

# CHILTERN DISTRICT COUNCIL

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## Licensing & Regulation Committee

Thursday, 26th March, 2015 at 6.30 pm

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

### REVISED AGENDA

*(Item 7 added)*

- 1 Evacuation Procedures
- 2 Minutes *(Pages 3 - 6)*  
To sign the Minutes of the meeting held on 15 January 2015.
- 3 Apologies for Absence
- 4 Declarations of Interest
- 5 Gambling Act 2005 - Statement of Principles *(Pages 7 - 8)*  
*Appendix 1 (Pages 9 - 44)*
- 6 Hackney Carriage and Private Hire Licensing Fees Consultation  
Responses *(Pages 45 - 46)*  
*Appendix 1 (Pages 47 - 48)*  
*PRIVATE Appendix 2 (Pages 49 - 52)*
- 7 **Taxi & Private Hire Update**  
Following a request from a Committee Member, the Committee are asked to discuss the following article contained in the Local Government Association First magazine called Taxi and Private Hire: Putting Passengers First.

[http://www.local.gov.uk/web/guest/first-features/-/journal\\_content/56/10180/7094877/NEWS](http://www.local.gov.uk/web/guest/first-features/-/journal_content/56/10180/7094877/NEWS)

A brief report will be prepared and circulated at the meeting setting out what the Council is currently doing and any further actions to consider.

8 Exclusion of the Public (if required)

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.

**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)  
M Vivis (Vice-Chairman)  
N L Brown  
Mrs J A Burton  
M J Cunnane  
G K Harris  
P M Jones  
D J Lacey  
D G Meacock  
M Prince  
N M Rose  
J J Rush  
C H Spruytenburg  
J F Warder  
A P Williams

**Date of next meeting – Thursday, 2 July 2015**

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**CHILTERN DISTRICT COUNCIL**

**MINUTES of the Meeting of the  
LICENSING & REGULATION COMMITTEE  
held on 15 JANUARY 2015**

**PRESENT:** Councillor P N Shepherd - Chairman  
" M Vivis - Vice Chairman

Councillors: N L Brown  
G K Harris  
P M Jones  
D G Meacock  
M Prince  
J J Rush  
C H Spruytenburg  
J F Warder

**APOLOGIES FOR ABSENCE** were received from Councillors  
Mrs J A Burton, D J Lacey, N M Rose and A P Williams

**ALSO IN ATTENDANCE:** Councillors

**27 MINUTES**

The Minutes of the meeting held on 23 October 2014, copies of which had been previously circulated, were agreed by the Committee and signed by the Chairman as a correct record.

**28 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**29 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING FEES**

The Members of the Licensing and Regulation Committee received a report outlining the proposed changes to the fees and charges to Hackney Carriage and Private Hire Licensing for 2015/16. It was noted that this would be the first time fees were increased since 2007.

Councillors were advised that the new fees had been worked out in accordance with recent case law, which clarified that fees charged could only cover the cost of functions connected with the provision of a licence, and the Council would not be able to make a profit on fees charged. This meant that some of the proposed fees looked quite different from existing fees. The report outlined how the proposed fees were calculated; officers had looked at the time spent to carry out all elements for each individual function, and had followed the current guidance on fee setting by the LGA. The Council had considered the relevant matters that it was able to charge for and had not

included the full cost of factors such as policy setting, and member meetings etc. in to the estimate of costs.

One of the proposed changes was to operators' licences. The existing fee structure had one charge for an operator's licence, and it was proposed that a stepped fee be introduced in regards to the number of vehicles the licence was for. Different fees were proposed for a renewal of a licence in comparison to the issue of a new licence, as more work was required for a new licence than to renew a licence. There was also a reduced fee proposed if a driver opted to have a three year licence. A new fee of £47 was proposed for licences that were not granted or proceeded with, to cover the administration work that had been carried out.

Members questioned what could and could not be charged for, and were advised that administration costs, initial visits, liaison meetings with interested parties, local democracy costs, management costs, costs of running the team, development of policies and web material, the setting up and reviewing of fees, and the cost of running the licensing team could be charged for. Enforcement costs were costs that could not be covered by licence fees.

It was noted that the cost of running the service had been calculated by looking at the number of licences issued, the time it took to process the licences and the Licensing Service resource costs. It was noted that this had been challenging because of the short period of time the team had operated as a shared service with South Bucks District Council.

One Councillor suggested that the three year licence fee should be based on a "three for the price of two" formula. It was stated that there had to be consistency between the formulae for an annual and tri-annual licence. The cost of the three year licence would be 10% less than the cost of the initial grant and subsequent renewals. It was stated that some of the proposed fees would not cover the costs of the licence completely, because this would have led to significant increases from the existing fee. It was noted that there was less risk of challenge from not recovering the full costs rather than making surpluses. There would be more data to rely on in the future, as it will be possible to see the costs of administering the shared service. It is possible that the cost of issuing licences may decrease in the future as a result of this.

It was expected that a proportion of drivers would still continue having a one year licence. A three year licence was provided by the other authorities in Buckinghamshire, and had been requested by drivers. There were several reasons why drivers may want a one year licence instead of a three year licence. The costs of the three year licence would have to be paid in full to reduce the administration costs.

It was noted that it was not appropriate to compare the proposed fees to the fees levied by other councils in Buckinghamshire. This was because the fees were based on the systems and costs in place at Chiltern District Council. Other councils would also have different numbers of vehicles, so the cost of providing the service could be spread over a larger number of licences.

