers to meet with their local police force and explain their role and develop good relationships.

It is also seen as good practice to carry out joint enforcement operations with the VOSA which license vehicles over 8 passenger seats (such as stretched limousines). By joining up

operations with the local council, unlicensed limousines which can be dangerous for the public, can be stopped and taken off the roads.

Other service areas within councils assist taxi and PHV licensing officers implement and enforce legislation affecting taxis and PHVs. For example trading standards officers checking taxi meters and environmental health officers issuing fixed penalty notices to drivers illegally smoking in their vehicles.



## Blaenau Gwent – Joint operations

Blaenau Gwent Council’s licensing team coordinated roadside checks on taxis and PHVs to make sure Blaenau Gwent pupils travelled to school safely.

On the morning of the school run the council’s licensing team, officers from the Council’s school transport division and technical experts from VOSA checked 16 buses and eight taxis.

The school run checks were followed up with detailed safety inspections that resulted in one notice and a number of warnings:

- one deferred prohibition notice was issued for a defect. The company was told to carry out the repairs within a time period

- four drivers were given advice regarding minor defects
- six warnings were given for not wearing seatbelts
- four enquiries were made by Blaenau Gwent Council’s education division about school contracts operating logistics.

Chair of Blaenau Gwent Council’s Licensing Committee, Councillor Jim Watkins said:

“We are committed to maintaining and improving the standards of the home to school transport service provided by independent operators and those contracted to us. Our regular check ups are important. We have to thank our partners in Gwent police and VOSA, and the operators as well, for their cooperation.”

### Did you know?

Taxis and PHVs are commonly used by younger people and by those on lower incomes who do not have access to a household car.

## Luton – smoke free

Following the introduction of the Health Act 2006 smoking was banned in all public places and had implications on taxi and PHV drivers and their customers.

Luton Borough Council recognised that licensed drivers did not understand the implications and how this would affect them. The licensing service together with environmental health and trading standards services within the council set about devising an awareness scheme for licensed drivers.

A separate campaign was devised and leaflets were produced highlighting the issues relating to transporting members of the public which were sent to all drivers, vehicle owners and operators.

The Licensing Service also produced compliant signage for the licensed vehicles and officers undertook 845 inspections of vehicles where signage was issued during July 2007. Several specific advice sessions were advertised for a range of days and times to allow for the different

shifts where drivers could drop in and get advice and signage.

Over the next 12 months up until August 2008, vehicles were checked and if found to be non-compliant then signage was issued and drivers were given a warning about allowing smoking in a licensed vehicle.

From September 2008 any driver found to be smoking in a vehicle was then issued a Fixed Penalty Notice (FPN). 35 FPNs were issued to licensed drivers over a period of 12 months. As this was a significant number of all FPNs issued, the issue of the driver's health was raised and the Service decided to trial a smoking cessation scheme in collaboration with environmental health and the local NHS. Drivers found to be smoking were given the option of attending a smoking cessation session to help to support them giving up smoking or receive the normal FPN. This combined approach in Luton has seen a marked reduction in drivers found to be smoking in licensed vehicles.

## Taxi drivers overcharging

One problem that the City of Cardiff licensing service frequently encounters is taxi drivers overcharging. This is especially common during sports events held at the Millennium Stadium when the demand by visitors for public transport is exacerbated by the shortage of rank space in the City.

One method of tackling the problem has been by setting up multi agency test purchase operations. During an Italy v Wales rugby game licensing and police officers dressed in rugby shirts to blend in with other supporters. One of Cardiff's licensing officers who was Italian and suitably clad in an Italian rugby shirt was accompanied by a plain clothed policeman,

approached taxis and asked how much it would be to a set destination a £5 fare away.

If the driver said it would be "on the meter" the officers made their excuses and left. If the driver demanded a greater fare the hiring was accepted. At the destination the officer paid the fare and obtained a receipt and then acted surprised when licensing enforcement officers, who had been stationed there, approached the driver to take details and issued cautions for over charging and failing to use the meter. Two taxi drivers were reported during this operation and both appeared in Cardiff magistrates court where they entered guilty pleas and were fined £80 for failing to use the meter, £120 for over charging and £60 for costs.

### Did you know?

Women aged 16-20 make the greatest number of trip stages in taxis and PHVs.

## Stretched limousines

Many of these vehicles were built in America and do not comply with British requirements for a vehicle of this passenger capacity.

Limousines with up to eight passenger seats: these vehicles should be licensed by your council. To become 'road legal' vehicles must meet certain standards before they can be licensed. Vehicles that meet these standards and operate unlicensed pose a risk to public safety.

Limousines over eight passenger seats: VOSA license vehicles over eight passenger seats such as buses and HGVs, and as such any stretched limousine which has a seating capacity of over eight passenger seats cannot be licensed by councils as a PHV.

### Basingstoke – stretched limousine enforcement

In 2006 following concerns from the trade and parents, Basingstoke District Council developed a strategy to stop unlicensed stretched limousines plying their trade. Unlicensed vehicles are often in a dangerous state of disrepair and extremely unsafe for the public to travel in, and drivers which are not checked may have had a prior serious criminal record.

Enforcement activity was targeted by writing to all

secondary schools within the borough to ask where and when their summer balls were to be held. They provided the schools with an advisory letter, which gave advice to parents about ensuring that the limousines they booked were properly licensed and what evidence to look for.

Basingstoke carried out over 16 joint enforcement operations at the summer balls over the next three years with local traffic police and VOSA checking over 100 vehicles and drivers.

The checks were carried out to ensure the safety of the pupils, and Basingstoke arranged private hire companies to be on standby if necessary and take any affected pupils home as a priority.

The majority of limousines checked were unlicensed by local councils or VOSA, and some drivers had serious criminal records, no DVLA licence and no insurance.

Where there had been serious issues such as unlicensed vehicles or drivers arrested the parents who booked the vehicles were advised in case they wished to claim back costs from the company and so they could avoid using them again in the future.





