



GUILDFORD
BOROUGH

James Whiteman
Managing Director

www.guildford.gov.uk

Contact Officer:

Sophie Butcher, Committee Officer
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20 November 2018

Dear Councillor

Your attendance is requested at a meeting of the **LICENSING COMMITTEE** to be held in the Council Chamber, Millmead House, Millmead, Guildford, Surrey GU2 4BB on **WEDNESDAY 28 NOVEMBER 2018 at 7.00 pm.**

Yours faithfully

James Whiteman
Managing Director

MEMBERS OF THE COMMITTEE

Chairman: Councillor David Elms
Vice-Chairman: Councillor Dennis Paul

Councillor Graham Ellwood
Councillor David Goodwin
Councillor Gillian Harwood
Councillor Christian Holliday
Councillor Mike Hurdle
Councillor Jennifer Jordan
Councillor Nigel Kearse

Councillor Nigel Manning
Councillor Marsha Moseley
Councillor Tony Phillips
Councillor David Quelch
Councillor James Walsh
Councillor David Wright

QUORUM 5



THE COUNCIL'S STRATEGIC FRAMEWORK

Vision – for the borough

For Guildford to be a town and rural borough that is the most desirable place to live, work and visit in South East England. A centre for education, healthcare, innovative cutting-edge businesses, high quality retail and wellbeing. A county town set in a vibrant rural environment, which balances the needs of urban and rural communities alike. Known for our outstanding urban planning and design, and with infrastructure that will properly cope with our needs.

Three fundamental themes and nine strategic priorities that support our vision:

- | | |
|---------------------|--|
| Place-making | Delivering the Guildford Borough Local Plan and providing the range of housing that people need, particularly affordable homes |
| | Making travel in Guildford and across the borough easier |
| | Regenerating and improving Guildford town centre and other urban areas |
| Community | Supporting older, more vulnerable and less advantaged people in our community |
| | Protecting our environment |
| | Enhancing sporting, cultural, community, and recreational facilities |
| Innovation | Encouraging sustainable and proportionate economic growth to help provide the prosperity and employment that people need |
| | Creating smart places infrastructure across Guildford |
| | Using innovation, technology and new ways of working to improve value for money and efficiency in Council services |

Values for our residents

- We will strive to be the best Council.
- We will deliver quality and value for money services.
- We will help the vulnerable members of our community.
- We will be open and accountable.
- We will deliver improvements and enable change across the borough.

A G E N D A

1 APOLOGIES FOR ABSENCE

2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

In accordance with the local Code of Conduct, a councillor is required to disclose at the meeting any disclosable pecuniary interest (DPI) that they may have in respect of any matter for consideration on this agenda. Any councillor with a DPI must not participate in any discussion or vote regarding that matter and they must also withdraw from the meeting immediately before consideration of the matter.

If that DPI has not been registered, the councillor must notify the Monitoring Officer of the details of the DPI within 28 days of the date of the meeting.

Councillors are further invited to disclose any non-pecuniary interest which may be relevant to any matter on this agenda, in the interests of transparency, and to confirm that it will not affect their objectivity in relation to that matter.

3 MINUTES (Pages 1 - 4)

To confirm the minutes of the meeting of the Licensing Committee held on 26 September 2018.

4 ANNOUNCEMENTS

To receive any announcements from the Chairman of the Committee.

**5 GAMBLING ACT 2005: STATEMENT OF PRINCIPLES 2019-2022
(Pages 5 - 84)**

The Committee is asked to recommend to Full Council the adoption of the Gambling Act 2005 Statement of Principles 2019-2022.

6 CHANGES TO LICENSING ARRANGEMENTS FOR ACTIVITIES INVOLVING ANIMALS (Pages 85 - 110)

The Licensing Committee is asked to approve the draft Animal Welfare Licensing Policy for public consultation, and instruct officers to carry out the consultation over a 12-week period.

7 NATIONAL DATABASE OF TAXI AND PHV DRIVER LICENCE REFUSALS AND REVOCATIONS (Pages 111 - 116)

The Licensing Committee is requested to note the work undertaken to utilise the National database of taxi and PHV driver licence refusals and revocations.

8 LICENSING COMMITTEE WORK PROGRAMME (Pages 117 - 120)

The Licensing Committee is asked to note its work programme.