Members raised concerns that a fee system based on the time spent to process a licence could mean that the Council could be charging for inefficiencies. Councillors were advised that the team had achieved efficiencies by entering into a shared service and by increasing the use of electronic systems. The team would continue to look for efficiencies and would reflect these in the fees.

Councillors were advised that, as there was a different fee for new licences compared to renewals of existing licences, costs for existing drivers would not increase, and would decrease should the drivers opt for a three year licence. Members stated that they would welcome the option of a three year licence.

The proposed scheme of fees would be advertised in the local paper and there would be a 28 day consultation period. If this led to objections a further report would be presented to the next meeting of the Licensing and Regulation Committee. Members of the Committee were asked to consider delegating authority to the Head of Healthy Communities in consultation with the Chairman of Licensing and Regulation Committee to implement the proposed fees from the 1 April if there were no objections, and it was

**RESOLVED:**

**That authority be delegated to the Head of Healthy Communities to advertise the full set of fees,**

**That authority be delegated to the Head of Healthy Communities to implement new fees with effect from 1 April 2015 if there are no objections, and**

**That authority be delegated to the Head of Health Communities in consultation with the Chairman of the Licensing and Regulation Committee to make any necessary changes to the Hackney Carriage and Private Hire Policy.**

*Note: Councillor Jones left the meeting at 19.20*

**The meeting ended at 7.25 pm**



**CHILTERN DISTRICT COUNCIL  
LICENSING AND REGULATION COMMITTEE - 26 MARCH 2015**

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

**GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES**

*Contact Officer: Nathan March 01494 732249*

**RECOMMENDATIONS**

- **That Members consider the Statement of Principles and provide feedback on the Statement to the Licensing Manager.**
- **For the draft Statement of Principles to go out to consultation once any agreed changes are completed.**

**Report**

- 1 The Gambling Act 2005 requires that local authorities prepare and publish a Statement of Principles for determining applications and that such a policy is reviewed every three years. A review of the Statement of Principles has been undertaken in advance of the required renewal date of 1 January 2016 and appended as **Appendix 1**.
- 2 Once the draft has been agreed by Members, The guidance recommends a 12 week consultation period. Following this consultation the amended Statement of Principles will be presented to the Licensing and Regulation Committee for consideration for recommendation to Council to be agreed and published.
- 3 The changes to the current Statement of Principles are minor and amount to some layout changes and further clarification in some areas. There are no proposed significant changes to policy at this time. Changes to the Statement of Principles are highlighted in **Appendix 1** for information, and some of the more significant changes are described below:
  - Addition of information regarding the Public Register
  - Additional information regarding the processes for sharing information with other agencies
  - Movement of the Area Profile (including map) into the main part of the document rather than appearing as an appendix. This is due to the Guidance from the Gambling Commission specifying that it be included in the Statement of Principles

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- Declaration and details of Licensable Activities made more obvious as these are required to be included in the Statement of Policy and it is important that they are easily identified.

*Background Papers: None*

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# CHILTERN District Council



**CHILTERN**  
District Council

Healthy Communities Division

## **GAMBLING ACT 2005**

### **STATEMENT OF PRINCIPLES**

This Statement of Principles will remain in force from  
1st January 2016 until 1st January 2019

Change Log

14<sup>th</sup> January 2014 - Appendix D amended to reflect the changes imposed by The Categories of Gaming Machine (Amendment) Regulations 2014.

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## **FOREWORD**

The Gambling Act 2005 ('the Act') requires Chiltern District Council ('the Council') to carry out its functions under the new legislation with a view to promoting three principal licensing objectives.

The Act requires the Council to prepare a Statement of Principle that sets out its position in relation to its duties under the Act and to guide its work during the implementation period.

In developing a Statement of Principle that will deliver the licensing objectives locally, consultation has taken place in accordance with the Revised Code of Practice (which came into effect in April 2004) and the Cabinet Office Guidance on consultations by the public sector.

The initial Statement, was formally adopted by Full Council on 12th December 2006, and has been reviewed every three year since. Subsequent reviews and adoptions are detailed in Appendix D. Following adoption the Statement is published on the Council's website and takes effect one month from the date of publication.

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## 1. INTRODUCTION

1.1 The Gambling Act 2005, introduces a new regime for regulating gambling and betting throughout the United Kingdom from 1 September 2007. It imposes a statutory duty upon licensing authorities to publish a Statement of the Principles which they propose to apply when exercising their functions under the Act.

### 1.2 Licensable activities

Chiltern District Council has a duty under the Act to license premises where gambling is to take place, and to license certain other activities. 'Gambling' is defined in the Act as either gaming, betting or taking part in a lottery. In particular, the licensing authority will be responsible for:

- a) the licensing of premises where gambling activities are to take place by issuing *Premises Licences*;
- b) Issue *Provisional Statements*;
- c) regulating *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- d) issuing *Club Machine Permits* to *Commercial Clubs*;
- e) granting permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*;
- f) receiving notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- g) issuing *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- h) registering *small society lotteries* below prescribed thresholds;
- i) issuing *Prize Gaming Permits*;
- j) receiving and endorsing *Temporary Use Notices*;
- k) receiving *Occasional Use Notices*;
- l) providing information to the Gambling Commission regarding details of licences issued; and
- m) maintaining registers of the permits and licences that are issued under these functions.