## Supporting the trade

Council taxi and PHV licensing services have the responsibility to provide a fair and reasonable licensing service to the taxi and PHV trade. Many councils hold regular trade meetings to understand and respond to the concerns of drivers and operators and discuss changes to policy. Various initiatives such as taxi

marshal schemes and promoting CCTV in vehicles helps ensure drivers are protected from violent passengers. Driver training can also help educate drivers on how to reduce the risk of attacks and improve to professionalism of the trade as a whole.

### Watford – taxi marshals

Since 2005, taxi drivers servicing the late night economy in Watford, Hertfordshire have benefited from a taxi marshal scheme.

On three nights of the week – and other identified occasions – two taxi marshals work on the Rickmansworth Road rank, getting passengers in an orderly queue. Passengers who are excessively drunk, are eating or smoking, appear to be violent, don't know their destination or don't have enough money for

their fare are refused carriage.

A third marshal at a remote feeder rank is radioed when more taxis are needed at the main rank.

The scheme is not cheap, and taxi drivers have been reluctant to contribute. Over the years, funding has principally come from licensed premises who make annual contributions, and grants from Hertfordshire County Council – who also fund taxi marshals in five other towns in the county. Money has also been obtained from

Watford Borough Council, the Safer Watford Partnership, and from the Home Office's now-defunct Tackling Violent Crime programme.

An independent study by The Centre for Public Innovation in April 2008 found that: "Stakeholders agreed that the taxi marshal schemes were having a positive impact on both anti-social behaviour and certain crimes – although they were unable to quantify the extent of the impact. They also noted that the taxi marshal schemes played an important role in influencing perceptions of the night-time economies,

sending out a clear message that councils were listening and responding to residents concerns about the effects of the night-time economies."

Watford's Licensing Manager Jeffrey Leib says: "The scheme is generally welcome by many participants in our night-time economy. We are currently looking at enhancing drivers' safety even further by experimenting with marshals using CCTV and recording passengers' details before they get into a cab, to reduce the risk of attacks on drivers whilst en route."

### Did you know?

There are a wide variety of vehicles that can be licensed by councils as PHVs – saloon cars, tuk tuks, and even novelty fire engines and ambulances.

## Telford and Wrekin – council provided driver training

Some local licensing authorities provide their own in-house council training for taxi and PHV drivers to ensure drivers are fully aware of what is expected of them within the district.

Telford and Wrekin Council have developed a one hour training package which includes a number of subjects aimed to increase drivers' knowledge of the role and improve their level of service.

A presentation is given which explains which acts are unlawful such as PHV drivers loitering in places of public resorts without prior booking, drivers charging

excessive fares, and drivers smoking in their vehicles.

The training includes useful tips on how to best assist disabled people including the conveying of wheelchairs and having awareness of the different types of disability. There is also a section on drivers looking after themselves such as being aware of attacks and considering their overall health and fitness.

At the end of the training session the drivers are required to pass a multiple choice test paper which contains 25 questions based on the driver training package and 52 question based on street knowledge.



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# Gambling Act 2005

Councillors' Handbook (England and Wales)



Social impact  
counselling  
partnership working  
gaming machines  
preventing addiction  
betting shops  
races  
courses  
amusement arcade  
casinos  
gambling  
lotteries  
protecting children

# Foreword

**Gambling is an increasingly acceptable leisure activity in modern Britain and a wide range of gambling premises are a common sight on most high streets, seafronts and other entertainment destinations.**

Since 2007 councils in England and Wales (as well as in Scotland) have taken on new statutory duties as licensing authorities under the Gambling Act 2005.

Councillors play a pivotal role in ensuring the effective implementation of the Gambling Act at a local level, whether as members of the licensing authority, or more generally in their roles as ward councillors within local communities.

This informative handbook includes practical case studies demonstrating how councils are using the legislation to support safer, healthier communities in which people and businesses thrive. We hope you find it useful.

**Cllr Paul Bettison,**  
*Chairman, LACORS*

**On behalf of the Gambling Commission I would like to welcome the publication of this useful handbook for councillors on gambling regulation.**

The Gambling Act 2005 has brought with it a new framework that encompasses active co-regulation between the Commission and local council licensing authorities.

Between us we have already made strides into an effective system of co-regulation, and we look forward to continuing to build relationships with officials and councillors to ensure that we can, between us, keep gambling fair and safe for all.

**Brian Pomeroy,**  
Chair, Gambling Commission

**Gambling businesses have a role in many communities across the UK - including seaside arcades, bingo clubs or bookmakers, where many try their luck on major sporting events like the Grand National. These businesses are a source of local entertainment and provide employment and economic activity which help support other local businesses.**

No one wants to have establishments that put vulnerable adults and children at risk or are a source of crime and disorder. That is why, when reforming outdated gambling legislation, the Government created a regulatory system with local councils at its heart.

Councillors have a key role in ensuring that local councils are fully utilising their powers to ensure that local gambling businesses remain a positive part of the community. I therefore welcome this guide which will help councillors across the country build on good practice and, in partnership with the Gambling Commission, ensure that the gambling businesses in their area are well run and responsible.

**Gerry Sutcliffe MP,**  
*Minister for Sport, DCMS*

# Checklist for councillors in England and Wales

**This list is intended to help you gauge your council's effectiveness when dealing with Gambling Act issues. The answers should help you to develop an informed view on the extent to which your council, as a licensing authority, delivers positive outcomes for people and places.**

## Local Knowledge

- Does your council have comprehensive and current knowledge about the profile of licensable premises and gambling activities within its area?

## A strategic approach

- Is the importance of the licensing authority accurately reflected in your council's corporate plan objectives, and community plan?

## Partnership working

- Does your licensing authority work collaboratively in partnership with the rest of the council and externally with others including the Gambling Commission, HM Revenue and Customs, the police as well as health care providers, charities, gambling operators, residents and community groups?

## Promotional work

- What is your council doing to promote and raise awareness of issues relating to gambling in all of the communities it serves?

## Regional working

- Does your council work with neighbouring councils to share good practice and provide a consistent approach? Does your council make active use of the services and resources LACORS provides to disseminate information and best practice on Gambling Act issues? Have you signed up for our LACORS Update for Councillors?

## Resources

- Do current resource levels enable officers to deliver an effective service? Are gambling activities a distinct area in your council's budget setting and reviewing processes?