**PLEASE CONTACT US TO REQUEST THIS DOCUMENT IN
AN ALTERNATIVE FORMAT**

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LICENSING COMMITTEE

- * Councillor David Elms (Chairman)
- * Councillor Dennis Paul (Vice-Chairman)

- | | |
|-------------------------------|----------------------------|
| * Councillor Graham Ellwood | Councillor Nigel Manning |
| * Councillor David Goodwin | Councillor Marsha Moseley |
| Councillor Christian Holliday | * Councillor Tony Phillips |
| * Councillor Mike Hurdle | * Councillor David Quelch |
| Councillor Michael Illman | * Councillor James Walsh |
| * Councillor Jennifer Jordan | * Councillor David Wright |
| * Councillor Nigel Kearse | |

*Present

L39 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Christian Holliday, Michael Illman, Nigel Manning and Marsha Moseley.

L40 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

No disclosures of interest were declared.

L41 MINUTES

To confirm the minutes of the meeting held on 30 May 2018.

L42 ANNOUNCEMENTS

The Chairman reminded everyone of the training planned for 2 October Licensing Act 2003 Refresher and 22 November 2018 Hackney Carriage and Private Hire Licensing from 7pm – 9pm provided by James Button.

L43 LICENSING OF SEX ESTABLISHMENTS: STATEMENT OF LICENSING POLICY 2018-2021

The Committee received a report on the licensing of sex establishments: Statement of Licensing Policy 2018-2021 that had been updated and approved for public consultation by Licensing Committee on 30 May 2018.

The Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 to introduce a new classification of sex establishment, namely sexual entertainment venues. This brought a new licensing regime into force for lap dancing, pole dancing and other “relevant entertainment”. The provisions allow the Council to improve the regulation of sexual entertainment venues, as there are increased powers to control numbers and location of venues in the area. There are currently no licensed sexual entertainment venues in the Borough. Following the consultation, the responses did not indicate any changes were required to the draft policy consulted upon. The Sexual Entertainment Venue Policy will be reviewed every three years.

The Committee having considered the report

RESOLVED

That the Committee notes the results of the public consultation on the draft licensing of Sex Establishments Policy 2018-2021 and recommends the policy for approval by the Executive at its meeting on 23 October 2018.

L44 EQUALITY ACT 2010 - DESIGNATION OF LIST OF WHEELCHAIR ACCESSIBLE VEHICLES

The Committee received a report on the Equality Act 2010 – designation of list of wheelchair accessible vehicles.

The Council intended to publish a list of designated wheelchair accessible vehicles, which ensured that the Council complied with best practice in order to offer enhanced protection to wheelchair users. Drivers with accessible vehicles were written to, requesting that they notify the Council if they did not wish to be included on the list.

The current Taxi and Private Hire Policy 2015-2020 adopted on the 9 December 2015 and subsequent revision on 8 February 2018 introduced positive changes to protect public safety by introducing livery for taxis, door signs for private hire vehicles and the requirement for drivers to complete the BTEC Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver (QCF).

On 6 April 2017, the Government commenced sections 165 to 167 of the Equality Act 2010 increasing the protection from discrimination afforded to wheelchair users who wish to travel in taxis or private hire vehicles.

As maintaining a list is discretionary, a decision to maintain a list and the accessibility requirements for inclusion on the list will be made by the Director of Community Services.

The Committee having considered the report

RESOLVED:

To note the work undertaken and proposal to introduce a list of designated vehicles.

L45 PURPLE FLAG AND BEST BAR NONE

The Committee received a verbal update on the purple flag awards, which was in its fifth consecutive year. The Purple Flag standard was launched in 2012 and was an accreditation process similar to the Green Flag award for parks and the Blue Flag award for beaches. The aim of the Purple Flag was to raise standards and broaden the appeal of town and city centres between the hours of 5pm and 5am. Purple Flag recognised the need to have a vibrant and diverse mix of dining as well as promoting the safety and wellbeing of Guildford residents. Purple Flag liaised with a number of stakeholders including the Police, Street Angels and Pubwatch. A survey had been carried out and 93% of respondents said that they felt safe whilst on a night out in Guildford and a third of those asked had heard of Purple Flag. Next year the group aims to increase awareness of Purple Flag and to extend existing links with higher education organisations to promote collaboration. Guildford town was assessed on a night out, Pubwatch was very impressed with the levels of safety, and the participation of pubs and clubs in the working group was good. Welcome and Information packs were excellent and well received but more work was to be done.