1.3 The Gambling Commission, will be responsible for the regulation of gambling and betting except for National Lottery and spread betting through the licensing the operators and individuals involved in providing gambling and betting facilities. .

1.4 This policy provides information and guidance to applicants, responsible authorities and interested parties on the general approach that Chiltern DC

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will take in terms of licensing.

- 1.5 In accordance with the statutory procedures, a review of this policy will take place every 3 years, to take into account information collated over a period of time, coupled with the outcomes of initiatives relating to gambling at central and local government level.
- 1.6 In preparing this statement Chiltern DC has consulted with and considered the views of a wide range of people and organisations including:
- a) Chief Officer for Thames Valley Police;
  - b) One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
  - c) One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

A full list of consultees is attached in Appendix A

- 1.7 The Licensing Authority recognises that the best means of promoting the licensing objectives is through the co-operation and partnership of all the responsible authorities, local businesses and residents.
- 1.8 Declaration
- 1.8.1 In producing this Statement, Chiltern DC declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance issued by the Gambling Commission, and any responses received from those consulted on the statement.
- 1.9 **Area profile**

The Chiltern District is located in the centre of the Chiltern Hills, approximately 25 miles North West of London. The District covers an area of 19,635 hectares and has a population of approximately 93,300. It is predominantly a rural area with towns and villages set in countryside which is part of the greenbelt around London. A considerable part of the countryside is also exceptionally high quality landscape of national reputation and forms part of the Chilterns Area of Outstanding Natural Beauty. Population projections show a probable increase in the population of the Chiltern District of 1,600 from 2015 to 2019.



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## **2. STATEMENT OF PRINCIPLES**

2.1 Nothing in this Statement of Principles will:

- a) Undermine the right of any person to apply under the Act for a variety of permissions and have the application considered on its own merits; or
- b) over ride the right of any person to make representations on any application or seek a review of a licence or permit where they are permitted to do so under the Act.

The starting point in determining applications will be to grant the application with only mandatory and default conditions, so long as this can be achieved in a manner which is:

- a) in accordance with any relevant code of practice issued by the

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- Gambling Commission;
  - b) in accordance with any relevant guidance issued by the Gambling Commission;
  - c) reasonably consistent with the licensing objectives; and
  - d) in accordance with the licensing authority's Statement of Principle.
- 2.2 Licensing authorities are however, able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 2.3 , Moral objections to gambling are not a valid reason to reject applications for premises licences" and in addition to this unmet demand is not a criterion for a licensing authority.
- 2.4 In carrying out its licensing functions, the licensing authority will have regard to any guidance and codes of practice issued by the Gambling Commission from time to time and there will be strong, clearly expressed and defensible reasons for departing from the guidance.
- 2.5 The licensing authority will not seek to use the Act to resolve matters more readily dealt with under other legislation.
- 2.6 The overriding principle is that all applications and the circumstances prevailing at each premises will be considered on its own individual merits. When applying these principles, the licensing authority will consider, in the light of relevant representations, whether exceptions should be made in any particular case.
- 2.7 This licensing authority also notes Gambling Commission guidance on ensuring that betting is the primary activity of licensed premises. Gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. Operators will need to demonstrate that betting will continue to be the primary activity of the premise when seeking variations to licences.

In making this determination, this licensing authority will have regard to the six indicators of betting as a primary gambling activity.

- The offer of established core products (including live event pictures and bet range)
- The provision of information on products and events
- The promotion of gambling opportunities and products
- The actual use made of betting facilities
- The size of premises
- The delivery of betting facilities

### 3. OBJECTIVES

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3.1 The Gambling Act 2005 requires that licensing authorities must have regard to the following licensing objectives as set out in 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;
- c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

**3.2 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**

3.2.1 The Gambling Commission will take a leading role in preventing gambling from being a source of crime. Anyone applying to the Council for a premises licence will have to hold an operating licence from the Commission before a licence can be issued. Therefore the licensing authority will not be concerned with the suitability of an applicant. However, where concerns about an applicant's suitability do arise, the licensing authority will bring those concerns to the attention of the Commission.

3.2.2 In considering applications, the licensing authority will pay attention to the proposed location of gambling premises in terms of this licensing objective and in appropriate cases, will consider whether it is necessary to prevent particular premises becoming a source of crime or disorder.

3.2.3 Issues of disorder should only be dealt with under the Act if the disorder amounts to activity which is more serious and disruptive than mere nuisance and it can be shown that gambling is the source of that disorder. Factors that will be considered will be whether police assistance was required and how threatening the behaviour was to those who could see it.

**3.3 Ensuring that gambling is conducted in a fair and open way**

3.3.1 The Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to betting tracks.

**3.4 Protecting children and other vulnerable persons from being harmed or exploited by gambling**

3.4.1 The Gambling Commission's Guidance to licensing authorities states that

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this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children) and the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”. Therefore, the licensing authority will consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

3.4.2 When determining an application to grant a premises licence or review a premises licence, regard will be taken to the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high concentration of families with children. The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will, however, be decided on its merits. Therefore, if an applicant can effectively demonstrate how they might overcome concerns relating to the licensing objectives, this will also be taken into account.

3.4.3 Although there is no clear definition, it will assume that for regulatory purposes “vulnerable persons” includes people:

- a) who gamble more than they want to;
- b) people who gamble beyond their means; and
- c) people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

#### **4. RESPONSIBLE AUTHORITIES**

4.1 Responsible authorities are public bodies that must be notified of applications and who are entitled to make representations to the licensing authority if they are relevant to the licensing objectives.