## Reviewing and scrutinising

- How are the outcomes of gambling regulatory activity reported to you and your colleagues? How is financial and budget information relating to Gambling Act issues reported to you and your colleagues? Is the extent and quality of this financial information sufficient for you to make informed judgements about the resourcing and performance of the service?
- Do you have sufficient information and understanding to challenge or defend your council's gambling regulatory activity within the context of an overview and scrutiny committee?

# Introduction

**The Gambling Act 2005 is the result of a major reform of gambling law, replacing three previous Acts relating to gambling. It makes local councils responsible for licensing gambling premises as well as issuing gaming and machine permits and regulating certain lotteries.**

## The Gambling Act 2005

Three objectives underpin the Act:-

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

Much debate and media attention surrounding the legislation focused upon the provisions for casinos, but in fact most gambling activities in the UK take place in non-casino premises, such as;

- betting shops;
- bingo halls;
- adult gaming centres;
- family entertainment centres;
- race-courses;
- other sporting venues;
- alcohol-licensed premises;
- clubs.

National regulation of gambling is the responsibility of the Gambling Commission, which issues operating licences to operators and

those working in the gambling industry, and takes enforcement action on a national and regional scale.

The role of a local council is to regulate gambling at a local level in its capacity as a licensing authority, considering applications for premises licences and permits, and ensuring compliance with existing premises licences.

## Responsible Authorities

Responsible authorities play a vital role in the regulation of gambling, as they are able to make representations when premises licence applications are made, raising concerns and proposing solutions to any problems they anticipate would arise if licences were granted.

Responsible authorities also have the right to call for a review of a premises licence if it appears that any of the licensing objectives are undermined.

The Gambling Act sets out a list of responsible authorities. These are the same bodies listed as responsible authorities under the Licensing Act 2003, except that Health and Safety departments are not included under the Gambling Act. Customs and Excise and the Gambling Commission are included, however. Council departments listed as “responsible authorities” under the Gambling Act include Planning, Trading Standards and Environmental Health.

It is important to note that the **licensing authority itself** is listed as a responsible authority, which gives it the power to comment on applications and call for reviews of licences. This gives licensing authorities increased ability to intervene in the event of the licensing objectives being undermined.



## Interested parties

Interested parties are those who live or have business interests sufficiently close to the premises to be likely to be affected by the authorised activities. These individuals and organisations from the local community are able to make representations regarding applications for gambling premises licences and to call for reviews of licences.

## Key differences: Licensing Act 2003 and Gambling Act 2005

Although there are many similarities between the two Acts, there are several key differences:-

- Under the Gambling Act, the licensing authority is also a responsible authority. At the time of writing, this is not the case under the Licensing Act.
- Under the Gambling Act, the licensing authority can review more than one premises licence at a time, as it can review “a class of premises” in its area.
- The licensing objectives under the Gambling Act do not include public safety or the prevention of public nuisance.
- “Interested parties” are defined differently under the Gambling Act and the Licensing Act. Under the Gambling Act an interested party does not have to live or work in the “vicinity” of the premises; a broader criteria is applied, i.e. living sufficiently close to the premises to be affected by authorised activities, or having business interests that might be affected by them.
- Health and Safety departments are not responsible authorities under the Gambling Act.
- Premises licences under the Gambling Act can be revoked for the non-payment of licence fees; under the Licensing Act at the

time of writing premises licences are not affected by non-payment of licence fees.

- Under the Gambling Act, licensing authorities have some discretion to set premises licence fees; under the Licensing Act councils have no control over premises licence fees.
- The courts and central government recognise licensing authorities’ ability to designate “cumulative impact areas” under the Licensing Act. This is not the case under the Gambling Act at the time of writing.



### Gambling in the UK: Did you know?

In 2007, the most popular gambling activities in Britain were the National Lottery Draw (57% had participated in the past year), scratch cards (20%), betting on horse races (17%) and playing slot machines (14%).\*

Only a small proportion of people took part in the new forms of gambling available in Great Britain: for example 6% of people used the internet to gamble (3% did online gaming like playing poker or casino games and 4% placed bets with a bookmaker).\*

\* Source: Gambling Commission: Industry Statistics 2008/09



# Types of gambling premises

## Betting Shops

These premises are a common sight on most high streets. There are five main chains of betting shops, responsible for over 80 percent of betting shops. The remaining 20 percent are operated by smaller chains and independent operators. Betting takes place on horse-racing, as well as many other sports and events.

## Bingo halls

There are currently over 600 bingo premises in the UK. This type of premises is also a common sight in town centres, with the biggest two brands, Gala and Mecca, operating around 40 percent of bingo premises between them, and independent operators and smaller chains responsible for the remainder.

## Adult Gaming Centres

Commonly known as arcades, these now operate in town centres as well as in seaside locations. They offer gambling via machines, some of which are relatively high stake and prize categories. See pages 8 - 10 for more details about gaming machines.

## Family Entertainment Centres

These premises are most common in seafront locations but also operate in town centres and locations such as motorway service centres and amusement parks. They offer low stake and prize machine gaming.

## Casinos

The Gambling Act introduced three new types of casino: small, large and regional, and an Independent Casino Advisory Panel was appointed to shortlist locations for these new casinos. In 2008 the Government decided it would not go ahead with the regional casino but announced the locations for the eight large and eight small casinos:

**Large Casino:** Great Yarmouth, Kingston upon-Hull, Leeds, Middlesbrough, Milton Keynes, Newham, Solihull and Southampton.

**Small Casino:** Bath & North East Somerset, Wigtown licensing area in Dumfries & Galloway, East Lindsey, Luton, Scarborough, Swansea, Torbay and Wolverhampton.



These licensing authorities are preparing for the casino competitions that will determine which operator will be successfully awarded the casino licence.

### Racecourses and Tracks

Britain has 60 active racecourses, and licensing authorities are responsible for issuing premises licences to enable betting to take place at racecourses and tracks.

A track premises licence permits the provision of betting facilities but does not permit other forms of gambling activity such as bingo or casino games, for example.