In response to a query raised, the Licensing Team Leader confirmed that Guildford was the only town in Surrey to have received Purple Flag status consistently for the last five years. Approximately, 70 cities across the UK and Ireland had been awarded the purple flag and some of them had held it since its launch in 2012.

The Best Bar None awards were launched in 2013 and invited the town's licensed venues to sign up for an assessment of their business and the chance to attain accreditation of the scheme. It was a nationally acclaimed award celebrating best practice amongst the licensed trade showcasing the hard work and commitment of Guildford's venues to create and run a safe

and responsible town centre. It helped the public make an informed decision when it comes to choosing a venue for a night out. All venues had been assessed and met the standards at a much higher level than the minimum required.

Guildford's Best Bar None winners celebrated on the 11 June 2018. The awards were delivered by Experience Guildford in partnership with the Council. We had a total of eighteen venues who gained accreditation this year across five categories covering best bar, best pub, best restaurant and best late night venue. Each venue was assessed and judged by the panel against the four licensing objectives, which included the prevention of crime and disorder, public safety, prevention of nuisance and protection of children from harm.

The overall winner was Rubix Nightclub, the Three Pigeons for the best pub, the Mandolay for the best bar and TGI Fridays for the best restaurant.

L46 LICENSING COMMITTEE WORK PROGRAMME

The Committee noted its Work Programme for 2018-19.

The meeting finished at 7.15 pm

Signed

Chairman

Date

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Licensing Committee Report

Report of the Licensing Team Leader

Author: Mike Smith

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Lead Councillor responsible: Graham Ellwood

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Date: 28 November 2018

Gambling Act 2005: Statement of Principles 2019-2022

Executive Summary

The Gambling Act 2005 requires the Council as licensing authority to prepare and publish a Statement of Principles every three years. The existing Statement of Principles was published in January 2016 and is due for renewal by January 2019.

On 30 May 2018 Licensing Committee agreed public consultation on a draft Statement of Principles. This report seeks to advise the Licensing Committee on the results of the public consultation exercise, and seeks that Licensing Committee recommend approval of the Policy in Appendix 1 by Full Council on 4 December 2018.

Recommendation to Licensing Committee

That the Committee recommends to Full Council the adoption of the Gambling Act 2005 Statement of Principles 2019-2022.

Reasons for Recommendation:

To comply with the requirements of the Gambling Act 2005 the Council must prepare and publish a statement of principles for the period 2019-2022.

1. Purpose of Report

- 1.1 The report informs the Committee of the result of the public consultation to the revised statement of principles approved for consultation on 30 May 2018.
- 1.2 It asks the Committee to consider the results of the public consultation exercise and recommend that Full Council on 4 December 2018 adopt the statement of principles in Appendix I with effect from 1 January 2019.

2. Strategic Framework

- 2.1 The Gambling Act Statement of Principles 2019 - 2022 will contribute to our fundamental themes and priorities as follows:

Economy – supporting business, growth and employment

Sustainability – safe borough

- 2.2 The statement of principles balances the right of an applicant to make an application under the Gambling Act 2005 (the Act) and to have the application considered on its merits, against the right of any person to make representation on an application or to seek a review of an existing licence.
- 2.3 An appropriate balance will ensure that gambling businesses are provided with a framework within which to operate whilst providing assurance to the public and protecting children and vulnerable persons.

3. Background

- 3.1 The Council is the licensing authority for the purposes of the Act which requires the Council to prepare a Statement of Gambling Principles that it proposes to apply in exercising its functions under the Act.
- 3.2 The Statement of Principles sets out the general approach the Council will take when carrying out its regulatory role under the Act and promoting the three licensing objectives:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
 - ensuring that gambling is conducted in a fair and open way
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.3 The Act was designed to be a light touch piece of legislation covering a wide range of licensable activities such as adult gaming centres and betting premises.
- 3.4 The Act specifies that Local Authorities should “aim to permit” gambling, provided it is in accordance with the Code of Practice and guidance issued by the Gambling Commission, reasonably consistent with the licensing objectives and in accordance with the Statement of Principles. The effect of this duty is that Licensing Authorities must approach their functions in a way that seeks to regulate gambling by using their powers to promote the licensing objectives rather than by starting out to prevent it altogether.
- 3.5 The current Statement was adopted by Council in December 2015, with the renewal date being January 2019.