4.2 These are:

- a) The Gambling Commission;
- b) Thames Valley Police;
- c) Buckingham Fire and Rescue Service;
- d) The local planning authority;
- e) An authority which has functions in relation to pollution to the environment or harm to human health;
- f) Anybody, designated in writing by the Licensing Authority as competent to advise about the protection of children from harm;
- g) HM Revenue and Customs;
- h) A licensing authority in whose area the premises is wholly or partly situated.

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- 4.3 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- a) the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
  - b) the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 4.4 Therefore, in accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the Buckinghamshire Safeguarding Children Board at Buckinghamshire County Council for this purpose.
- 4.5 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at: [www.chiltern.gov.uk](http://www.chiltern.gov.uk)

## **5. INTERESTED PARTIES**

- 5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as a person who:
- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
  - b) has business interests that might be affected by the authorised activities or;
  - c) represents persons as above.
- 5.2 In determining whether someone lives sufficiently close to a particular premises as to likely to be affected by the authorised activities, or has business interests likely to be affected, the Council may take account of:
- a) the size of the premises;
  - b) the nature of the premises;
  - c) the nature of the authorised activities and operating hours being proposed;
  - d) the distance of the premises from the person making the representation;
  - e) the characteristics of the complainant;
  - f) the potential impact of the premises, including on those not in the immediate locality.
- 5.3 In determining whether a person has a business interest which could be

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affected the Licensing Authority will consider, among other things:

- a) the size of the premises;
- b) the catchment area of the premises; and
- c) whether the person making the representation has business interests in the catchment area that might be affected.

5.4 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

- a) Each case will be decided upon its merits. The licensing authority will not apply a rigid rule to its decision making and it will consider the Gambling Commission's Guidance to Licensing Authorities.
- b) Interested parties will include trade associations and trade unions, and residents' and tenants' associations, providing that they can show they represent someone who can be classed as an interested person in their own right.
- c) Interested parties can also be persons who are democratically elected as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected, will be considered to be interested parties. An elected member of the Council must comply with the Council's code of conduct and if they have a specific interest or there is an issue of bias, they must declare this and seek advice on whether they are able to appear before a licensing panel.
- d) Other than these however, the licensing authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

## **6. REPRESENTATIONS**

6.1 Any responsible authority or interested party (or person representing them) can make representations about a licence application to the licensing authority.

6.2 Representations must be relevant to the individual application and to one

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or more of the licensing objectives (as defined in Section 3 of this Statement of Principles). Representations must also be made within prescribed timescales and be in writing. Anonymous representations cannot be taken into consideration. In relation to whether to grant a Premises Licence, the authority cannot consider representations which relate to the need or unmet demand for gambling premises, nor concerns which relate to general nuisance, which should be addressed by other legislation.

- 6.3 All representations will be considered on their own merits but the authority may, in certain circumstances, consider a representation to be either frivolous or vexatious. This will generally be a matter of fact given the circumstances of each individual case and full reasons will be given where representations are rejected.
- 6.4 Where valid representations are made, the details of the person making the representation will be made available to the applicant for the purposes of mediation. Should the representation result in a formal hearing before the Licensing Sub-Committee, the details of the representation will form part of a public document. Anyone making representations will be informed that their details will be disclosed.

## **7. Public Register**

Section 156 of the Act requires licensing authorities to maintain a register of the premises licences that it has issued. The register must be made available, at any reasonable time, to the public who may request copies of the entries. The Council achieves this requirement through the use of an online register which is accessible via the Council's website.

## **8. PREMISES LICENCES**

- 8.0.1 An application for a premises licence can only be made by a person or company who either holds an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, OR has made an application for an operating licence which has not yet been determined.
- 8.0.2 Applications for the grant, transfer or variation of a premises licence must be accompanied by an assessment that demonstrates how the applicant will promote all of the licensing objectives in the form of a written Operating Schedule. The applicant may ask the authority for advice as to the scope of information to be provided.
- 8.0.3 The level of detail to be provided will be advised by the authority and will be proportional to the scale and nature of the application made.

### **8.1 Location**

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8.1.1 This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

## **8.2 Duplication with other regulatory regimes**

8.2.1 This licensing authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

## **8.3 Conditions**

8.3.1 Any conditions attached to licences will be proportionate and will be:

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

8.3.2 Decisions upon individual conditions will be made on a case by case basis. Although there will be a number of control measures this licensing authority will consider utilising should there be a perceived need, such as the use of door supervisor's, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

8.3.3 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- a) any condition on the premises licence which makes it impossible to

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

#### **8.4 Door Supervisors**

8.4.1 Consideration should be given whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that in-house staff at casinos or bingo premises need not be licensed by the Security Industry Authority (SIA) although this would be preferable in helping meet the licensing objectives. Where operators and the licensing authority consider that supervision of entrances and machines is appropriate in particular cases, it will be decided whether these need to be SIA licensed on a case by case basis.

#### **8.5 Multiple Premises Licenses**

8.5.1 Premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

8.5.2 In considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes, entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.

8.5.3 The licensing authority will consider, amongst others, the factors outlined in the Gambling Commission guidance when deciding upon the extent of

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separation of licensable premises. In particular, due regard will be given to the specific requirements relating to entrances and exits to particular types of licensable premises.