Betting takes place on tracks in various forms, including:

- Betting rings
- Betting counters or kiosks
- Mobile betting
- Bet receipt terminals
- Pool betting (“totaliser” betting).



### Gambling industry: Did you know?

The UK gambling industry had an annual turnover of £84 billion in 2006-2007\*.

\* Source: Gambling Commission: Industry Statistics 2008/09



### Tracks: Did you know?

The definition of a “track” is so broad that it can include other sporting venues such as rugby grounds, football stadia, and any area used for a sporting event.



# Gaming machines

**Gaming machines are permitted in all gambling premises, and range from low stake and prize “penny falls” and “crane grab” machines commonly found at seaside amusement arcades, to high stake and prize machines only permitted in casinos.**

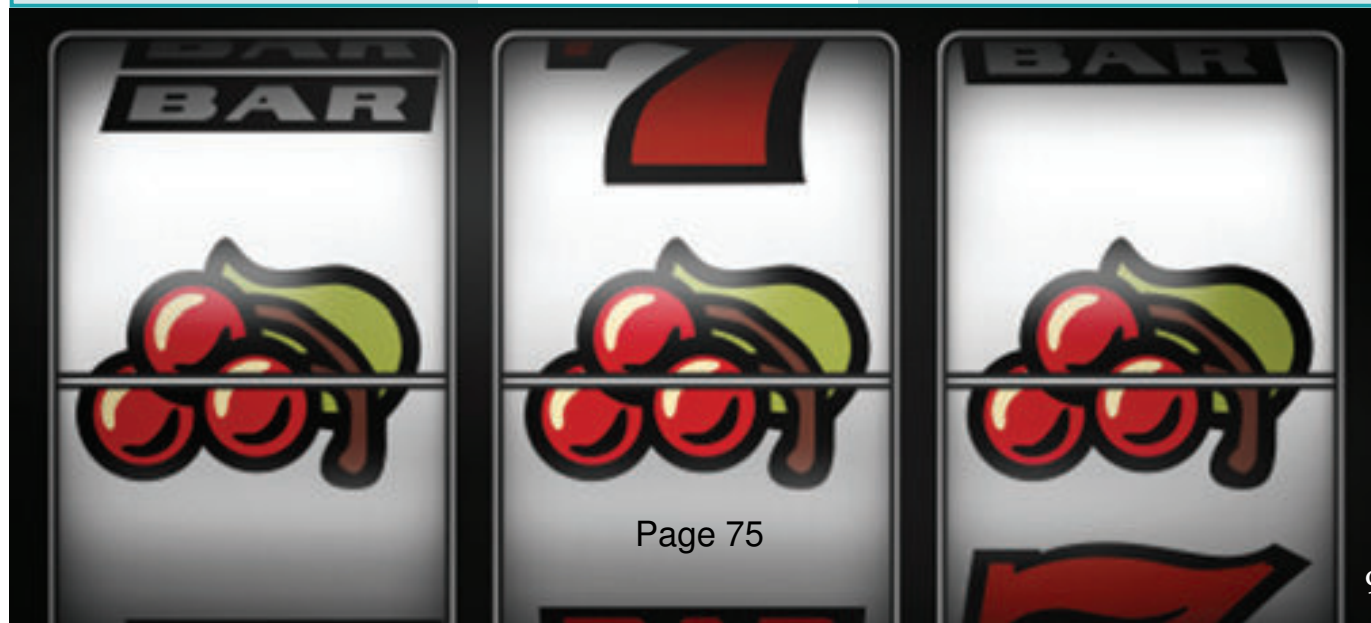
Gaming machines are divided into categories, depending on the maximum stake and prize available. The number of machines permitted in any gambling premises depends on the type of gambling activity the premises is licensed to provide.



Machine category	Stake	Prize
<b>B1</b>	£2	£4,000
<b>B2</b>	£100 (in multiples of £10)	£500
<b>B3</b>	£1	£500
<b>B3A</b>	£1	£500
<b>B4</b>	£1	£250
<b>C</b>	£1	£70
<b>D non-money prize (other than crane grab machine)</b>	30p	£8
<b>D non-money prize (crane grab machine)</b>	£1	£50
<b>D money prize</b>	10p	£5
<b>D combined money and non-money prize (other than coin pusher or penny falls machines)</b>	10p	£8 (of which no more than £5 may be a money prize)
<b>D combined money and non-money prize (coin pusher or penny falls machine)</b>	10p	£15 (of which no more than £8 may be a money prize)

The following table sets out the numbers of machines permitted on each type of gambling premises:

Premises type	Machine Type	Maximum no. permitted
<b>Casino</b>	B1, B2, B3,B4 C D	Large Casino: up to 150 machines from categories B1 to D Small Casino: up to 80 machines from categories B1 to D
<b>Betting Shop</b>	B2, B3, B3A, B4 C D	Maximum of 4 machines from categories B2 to D
<b>Adult Gaming Centre</b>	B3, B3A, B4 C D	Maximum of 4 B3/ B4 machines Unlimited Unlimited
<b>Bingo</b>	B3, B4 C D	Maximum of 8 B3/B4 machines Unlimited Unlimited
<b>Clubs and miners welfare institutes</b>	B3A, B4 C D	Maximum of 3 machines from categories B3A ,B4, C and D
<b>Family Entertainment Centre</b>	C D	Unlimited Unlimited
<b>Unlicensed Family Entertainment Centres</b>	D	As specified on each individual permit from licensing authority
<b>Alcohol licensed premises</b>	C D	As specified on each individual permit from licensing authority
<b>Alcohol licensed premises (automatic entitlement)</b>	C D	Up to 2 machines from categories C or D



### Other machines: "Skills with Prizes"

Machines known as skills with prizes machines, which can often resemble gaming machines, are found in both licensed and unlicensed premises. If they are genuine games of skill, rather than chance, they will not fall within the definition of gambling and are not subject to regulation under the Gambling Act 2005.

Where it is not clear whether a machine is a gaming machine or a skill machine, the Gambling Commission can offer technical advice to licensing authority officers.