4. Proposed changes

- 4.1 A number of additions and amendments to the current Statement of Principles were consulted upon, to reflect the update in the Guidance published by the Gambling Commission (5th Edition, September 2015).
- 4.2 There are no changes to the intent or direction of the Policy, which sets out how the Council seeks to regulate gambling activities under its control and provide a framework for consistent decision making.
- 4.3 The draft Policy includes a Local Area Profile for Guildford as endorsed by the latest guidance which recommends improvement to the approach to gambling licensing and regulation by:
 - Increased focus on risk and regulation
 - Greater attention to local area risk, and;
 - Encouragement of partnership and collaboration between stakeholders to mitigate risk
- 4.4 From April 2016, all industry operators have had to undertake local area risk assessments to explore what risks gambling venues pose to the licensing objectives, including the protection of young and vulnerable people. The Local Area Profile, acts as a guide which gambling operators can use when undertaking and preparing their local premises risk assessments.
- 4.5 The Statement includes a large new section on the Council's expectations around operators' local risk assessments. This will enable the Council to regulate local gambling more effectively by being able to hold operators to account if their assessments fall short of the Council's expectations.

5. Consultation

- 5.1 Consultation is critical to ensure any changes to the Statement of Principles are clear and transparent for businesses, responsible authorities and the public.
- 5.2 The legislation specifies those persons and groups that the Council has a duty to consult with. Consultations were sent to all current and former licence holders, groups representing the interests of the licensed trade, the responsible authorities, groups representing the local community, charitable groups, all ward councillors and parish councils.
- 5.3 Following approval of consultation, Officers followed our consultation standards and carried out a consultation over a 12 week period between 8 June – 3 September.
- 5.4 During the consultation period six (6) consultation responses were received. The responses are attached in Appendix 2.

Agenda item number: 5

5.5 Three responses were received from organisations representing the interests of the Gambling industry. One response was received from GamCare. One response was received from HMRC updating their contact address. One response was received from Ash Parish Council.

5.6 The proposed comments about the policy, with comment from Officers were as follows:

Comment from	Comment	Response
GamCare	The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.	The inclusion of a Local Area Profile fulfils this.
	We would suggest that the Local Licensing Authority primarily consider applications from GamCare Certified operators. GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice.	Comment noted. The Licensing Authority has little control over the operators making applications in our area.
Bingo association	Since 2011, there has been no numerical limit on the number of Category B3 machines (unless a premises licence was acquired after that date). The limit for B3 gaming machines in licensed bingo premises was increased to 20% of the available machine estate and therefore reference to a number in the Policy document is misleading.	The wording of this paragraph has been amended.
Gossalks on behalf of the Association of British Bookmakers	The heading to Part B is "Promotion of the licensing objectives" and therefore there is a reference within paragraph 9.2 that the applicant will	The Council's Policy seeks to promote the licensing objectives as per paragraph 6.7 of the Guidance to Local

	<p>need to demonstrate how it will “promote” one of the licensing objectives. The promotion of the licensing objectives is a fundamental principle in Licensing Act 2003 applications but the only body upon whom Gambling Act 2005 confers a duty to promote the licensing objectives is the Gambling Commission. The licensing authority is required to have regard to the licensing objectives when exercising most of its functions whilst applications and the operation of licensed premises are required to be “reasonably consistent” with the licensing objectives. In the circumstances, the references to “promotion” and “promote” should be amended.</p> <p>Furthermore, within paragraph 9.1, there is a statement that the council will have to be satisfied that premises “<i>will not adversely affect the licensing objectives and is compliant with the Commissioner’s Guidance, Code of Practice and this Policy Statement</i>”. This reference should also be amended to reflect the fact that the council will need to be satisfied that applications/operations will be reasonably consistent with the licensing objectives.</p>	<p>Authorities.</p>
<p>Gossalks on behalf of the Association of British Bookmakers</p>	<p>It appears that the first sentence of paragraph 16.3 may be incomplete. This sentence indicates that “<i>The council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives</i>” but does not indicate what the consequences of that satisfaction may be. This sentence should be redrafted in order that the consequences of such satisfaction</p>	<p>The paragraph has been updated.</p>