- 8.5.4 It should also be noted that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. If the construction is not yet complete, or if they need alteration, or if the applicant does not yet have the right to occupy them, then an application for a provisional statement should be made instead.
- 8.5.5 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, applications will be determined on their merits, applying a two stage consideration process:
- a) Whether the premises ought to be permitted to be used for gambling;
  - b) Whether appropriate conditions can be applied to the situation whereby the premises are not yet in the condition in which they ought to be before gambling can take place.
- 8.5.6 Applicants should note that the licensing authority is entitled to decide whether it is appropriate to grant a licence subject to conditions, but is not obliged to grant such a licence.

## **8.6 Adult Gaming Centres**

- 8.6.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This licensing authority may consider measures to meet the licensing objectives, for example:

- a) Proof of Age schemes;
- b) CCTV;
- c) Supervision of entrances / machine areas;
- d) Physical separation of areas;
- e) Location of entry;
- f) Notices / signage;
- g) Specific opening hours;

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- h) Self-exclusion schemes on recommendation of police or families;
- i) Provision of information leaflets / helpline numbers for organisations such as GamCare.

## 8.7 (Licensed) Family Entertainment Centres

8.7.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

8.7.2 This licensing authority may consider measures to meet the licensing objectives such as:

- a) CCTV;
- b) Supervision of entrances / machine areas;
- c) Physical separation of areas;
- d) Location of entry;
- e) Notices / signage;
- f) Specific opening hours;
- g) Self-exclusion schemes on recommendation of police or families;
- h) Provision of information leaflets / helpline numbers for organisations such as GamCare. Also information on other diversionary leisure activities;
- i) Measures / training for staff on how to deal with suspected truant school children on the premises.

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

8.7.3 This licensing authority will refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

## 8.8 Casinos

8.8.1 Currently there are no casinos operating within the District. Section 166 of the Gambling Act 2005, enables a licensing authority to **resolve not to issue casino licences**. A resolution was passed by the Executive on 30th January 2007 and confirmed by Full Council on 27th February 2007 not to accept applications for casinos within Chiltern District.

## 8.9 Bingo premises

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#### 8.9.1 The Gambling Commission's Guidance states:

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

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

All current and future guidance provided by the Gambling Commission will also be taken into consideration when considering such applications.

#### 8.10 Betting premises

8.10.1 This licensing authority will, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

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

#### 8.11 Tracks

8.11.1 Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. The licensing authority will especially consider the impact upon the third licensing

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objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

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

8.11.3 The licensing authority may consider measures to meet the licensing objectives such as:

- a) Plans of designated areas;
- b) Proof of age schemes;
- c) CCTV;
- d) Supervision of entrances / machine areas;
- e) Physical separation of areas;
- f) Location of entry;
- g) Notices/signage;
- h) Specific opening hours;
- i) Self-exclusion schemes on recommendation of police or families;
- j) Provision of information leaflets / helpline numbers for organisations such as GamCare. Also information on other diversionary leisure activities.

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

8.11.4 *Gaming machines* - Applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

8.11.5 *Betting machines* – Account will be taken of the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

8.11.6 *Condition on rules being displayed* - The Gambling Commission has advised in its Guidance for local authorities that "...licensing authorities

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should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.”

8.11.7 *Applications and plans* –Although the precise location of where betting facilities are provided is not required to be shown on track plans, applicants should provide sufficient information so that the licensing authority can satisfy itself that the plan indicates the main areas where betting might take place. In particular, betting rings must be indicated on the plan

8.11.8 In circumstances where a perimeter is not defined, for example in point-to-point racing where an entry fee is levied, temporary structures restricting access to the premises can be used.

8.11.9 This licensing authority also notes that in the Commission’s view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

8.11.10 The Commission considers that track premises licence holders should accept some accountability for promoting socially responsible gambling on their premises and that the level of responsibility should be commensurate with the volume and intensity of gambling that occurs on their premises.

## **8.12 Travelling Fairs**

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

8.12.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

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

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### **8.13 Provisional Statements**

8.13.1 This licensing authority notes the Guidance for the Gambling Commission which states that "it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence" and that "requiring the building to be complete ensures that the authority could, if necessary, inspect it fully".

8.13.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional licence stage; or
- (b) which in the authority's opinion reflect a change in the operator's circumstances.

8.13.3 This authority has noted the Gambling Commission's Guidance that "a licensing authority should not take into account irrelevant matters.... One example of which would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal."

## **9. PERMITS / TEMPORARY & OCCASIONAL USE NOTICE**

### **9.1 Unlicensed Family Entertainment Centre (FEC) gaming machine permits**

9.1.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

9.1.2 The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission.

9.1.3 An application for a permit may be granted only if the licensing authority is

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satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. Applicants will be expected to demonstrate:

- a) full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- b) that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; as demonstrated by producing an Enhanced Criminal Record Bureau check; and
- c) that staff are trained to have a full understanding of the maximum stakes and prizes.

9.1.4 A licensing authority cannot attach conditions to this type of permit although it will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.