### Other forms of gambling

Certain types of lotteries are regulated by licensing authorities, along with activities such as equal chance gaming (including certain card games and draws) as well as low stakes and prizes bingo and other games. Permits and exemptions allow this sort of gambling to take place, and further information is available via [www.lacors.gov.uk](http://www.lacors.gov.uk)

Clubs of various types are also permitted to provide certain types of gambling, and club gaming permits are issued by the licensing authority authorising these activities.

i

### Gaming: Did you know?

Poker is defined as a game of chance, and not skill.

Other games of chance include cribbage and dominoes.



# The Gambling Commission

**The Commission was set up under the Gambling Act 2005 to regulate commercial gambling in Great Britain. It is an independent non-departmental public body sponsored by the Department for Culture, Media and Sport (DCMS), who retain policy control.**

It has over 200 employees, mostly based in Birmingham. This includes around 50 compliance and enforcement managers working across Great Britain. The Gambling Commission is funded by fees, paid by the operators that it licenses.



Whilst licensing authorities are responsible for premises licences, the Gambling Commission is responsible for operating licences and personal licences. The Commission is also under a duty to provide “Guidance to Licensing Authorities”. Licensing authorities must have regard to this guidance when exercising their functions, including when deciding premises licence applications.

The Commission is also defined as a ‘responsible authority’ and will receive notifications of premises licence applications made, revoked etc. The Commission is able to make representations regarding the applications to the licensing authority and can also apply for the review of a premises licence at any time.

The Commission has a responsibility to monitor the social impact of gambling reform, and a key way in which this is achieved is via its gambling prevalence survey, as well as other forms of research into UK gambling trends.

## Integrity in betting

One aspect of gambling that receives much publicity is the potential for corruption. All operators are required by a condition of their operating licence to report suspicious betting activity to the Gambling Commission for investigation. Licensing authorities are not usually involved in this kind of enforcement action.

Seventy-one cases of suspicious betting activity were reported to the Gambling Commission between 1 September 2007 and 30 September 2009. Of these, 46 were reported by betting operators, with 25 coming from other sources, for example sports governing bodies, the media or the public.

# Regulating premises: operating and premises licence conditions

**Although licensing authorities issue premises licences for gambling operators, many of the rules regulating the way such premises are operated are set by the Gambling Commission as part of the operating licence issued to gambling businesses.**

The Gambling Commission is able to attach, amend or revoke conditions for all operating licences, or, for a particular class of operating licences. The Commission has published a document entitled “Licence Conditions and Codes of Practice” which sets out which conditions will apply to each type of operating licence.

These conditions cover matters such as protection of customer funds, cash handling, provision of credit, tipping of staff, and requirements for Personal Management Licences, as well as specific provisions relating to social responsibility.

Examples of the matters covered in the codes are age checking procedures, provision of information regarding help available for problem gamblers, and the availability of self-exclusion.

A recent addition to the Licence Conditions and Codes of Practice is a specific condition regarding “primary activity”. The intention of this change is to ensure that the gambling activity offered by a premises is clearly identifiable. For example, betting premises must provide betting facilities via a betting counter as well as any machines they are entitled to have at the premises.

## Sub-division of gambling premises

Some operators have attempted to increase the number of gambling machines in premises by splitting a premises, thereby creating two (or more) premises where previously only one premises existed, and doubling (or trebling) the number of gambling machines on offer. This leads to a situation where it is unclear what the primary gambling activity on offer is.

The Gambling Commission views this as an attempt to circumvent the limits placed on the number of high stake, high prize machines per premises and has amended its Guidance to Licensing Authorities in order to make it more difficult for operators to split premises in this way.

### Islington Licensing Authority

The London Borough of Islington received an application by an adult gaming centre to grant a new premises licence on the basis that an existing licensed premises would be sub-divided, and three licensed premises would operate where previously there had been one licensed premises.



The licensing authority refused the application and the operator appealed to the magistrates' court. The court upheld the licensing authority's decision and found that the proposed division of the premises into three was for the sole purpose of getting around the limitation on high stake, high prize machines.