	are clear.	
Gossalks on behalf of the Association of British Bookmakers	<p>Paragraph 16.6 contains a list of bullet points that the licensing authority recommends be considered by operators when making their risk assessment. The second bullet point ("<i>gaming trends that may reflect benefit payments</i>") should be deleted as this is not a relevant consideration when assessing a risk to the licensing objectives. The only way in which this could be relevant is if the licensing authority had determined that those in receipt of benefits were automatically vulnerable or more likely to commit crime as a result of gambling. We are certain that this predetermination has not taken place.</p>	<p>This is a list of factors that we would expect operators to identify in their local risk assessment. The Council considers that operators should take all reasonable steps to protect vulnerable persons, including those in receipt of benefits</p>
	<p>Similarly, the final bullet point relating to antisocial behavior should be deleted as issues of nuisance and anti-social behavior are not relevant considerations as far as an assessment of a risk to the licensing objectives is concerned.</p>	<p>Anti-social behaviour may constitute low level crime and/or disorder and the Council would expect operators to consider this in their assessments.</p>
	<p>Paragraph 21 explains the licensing authority's approach to the imposition of additional conditions. We welcome the acknowledgement in paragraph 21.1 that all Gambling Act 2005 premises licences are subject to mandatory and default conditions which are usually sufficient to ensure operation in accordance with the licensing objectives and therefore it is unlikely that the council will need to impose further conditions.</p> <p>This section would, however, be assisted if the statement made in paragraph 12.2 could be reiterated</p>	<p>Comment noted.</p>

	<p>i.e. that additional conditions will only be attached where there is evidence of a risk to the licensing objectives in the circumstances of a particular case.</p>	
	<p>Paragraphs 27.2 and 27.3 refer to betting machines. The draft Statement of Principles would be assisted if a clear distinction could be made between betting machines and gaming machines. Whilst the licensing authority has the power, in certain circumstances, to restrict the number of betting machines, it may not restrict the number of gaming machines. The holder of a betting premises licence may make available for use up to 4 gaming machines of categories B, C or D (Section 172(8) Gambling Act 2005).</p>	<p>Comment noted.</p>

5.7 As stated above, one minor change to the draft Policy approved for consultation is suggested based upon the consultation responses received. This is at Paragraph 26.3 where there is no longer a numerical limit on the number of category B3 machines in Bingo premises.

5.8 The final version for approval by Licensing Committee is attached as Appendix I.

6. Financial Implications

6.1 Under the Act, the Council has the power to recover its costs and set fees and charges at such a level that the licensing process is cost neutral to the Council.

6.2 The financial implications associated with the revision of the Statement of Principles can be financed from the Licensing budget.

7. Legal Implications

7.1 Section 349(1) of the Gambling Act 2005 requires the Council, as licensing authority, to prepare and publish a statement of principles to cover each successive period of three years. Section 349(2) requires the Council to review the statement from time to time, revise the statement if thought necessary as a result of the review and publish the revision before giving effect to it.

- 7.2 In preparing the statement, the Council must consult the following people for its area:
- a) The chief officer of police
 - b) People representing the interests of persons carrying on gambling businesses
 - c) Persons who represent the interests of persons who are likely to be affected by the Council exercising its functions under the Act
- 7.3 Before a statement or revision comes into effect, the regulations require licensing authorities to publish a notice of their intention to publish a statement or revision. The notice must:
- specify the date on which the statement or revision is to be published
 - specify the date on which the statement or revision will come into effect
 - specify the internet address where the statement or revision will be published and the address of the premises at which it may be inspected
 - be published on the authority's website and in/on one or more of the following places for at least four weeks before it comes into effect:
 - a local newspaper circulating in the area covered by the statement
 - a local newsletter, circular, or similar document circulating in the area covered by the statement
 - a public notice board in or near the principal office of the authority
 - a public notice board on the premises of public libraries in the area covered by the statement.
- 7.4 Upon recommendation from the Licensing Committee, the revised Statement of Principles will be presented for approval at Full Council on 4 December 2018.