## **9.2 (Alcohol) Licensed premises gaming machine permits**

9.2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D and as such, the premises merely need to notify the licensing authority. If the person ceases to be the holder of the on-premises alcohol licence for the premises, the automatic entitlement to the two gaming machines also ceases. Whoever applies for the new premises alcohol licence will also need to apply under S 282 (2), notifying the licensing authority of their intention to make the gaming machines available for use and paying the prescribed fee. If the alcohol licence ceases to have effect because it is suspended then the gaming machines cannot be used. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

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

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- c) the premises are mainly used for gaming; or
  - d) an offence under the Gambling Act has been committed on the premises.
- 9.2.2 If an applicant wishes to have more than 2 machines, then they need to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 9.2.3 Some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Such an application would be considered and dealt with as an Adult Gaming Centre premises licence.
- 9.2.4 In such circumstances, the licensing authority may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 9.2.5 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

### **9.3 Prize Gaming Permits**

- 9.3.1 Applicants for these permits should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- a) that they understand the limits to stakes and prizes that are set out in Regulations;
  - b) that the gaming offered is within the law; and
  - c) clear policies that outline the steps taken to protect children from harm.

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9.3.2 In determining an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

9.3.3 Permit holders must comply with the following conditions specified in the Act:

- a) the limits on participation fees, as set out in regulations, must be complied with;
- b) all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- c) the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- d) participation in the gaming must not entitle the player to take part in any other gambling.

#### **9.4 Club Gaming and Club Machines Permits**

9.4.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in regulations. Members Clubs and Miner's welfare institutes and also Commercial Clubs may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

9.4.2 Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

9.4.3 Licensing authorities may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or

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- commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

9.4.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. However, there is no opportunity for objections to be made by the Commission or the police, and the grounds on which an application may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

9.4.5 No child may use a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

## **9.5 Temporary Use Notices**

9.5.1 These allow the use of premises for gambling where there is no premises licence but a person or company holding an operating licence wishes to use the premises temporarily for providing facilities for gambling. Currently this is restricted to the provision of facilities for equal chance gaming where the gaming is intended to produce a single winner, in essence, poker tournaments. The same set of premises may not be the subject of a temporary use notice for more than 21 days in any 12-month period. There are also a number of other statutory limits in relation to these notices. Notice must be given to the authority and other bodies, who may object to the grant of the notice having had regard to the licensing objectives. The definition of "a set of premises" will be a question of fact in the particular circumstances of each notice. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the authority will need to consider, amongst other things, the ownership/occupation and control of the premises. The authority will take a strict view where it appears that the effect of notices appears to permit regular gambling at a particular place.

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## **9.6 Occasional Use Notices:**

9.6.1 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice. This licensing authority will also ensure that no more than 8 OUNs are issued in one calendar year in respect of any venue.

## **9.7 Small Society Lotteries**

9.7.1 This licensing authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- a) submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- b) submission of incomplete or incorrect returns
- c) breaches of the limits for small society lotteries

9.7.2 Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- a) by, or on behalf of, a charity or for charitable purposes
- b) to enable participation in, or support of, sporting, athletic or cultural activities.

## **10. EXCHANGE OF INFORMATION**

10.1 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. Section 350 of the Act allows licensing authorities to exchange information with other persons listed in Schedule 6 (1) for use in the exercise of functions under the Act. The licensing authority will also have regard to any Guidance issued by the Gambling Commission to licensing authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

10.2 Details of applications and representations which are referred to a Licensing Sub-Committee for determination will be published in reports

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that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the licensing authority is asked to do so. This authority will ensure that the information on the returns is accurate and sent to the Commission within agreed timescales.

- 10.3 In keeping with the Hampton principles and the Regulators Compliance Code, we seek to avoid the risk of duplication or over-regulation and maximise the efficient use of our resources. To accomplish this, we recognise the need to share information about our inspections and compliance activities regularly. Communication with other agencies will be by the most effective means, whether this be electronic or paper.
- 9.4 The Council has various policies relating to 'information governance', which will be considered when deciding what information to share and the process of doing so.

## **11. ENFORCEMENT**

- 11.1 The licensing authority has an established enforcement policy, based upon the principles of consistency, targeting, transparency, accountability and proportionality set out in the Regulatory Compliance Code and which also takes into account the Attorney-General's Guidelines to Crown Prosecutors for bringing prosecutions.
- 11.2 The main enforcement and compliance role of the licensing authority is to ensure compliance with the premises licences and other permissions which it authorises. This will involve a targeted approach at those high risk premises that require greater attention, whilst operating a lighter touch in respect of low-risk premises
- 11.3 This Statement proposes that a graduated response is taken where offences against gambling legislation are found or where licence conditions have been contravened. An isolated administrative offence, may be dealt with purely by way of written warning whilst more serious offences which have either been committed over a period of time or which have a significant impact upon the licensing objectives, may result in a referral for prosecution.
- 11.4 The licensing authority will seek to work actively with the Police, the Gambling Commission and other responsible authorities in enforcing gambling legislation.
- 11.5 The licensing authority will continue to be a partner in the local licensing

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liaison group, and will keep itself informed of developments as regards best practice in its consideration of the regulatory functions of local authorities.

## **12. COMPLAINTS AGAINST LICENSED PREMISES**

- 12.1 The licensing authority will investigate relevant complaints against licensed premises of any description. In the first instance, complainants should raise the complaint directly with the licence holder or business concerned. All complaints will be investigated and enforcement action taken in accordance with the licensing authority's Enforcement Policy and Complaints Procedure. It is recognised that another agency may be the more appropriate body to investigate the complaint. In such circumstances, the licensing authority will maintain liaison with that agency.
- 12.2 Where necessary, the licensing authority will initially arrange a meeting with the licence holder to address, clarify and try to resolve the issues of concern.
- 12.3 This process will not override the right of any interested party or responsible authority to request a review of a licence by the Licensing Committee at any stage following the grant of a premises licence or if the particular concerns are not addressed in a way that fulfils the licensing objectives.