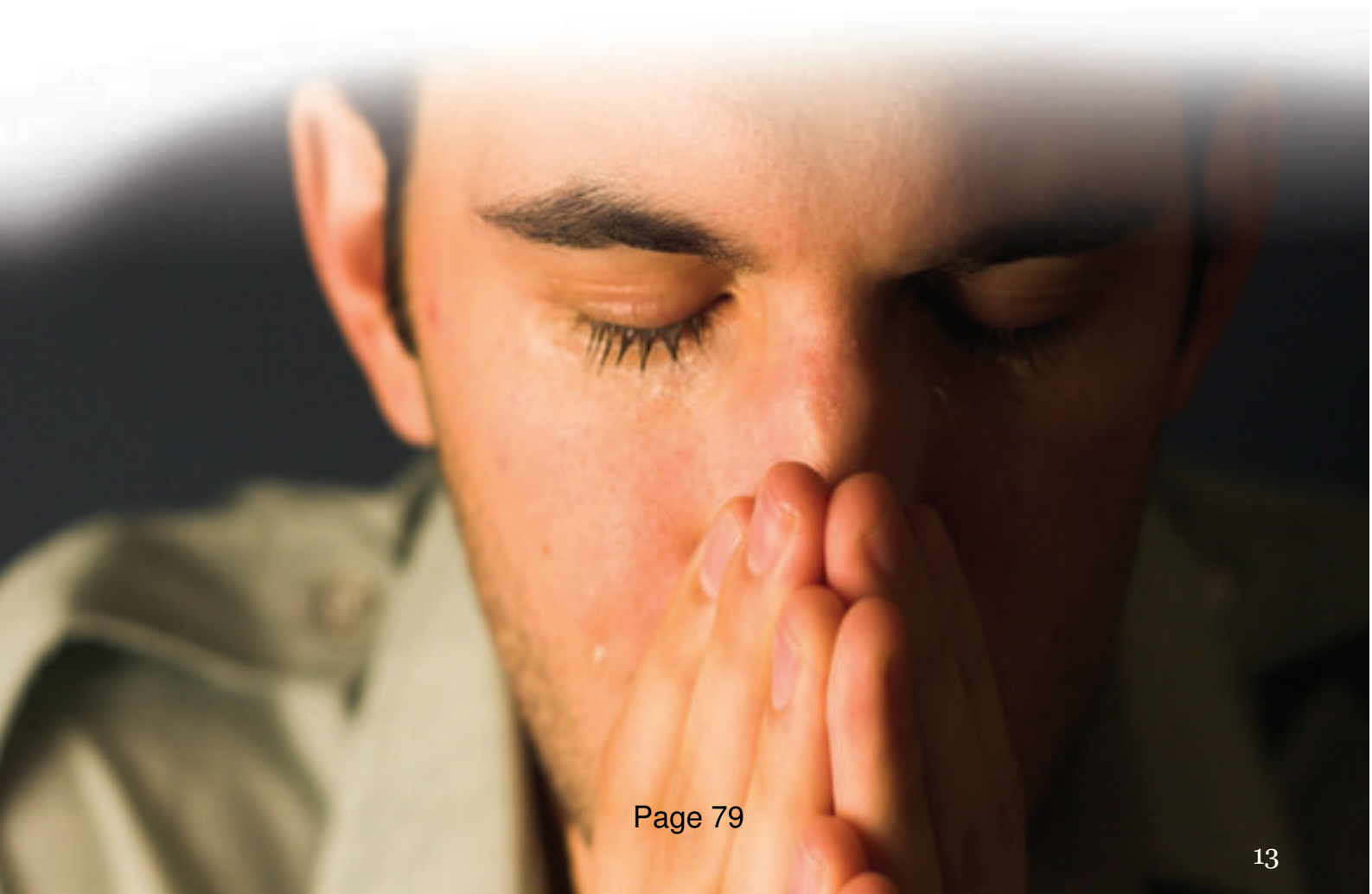


# Social responsibility

**Despite becoming increasingly socially acceptable in recent years, gambling can still be a contentious activity. Gambling can cause major problems capable of blighting lives, causing harm and damaging society.**

Children and vulnerable members of society require increased protection, and this is a principle that informs all gambling regulation, via the Gambling Act's third licensing objective, "protecting children and other vulnerable persons from being harmed or exploited by gambling."

"Vulnerable" is not defined in the Act, but the Gambling Commission assumes that "... *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 mental health needs, learning disability or substance misuse relating to alcohol or drugs*" are all examples of "vulnerable persons".



At a national level, the Gambling Act 2005 contains a provision which allows the Secretary of State to impose a levy on the gambling industry to fund research, education and treatment for problem gambling. This has not been necessary to date, as the industry has made voluntary arrangements to fund three bodies:

- The **Responsible Gambling Strategy Board** (RGSB), whose role is to decide objectively on the provision of research, education and treatment;
- The **GREaT Foundation**, which provides sufficient funds to pay for the provision of research, education and treatment against the overall strategy; and
- The **Responsible Gambling Fund** (RGF), the commissioning body whose role is to contract and monitor suitable providers of research, education and treatment.

## GamCare

GamCare is a registered charity, which receives funding raised from the gambling industry.

It provides counselling at two premises in London and in Manchester, and works with a number of existing addictions counselling services, developing strategic partnerships with them and training and funding them to deliver services locally.

It also provides online counselling and a national telephone helpline with an online equivalent, the NetLine, along with online Forum and Chat Rooms for additional support for problem gamblers.

An example of a local council and Gamcare working in partnership is on page 16.



# Initiatives and case studies

**The initiatives and case studies on the following pages provide practical examples of how the Gambling Act regime, created and framed by central government and delivered locally, can make a positive difference to people and places. The case studies illustrate not only how licensing authorities are working to deliver the three licensing objectives but also the broader themes of the legislation such as entertainment and regeneration.**

## Partnership working

Effective partnership working between licensing authorities and other council services as well as the police, fire and healthcare services together with the licensed trade and local residents is vital to the delivery of positive outcomes for people and places. It is also very much at the heart of the government's approach to tackling crime and disorder, reducing gambling-related harm and improving health and wellbeing.

As a councillor, you are well placed to shape and influence how this crucial relationship between your council and other bodies works and develops. There are many areas across the country where these partnerships are working well.

Many are formalised as Crime and Disorder Reduction Partnerships (CDRPs), which also include businesses and gambling operator members.

A crucial partnership for licensing authorities is with the Gambling Commission, via its regional compliance managers. Compliance managers work with licensing authorities to ensure that premises are compliant with the requirements of the Gambling Act, and to give advice and support to licensing authorities when dealing with enforcement issues. The relationship between licensing authorities and the Gambling Commission is described in more detail in the concordat between local councils and the Gambling Commission, which at the time of writing is being updated, and will be made available via the LACORS website.

All the initiatives set out in the following pages demonstrate how each of the three Gambling Act objectives are being promoted in practice, and also how licensing officers and Gambling Commission compliance managers work together as co-regulators, often with the involvement of other agencies.

# Vulnerable people



## Counselling services for problem gamblers

Local councils, including East Lindsey District Council, have joined with GamCare to provide telephone and face-to-face counselling services for problem gamblers:-

"GamCare is delighted to be involved with East Lindsey District Council in an initiative to set up our specialist face to face counselling service in Skegness. Known as Breakeven Lincolnshire, the partnership helps meet the needs of anyone in the local area who is affected by problem gambling. We would welcome the involvement of other local councils in establishing or supporting similar regional partnerships of direct benefit to their communities." Gamcare Partners Manager, Kim Hartman.

Nigel Howells, Chief Executive, East Lindsey District Council, said: "We are delighted to be able assist with the development of Gamcare counselling services in East Lindsey. One of our key corporate ambitions is to improve the quality of life for all of our residents and the delivery of these services will help us to achieve our ambitions for the District.

As one of the sixteen councils chosen to licence a casino under the 2005 Gambling Act, we take responsible gambling seriously and welcome the opportunity to work in partnership with GamCare and Breakeven in meeting the needs of problem gamblers."

## 'Count Me Out' : Great Yarmouth

The Count Me Out system is a fully managed and administered gambling self exclusion scheme in the Great Yarmouth area that allows information to be shared lawfully. It is administered by the not for profit social enterprise Empowering-Communities.org. It

enables all parties concerned to monitor, support and engage with vulnerable persons.