8. Human Resource Implications

- 8.1 Provided the Policy is recommended for approval by Licensing Committee, there will not be any additional human resource implications associated with the revision of the Statement of Principles.

9. Conclusion

- 9.1 The Act requires the Council to prepare and publish its Statement of Gambling Principles every 3 years and requires that we consult on the proposed statement of principles. The Statement for the next three year period has been prepared and the draft consulted upon.
- 9.2 Following consultation the Licensing Committee are requested to recommend the adoption of the Statement of Principles at Full Council in order to comply with our statutory duty.

10. Background Papers

[Gambling Act 2005](#)

[Gambling Act 2005 Statement of Principles 2016-19](#)

[Gambling Commission Guidance to licensing authorities 5th edition September 2015](#)

[Gambling Commission Local Authority Bulletin January 2018 Statements of Policy 2019-2022](#)

[Gambling Commission – Participation and Perceptions Report February 2018](#)

[Gambling Regulation: Councillor Handbook – Local Government Association \(2018\)](#)

[Minutes of Licensing Committee 30 May 2018](#)

11. Appendices

Appendix 1: Guildford Borough Council draft Statement of Gambling Principles 2019-2022

Appendix 2: Consultation responses received.

12. Consultation

Service	Sign off date
Regulatory Services Manager	<i>2 November 2018</i>
Finance / 151 Officer	<i>1 October 2018</i>
Legal / Governance	<i>4 October 2018</i>
HR	<i>25 September 2018</i>
Equalities	<i>25 September 2018</i>
Lead Councillor	<i>10 October 2018</i>
CMT	<i>6 November 2018</i>
Committee Services	<i>13 November 2018</i>

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Gambling Act 2005 Statement of Principles

2019 - 2022

DOCUMENT INFORMATION

Origination/author:	Mike Smith, Licensing Team Leader
This document replaces:	Statement of Principles (Gambling Act 2005) 2019-2022
Date/detail of consultation:	8 June – 3 September 2018
Date of Council approval:	TBC
Last reviewed:	December 2018
Next review date:	January 2022

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PART A – Introduction and Scope

1. The Licensing Objectives

1.1 Guildford Borough Council (the Council) is the licensing authority for the purposes of the Gambling Act 2005 (the Act).

1.2 In exercising most of our functions under the Act, we must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

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

1.3 The Gambling Commission (the Commission) states: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

1.4 The Council in making decisions about premises licences and temporary use notices will aim to permit the use of premises for gambling in so far as we think it:

- in accordance with any relevant code of practice issued by the Commission
- in accordance with any relevant guidance issued by the Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority’s statement of principles

2. Introduction

2.1 This is our Statement of Principles (Statement) in relation to our licensing functions under the Act. This latest draft of the policy contains no changes to the intent or direction of the previous policy, which is that the Council seeks to ensure that premises licensed for gambling uphold the licensing objectives. The statement includes the addition of a Local Area Profile, which has been developed as a guide which gambling operators can use when undertaking and preparing their local premises risk assessments; and sets out the Council’s expectations of operator’s risk assessments.

2.2 We will publish this Statement at least every three years and we will review it from time to time and consult on any proposed amendments. If we make any changes, we will then re-publish the Statement.

2.3 This Statement follows the format issued by the Local Authorities Coordinators of Regulatory Services (LACORS). All references to the ‘Guidance’ refer to the Commission’s Guidance to Licensing Authorities, 5th Edition, published September 2015.

2.4 The borough is the second highest populated district in Surrey with 146,800 residents in 2016. The major urban areas are located in the town centre of Guildford and Ash and surrounding areas on the western fringes of the borough adjacent to Aldershot town.