## **13. REVIEWS**

- 13.1 The authority will carry out a review of a Premises Licence where it has received a formal, valid application for review in accordance with the Act from either an interested party or a responsible authority and which relates to one or more of the licensing objectives. Due consideration will be given to all relevant representations and guidance issued by the Gambling Commission. Decisions as to whether requests for review are irrelevant, frivolous or vexatious will be made by Council Officers in consultation with the Chair of the Licensing and Regulation Committee, who will also decide on whether such requests should be referred to the Licensing Committee or Sub-Committee. Where an application for review is rejected, the person making that application will be given written reasons for the rejection. There is no right of appeal against a determination that such an application is not admissible.
- 13.2 A premises licence may also be reviewed by the Licensing Authority of its own volition.
- 13.3 In determining what action, if any, should be taken following a review, the

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licensing authority will have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

#### **14. APPEALS**

14.1 Any party aggrieved by a decision of the Licensing Sub Committee and with standing to appeal (as specified within the Act) may appeal against the decision to the local Magistrates Court. An appeal has to be started by the giving of a notice of appeal by the appellant to the justices' chief executive for the magistrates' court within a period of 21 days from the day on which the appellant was notified by the licensing authority of the decision appealed against. This will be either Wycombe and Beaconsfield or Central Buckinghamshire Magistrates' Court (Aylesbury) depending upon the location of the premises

14.2 The licensing authority will always be a respondent to the appeal, but in cases where a favourable decision has been made for an applicant against the representations of a responsible authority or an interested party, the holder of the premises licence or club premises certificate will also be entitled to act as a respondent.

14.3 On determining an appeal, the court may:

- a) dismiss the appeal;
- b) substitute for the decision appealed against any other decision which could have been made by the licensing authority; or
- c) remit the case to the licensing authority to dispose of it in accordance with the direction of the court.

14.4 The court may make such order as to costs as it thinks fit, but will be required to bear in mind guidance and legislation about the awarding of costs against a public body.

#### **15. DELEGATION AND DECISION MAKING**

15.1 One of the major principles underlying the Gambling Act 2005 is that the licensing functions contained within the Act should be delegated to an appropriate level so as to ensure speedy, efficient and cost effective service delivery.

15.2 The Authority is committed to the principle of delegating its powers to ensure that these objectives are met and has arranged for its licensing functions to be discharged in accordance with the Guidance issued by the Secretary of State, the Council's Constitution and procedures laid down for good governance.

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**APPENDIX A**

**LIST OF CONSULTEES**

The Chief Officer of Police for the Council's area

Bodies representing the interests of persons carrying on gambling businesses within Chiltern District

Bodies representing the interests of persons who are likely to be affected by the exercise of the authority's function under this Act

The local Planning Authority

The local Health and Safety Authority

The Authority responsible for Control of Pollution

Bucks Fire and Rescue

Buckinghamshire Safeguarding Children Board

Local Primary Care Trusts

Bodies dealing with mental health issues

Citizens Advice Bureau

GamCare

Gamblers Anonymous

Bodies representing businesses and residents in the area

Parish Councils within the District

Other Councils, including Wycombe DC, South Bucks DC, Aylesbury Vale DC, Milton Keynes Council, Dacorum Borough Council, Three Rivers District Council and Buckinghamshire County Council

Wycombe and Beaconsfield Magistrates Court

Central Buckinghamshire Magistrates' Court (Aylesbury)

Note: - This list is not intended to be exclusive. Comments and observations will be welcome from anyone who will be affected by the policy.

Copies of the draft Gambling Statement of Principles were also placed in the public libraries of the Chiltern District Council area as well as being available at the Council Offices and on the Council's website.

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**APPENDIX B****TABLE OF DELEGATIONS OF LICENSING FUNCTIONS**

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COUNCIL</b>	<b>SUB-COMMITTEE</b>	<b>OFFICERS</b>
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			X (in consultation with Chairman of Committee)
Application for premises licences and Application for a variation to a licence and Application for a provisional statement and Application for club gaming /club machine permits		Where representations have been received and not withdrawn.  Where conditions are proposed to be attached or default conditions excluded under s.169(1) of the Act and the parties have not agreed to dispense with the requirement for a hearing	Where no representations received/ representations have been withdrawn  Where conditions are proposed to be attached or default conditions excluded under s.169(1) of the Act and all parties have agreed to dispense with a hearing  Determination as to whether representation made under s161 is vexatious, frivolous or irrelevant will not influence the authority's determination of the application

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			Decision to make a representation as a responsible body in appropriate cases
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Review of a premises licence		X	
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

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**APPENDIX C****TABLES OF PERMITTED ACTIVITIES / LOCATIONS**

Premises Type	Machine Category						
	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act casinos (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A) or any number C or D machines instead					
Betting premises and tracks occupied by Pool Betting			Maximum of 4 machines categories B2 to D (except B3A)				
Bingo Premises				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**	No limit C or D machines		
Adult gaming centre				Maximum of 20% of the total number of gaming machines which are available for use on the premises	No limit C or D machines		

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				categories B3 or B4**			
Family entertainment centre (with premises licence)						No limit on Category C or D machines	
Family entertainment centre (with permit)							No limit on Category D machines
Clubs or miners' welfare institutes with permits						Maximum of 3 machines in categories B3A or B4 to D*	
Qualifying alcohol licensed premises						1 or 2 machines of Category C or D automatic upon notification	
Qualifying alcohol licensed premises with gaming machine permit						Number of category C or D machines as specified on permit	
Travelling fair							No limit on Category D machines
	<b>A</b>	<b>B1</b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>C</b>	<b>D</b>

\* It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.