The Count Me Out system allows vulnerable persons to self-exclude from a variety of premises via one form. This simplifies the self-exclusion process, making it more

effective and easier to monitor and evaluate. It also provides for the provision of help and support from gaming operators, statutory agencies, support groups, and the local community.

In October 2009 the scheme was expanded to allow under 18 year olds to self-exclude from gambling premises, with the assistance of parents and guardians. The scheme has secured participation by local gaming operators who wish to demonstrate that they are going far beyond the requirements of the Gambling Act and taking a lead in relation to social responsibility by demonstrating a commitment to helping young people within their community who may have gambling addictions.



**Underage sales: the protection of children and vulnerable people from harm or exploitation from gambling is one of the three objectives which underpin the Gambling Act 2005.**

It is very important that children do not enter gambling premises, closely observe gambling or participate in gambling (with the exception of certain low stake machines in specific types of premises).

Both the Gambling Commission and licensing authorities conduct 'test purchasing' operations, sending under 18 year-olds into premises in order to test operators' compliance with their obligations to refuse to admit young people and children to the premises and to prevent them from gambling. The Gambling Commission and licensing authorities often undertake this work jointly, and their relationship as co-regulators is developing both locally and nationally.

**"Test purchasing" operations: under 18s in adult gaming centres**

**Blackpool Borough Council**

In Spring 2009, Blackpool Borough Council conducted test purchasing operations at adult gaming centres (AGC) in conjunction with their Gambling Commission compliance manager.

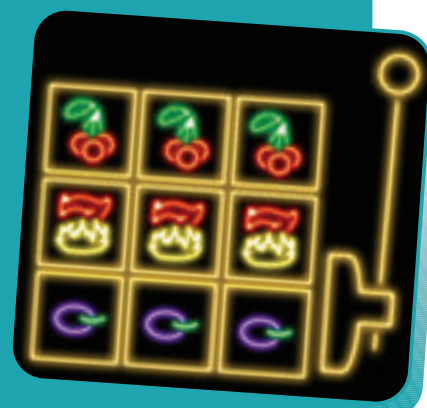
Unfortunately a very high number of premises permitted under 18 year-olds to gamble and the licensing authority has required AGC operators to dramatically improve their performance.

15 year-old test purchasers were sent into 31 arcades, and 29 of the 31 premises tested failed the test by allowing the young volunteers to play the machines, which could pay out a jackpot of up to £500.

The volunteers were sent in to obtain change from the kiosk in order to give arcade staff a chance to identify and challenge them.

Councillor Peter Callow, leader of Blackpool Council, said he was concerned children could be left penniless and vulnerable by such behaviour. He said children, truants, runaways and other vulnerable youngsters are attracted to the city and the council's first responsibility was to protect them from harm.

Under the Gambling Act, the licensing authority can review the licence of an amusement arcade or a group of arcades if it appears that the child protection objective is being undermined.



## Review of a gambling premises: protecting children

### London Borough of Sutton

Two Sutton gambling arcades narrowly escaped losing their licences after twice allowing underage people to use the gaming machines.

An arcade on Sutton High Street failed two underage test operations run by Sutton Council and supported by the police and trading standards, the council's Licensing Sub Committee heard during a review hearing in November 2009. The premises also failed to meet a number of other conditions of their licences including separating the two premises with a full height wall.

Despite warnings from the council, the venues twice allowed a 16-year-old volunteer police cadet to gamble on its fruit machines. Plain clothed licensing officers and police officers were in the premises to witness all four offences.

The premises have only been able to continue trading after swift and effective action to prevent further licence breaches, including dismissing the staff member responsible for allowing the underage gambling. During the review, committee members imposed new conditions on the shop, including staff training sessions every two months and improved CCTV.

Cllr Sue Stears, Chair of the Licensing Sub Committee, said: "We will simply not tolerate underage gambling in Sutton and work closely with the Gambling Commission and the police to protect young people.

"This premises came very close to losing its licence and I hope this is a warning to other businesses about just how seriously we take the issues of underage gambling, or indeed the sale of alcohol or cigarettes to under 18s."



### **Crime prevention objective: preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.**

The aim of this objective is to prevent gambling being a source of crime and disorder, and encompasses a relatively wide range of activities, from preventing robberies carried out at premises, (where operators are victims of crime and disorder) to criminal activity

associated with the premises itself, e.g. the provision of illegal gambling machines at premises by operators, and illegal gambling activities taking place on premises.

Although the Gambling Commission generally takes the lead regarding this objective, licensing authorities have a key role to play in ensuring that gambling is not a source of crime in local communities. Examples of how local councils are achieving this are set out below.

### **Safebet Alliance: Betting shop operators, police, trade unions and local councils**

The Safebet Alliance is a voluntary code of robbery security standards for London Bookmakers. The code has been developed jointly by the industry and the Metropolitan Police with input from other stakeholders including local councils and trade unions.

Currently around 50 percent of the national betting shop robberies occur within the Metropolitan Police area and the police are becoming increasingly more successful in detecting and prosecuting betting shop offences.

The document is a precursor to the development of a national standards document with industry, police and local councils involved in producing the document by March 2010.

"The Voluntary Code of Robbery Security Standards for London Bookmakers is a positive step towards reducing the incidence of betting shop robbery and thereby protecting the staff in those shops. Councils are pleased to be involved in the development of the wider standards document for betting shops across the country that will address ways of minimising other types of workplace violence." Dave Tolley, Environmental Health Commercial Services Manager Tower Hamlets LBC

## Multi-agency investigations: Leeds City Council, Gambling Commission, fire service, UK Border Agency and police

Leeds City Council officers took part in a multi-agency venture of particular note, involving the UK Border Agency, police, fire service and the Gambling Commission.

The operation, led by the police, took place following a fire at the premises. Fire officers noted what appeared to be an illegal gambling den, and several foreign nationals present in a small area within the private living quarters.

The matter was raised at the monthly Leeds Licensing Enforcement Group meeting and it was agreed by partner agencies that a joint partner agency approach was necessary. Therefore, a separate meeting was chaired by the police and attended by a number of relevant agencies, namely, the UK Border Agency, Gambling Commission, West Yorkshire Fire & Rescue Service, and the Council's Licensing Section, at which an operational order was prepared.

The premises were subsequently visited in the early hours of the morning by the agencies, without warning to the premises proprietor. Several people were present on the premises. A number of persons were detained by the Immigration Service, a number of Licensing Act breaches were identified and progressed by the licensing authority, and the Gambling Commission gathered intelligence regarding unlawful gambling activities that appeared to be taking place at the premises.

Following the successful operation, a press statement was released by the police which sent out a clear message to the licensed trade reminding them of their responsibilities under the Gambling Act, as well as reassuring the public regarding positive and effective closer partnership working.

## Illegal machine seizures: Breckland Council

Seizing illegal gaming machines is another activity that local councils and the Gambling Commission undertake in partnership.

Owners of businesses involved in providing illegal machines can face up to 51 weeks in prison and/or a fine of up to £5,000.

Breckland Council, for example, has launched

investigations and successfully seized machines in partnership with the Gambling Commission compliance team, removing machines immediately from locations where permits were not in force, and investigating the supply chain of illegal machines. This work is increasingly important as the Gambling Act 2005 restricts the type of premises where gaming machines can be located.



## Joint investigations by Hastings licensing, police and Gambling Commission officers into private members clubs

Private members clubs often present a challenge for enforcement officers, who have limited rights of entry into such establishments.

Joint working with the police and the Gambling Commission enabled one council to investigate and take action against clubs that were operating beyond the limits set out in the Gambling Act.

Hastings Borough Council received an anonymous complaint about two private members clubs, who were alleged to be breaching the rules on poker events, including exceeding financial limits on stakes and prizes. Both advertised poker widely and one had a club gaming permit. Information was also received from the police that illegal drug use was taking place in at least one of the clubs.

The licensing authority, police and the Gambling Commission set up a combined group of officers in order to coordinate a simultaneous raid late at night at the premises on a set date.

As a result both private clubs were found to be operating outside the rules of their certificate and in one case running unlicensed activities and breaching all their own rules on membership and record keeping. The licensing authority withdrew both club premises certificates and the premises are now closed.

## Illegal poker: Vale of Glamorgan Council and the Gambling Commission

A poker league operator informed the licensing authority and the Gambling Commission that a local pub was holding illegal poker events on its premises, and were breaching the limits on stakes and prizes for poker in pubs.

Licensing authority officers met with the pub management, who denied that they were offering illegal forms of poker. The officers provided guidance documents and explained the stakes and prizes and consequences of breaching those limits.

The Gambling Commission then received information from one of the pub's poker players that the stakes and prizes were indeed higher than permitted under the Gambling Act 2005.

Officers from the licensing authority and the Gambling Commission visited the pub together and spoke with the management again, as well as the person responsible for providing the poker games in the pub. This was followed up by formal letters to the brewery (the premises licence holder for the pub), to the pub management and to the poker provider. The pub is now operating legally and is no longer a source of complaints.

# Making a difference for people and places - what you can do...

**As a local councillor, you can help to ensure that the licensing service is included as an integral part of your council's corporate plan and plays a full role in meeting objectives for sustainable communities through your area's local area agreement or local service agreement.**

By requesting regular updates, you can check that your council's licensing service is properly resourced and focused.

## Address community concerns

You also have an important role to play in linking your council's licensing service to the community you represent by:

- Helping your constituents understand how the service makes a difference to their lives; and
- Ensuring council officers are aware of different constituents, concerns and issues. As a representative of your community, you can inform the council's policy-making process based on residents concerns. If you are already a licensing committee councillor, you will be aware of the particular requirements of the Standards Board Model Code of Conduct 2007 in relation to licensing committee members and the extent to which they can speak at or otherwise represent their ward constituents at licensing hearings. Your monitoring officer as well as your legal and licensing officers will be able to advise you. Specific LACORS' guidance is also available on our website at [www.lacors.gov.uk](http://www.lacors.gov.uk)

## Sign up for our LACORS Update for Councillors

One of LACORS' key priorities is to raise the profile of council regulatory services such as licensing, private sector housing, health and safety and trading standards. These services are vital in protecting communities and supporting businesses, but tend to suffer from having a low political profile.

Through our regular Update for Councillors, we provide a range of relevant and timely information which aims to equip councillors with the tools needed to better promote and raise the profile of regulatory services generally. Please contact us to find out more: [info@lacors.gov.uk](mailto:info@lacors.gov.uk)

# Sharing the knowledge

**In this handbook, we have given some examples of what councils across the country are doing to use the opportunities the Gambling Act 2005 regime provides to improve outcomes for people and businesses in their areas.**

A major part of what we do at LACORS is to coordinate and share examples and best practice in handbooks such as this and on our website at [www.lacors.gov.uk](http://www.lacors.gov.uk)

This handbook is one of a series covering:

- **Licensing Act 2003 Councillors' Handbook**
- **Environmental Protection Handbook for English Councillors**
- **Environmental Protection Handbook for Welsh Councillors**
- **Trading Standards Service Councillors' Handbook**
- **Private Sector Housing Councillors' Handbook**
- **Food Matters Councillors' Handbook**
- **Health and Safety Councillors' Handbook**
- **Registration, Celebratory and Citizenship Services Councillors' Handbook**

If you would like more copies of this handbook or the others we have produced, please contact us.

Similarly if you have any information, knowledge or best practice to share about local Gambling Act regulation or other council regulatory services, we would be delighted to hear from you.

And finally, tell us what you think. We always aim to improve the information and services we provide. Did you find this handbook useful? Are there any other areas which, as a councillor, you would like to see covered?

Please contact us and let us know:  
[info@lacors.gov.uk](mailto:info@lacors.gov.uk)

**LACORS (Local Authorities Coordinators of Regulatory Services) has produced this handbook to support councillors. LACORS works with and on behalf of the UK local authority associations to represent, support and help improve council regulatory services (including trading standards, environmental health and licensing).**

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The Local Government Association is the national voice for more than 400 local authorities in England and Wales. The LGA group comprises the LGA and five partner organisations which work together to support, promote and improve local government.



The Government Standard



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