\*\* Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming

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machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only, but not B3A machines.

Category of machine	Maximum Stake	Maximum Prize
A	No category A gaming machines are currently permitted	
B1	£5	£10,000 or £20,000 if linked to other B1 machines
B2	£100 (in multiples of £10)	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D	Various 10p to £1	£5 to £50 (max relates to non-money prizes only)

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**APPENDIX D****Statement of Principles Log**

Date	Action
12 <sup>th</sup> December 2006	First Statement of Licensing Principles approved for publishing by Council
1 <sup>st</sup> January 2007	Statement of Principles came into effect
8 <sup>th</sup> December 2009	Statement reviewed and approved for publishing by Council
1 <sup>st</sup> January 2010	Reviewed Statement came into effect
13 <sup>th</sup> November 2012	Statement reviewed and approved for publishing by Council
1 <sup>st</sup> January 2013	Reviewed Statement came into effect
14 <sup>th</sup> January 2014	Statement Amended following changes to Gaming Machine Categories

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**CHILTERN DISTRICT COUNCIL  
LICENSING AND REGULATION COMMITTEE - 26 MARCH 2015**

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

**HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING FEES  
CONSULTATION RESPONSES**

*Contact Officer: Nathan March 01494 732056 nmarch@chiltern.gov.uk*

**RECOMMENDATIONS**

- **To consider the objections received following consultation on the proposed fees and charges for Hackney Carriage and Private Hire Licensing.**
- **To set the fees with or without modification to come into effect on 1 May.**

**Background**

- 1 On 15 January 2015, the Licensing and Regulation Committee considered a report regarding the proposed increase in fees for Hackney Carriage and private hire licensing. The report explained the legislative background and the requirement to advertise proposed increases in fees for 28 days. The Committee approved the proposed fees, shown in **Appendix 1** attached to this report and authorised the 28 day consultation exercise.
- 2 A public notice was placed in the Buckinghamshire Examiner on 22 January 2015 and also on the Council's website giving until 28 February any objections to be sent to the Council's Licensing Team. All of the affected Licence holders have also been advised of the notice by text message, which is the Council's usual method of communicating with them in relation to their licences.
- 3 Fees for driver's licences were also consulted on in addition to vehicle and operator licences. This is not a requirement but was considered to be good practice.
- 4 4 formal responses were received to the consultation, some signed by more than 1 driver (views of 7 individuals were represented by the 4 responses). Of the responses received 3 objected to the proposed increases and 1 appears to be neutral. All of the responses are contained within **Appendix 2**.

**Summary of responses**

- 5 The objectors to the proposed fees cited lack of sufficient taxi rank provision and the view that licensees are already struggling to make a living as reasons for their objections.

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2 comments were received within the responses in support of the provision of 3 year licences.

In addition to the formal written responses, an additional verbal response was received from one of the operators to indicate that they agreed with the new operator fee structure and felt it was fair.

**Background Papers**

'Hackney Carriage and Private Hire Licensing Fees' Licensing and Regulation Committee report dated 15 January 2015

**CDC Hackney Carriage and Private Hire Fees**

<b>Type of licence</b>	<b>Existing Fee (£)</b>	<b>Proposed Fee (£)</b>
One year Hackney Carriage Vehicle Licence Grant	300	399
One year Hackney Carriage Vehicle Licence Grant using LPG and CNG Fuels	135	199.50 (50%)
Renewal Hackney Carriage Vehicle Licence	300	300
Renewal Hackney Carriage Vehicle Licence using LPG and CNG Fuels	135	150 (50%)
Hackney Carriage Drivers Licence Grant 1 year	95	161
Hackney Carriage Drivers Licence Grant 3 year	N/A	332
Hackney Carriage Drivers Licence Renewal 1 year	95	95
Hackney Carriage Drivers Licence Renewal 3 year	N/A	256
One year Private Hire Vehicle Licence Grant	200	329
One Year Private Hire Vehicle Licence Grant using LPG and CNG Fuels	135	164.50 (50%)
Renewal Private Hire Vehicle Licence	200	230
Renewal Private Hire Vehicle Licence using LPG and CNG Fuels	135	115 (50%)
Private Hire Drivers Licence Grant 1 year	95	161
Private Hire Drivers Licence Grant 3 year	N/A	332
Private Hire Drivers Licence Renewal 1 year	95	95
Private Hire Drivers Licence Renewal 3 year	N/A	256
Executive Plate	63	65
Transfer of Licence	80	90

Change of Vehicle	67	67
Replacement Internal Licence or badge	15	15
Replacement Plate	25	25
Private Hire Operators		
To operate 1 vehicle	100	155
To operate 2-4 vehicles	100	205
To operate 5-10 vehicles	100	255
To operate 11+ vehicles	100	305
Knowledge test	25	25
Bracket Charge	10	Cost of replacement
Disclosure and Barring Scheme	51	Cost of check (currently £44) +£8.50 Admin Charge
Admin charge should licence not be issued	N/A	47

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