- 2.5 Guildford Borough is also the second largest borough in the county, covering approximately 269 square kilometres (104 square miles) of which 89% is land designated as Green Belt. Outside the urban areas and villages, rural areas contain the Surrey Hills Area of Outstanding Natural Beauty covering 99 square kilometres, several sites of importance for nature protection and areas of special scientific interest. The borough also has a rich and varied architectural heritage, including 36 scheduled ancient monuments.
- 2.6 Guildford is mostly an affluent area with relatively low unemployment and low levels of crime. Most residents are healthy and enjoy well above average life expectancy. The workforce is generally well-educated and highly skilled. The borough attracted over 4.9 million day visitors in 2016 and 351,000 staying trips, generating about £338.4 million in tourism income for local businesses, supporting around 6,167 actual jobs.
- 2.7 The town centre is a focus for major commercial and administrative functions and is a principal regional shopping destination, with a vibrant night time economy. In 2014 the town was awarded Purple Flag, recognising excellence in the management of the town centre at night. This prestigious award demonstrates the Council's and the other Purple Flag Partners' ambitions to develop and improve the night time economy, encouraging a broad outlook on how the town is presented at night and tackling all aspects from cleanliness to access and transport, street lighting to signage, entertainment variety and choice of styles in bars, clubs and restaurants. We have attached a map of Guildford Borough at Appendix A.
- 2.8 The Act requires the Council to consult the following parties:
- the Chief Officer of Police;
 - one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
 - one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
- 2.9 Our consultation on this statement of principles took place between **##dates in 2018##**. We have attached a list of councils and partner organisations in Appendix B and a list of the persons we consulted at Appendix C. We followed the HM Government Code of Practice on Consultation (published July 2008), which is available at: <https://www.gov.uk/government/publications/consultation-principles-guidance>
- 2.10 We will make the full list of comments available by request to the Licensing Team, Guildford Borough Council, Millmead House, Millmead, Guildford, Surrey, GU2 4BB. If you have any comments about this Statement please send them via letter or email licensing@guildford.gov.uk
- 2.11 The Full Council approved The Statement of Principles at a meeting on **##date 2018** and we published the Statement via our website.
- 2.12 This Statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as we will consider each on its own merits and according to the statutory requirements of the Act.

3. Declaration

- 3.1 In producing the final Statement, Guildford Borough Council declares that we have had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Commission, and any responses from those consulted on the Statement.

4. Responsible Authorities

- 4.1 Regulations require the Council to state the principles we will apply in exercising our powers under Section 157(h) of the Act to designate, in writing, a body, which is competent to advise us about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

- 4.2 In accordance with the suggestion in the Commission's Guidance, we designate the Surrey Safeguarding Children Board for this purpose.

- 4.3 We have published the contact details of all the Responsible Authorities under the Act on our website and at Appendix B of this Statement.

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 Act as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)"

- 5.2 The principles we will apply to determine whether a person is an interested party are:

Each case will be decided upon its merits. We will not apply a rigid rule to our decision making. We will consider the examples provided in the Commission's Guidance at 8.9 to 8.17. We will also consider the Commission's Guidance that the term "has business interests" will be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

- 5.3 Interested parties include democratically elected persons such as councillors and MPs. We will not require the councillor or MP to provide specific evidence of an interested party asking them to act as their representative as long as they represent the potentially affected ward. Likewise, we will consider potentially affected parish councils as interested parties. Other than these however, we

will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises 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.

- 5.4 If individuals wish to approach councillors to ask them to represent their views then they should take care that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Team.

6. Exchange of Information

- 6.1 The Act requires the Council to include the principles we will apply in exercising our functions under sections 29 and 30 of the Act regarding the exchange of information between the Commission and us. This also applies in relation to the functions under section 350 of the Act with respect to the exchange of information between us and the other persons listed in Schedule 6 to the Act. Those persons or bodies are listed in Schedule 6(1) as:

- a constable or police force
- an enforcement officer
- a licensing authority
- HMRC
- the first tier tribunal
- the Secretary of State.

- 6.2 In this regard, we will act in accordance with the provisions of the Act in our exchange of information, which includes the provision that we will not contravene the Data Protection Act 1998 or General Data Protection Regulations. We will also have regard to any Guidance issued by the Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

- 6.3 Details of applications and representations which are referred to a Licensing Sub-Committee for determination will be published in reports that are made publicly available. 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 and is satisfied that it is appropriate to do so.

- 6.4 The authority will ensure that the information on the returns is accurate and sent to the Commission within agreed timescales.

- 6.5 We recognise the need to share information with other agencies about our inspections and compliance activities. The Council has various policies relating to 'information governance', which will be considered when deciding what information to share and the process for doing so. The Council is also a signatory to the Surrey Multi Agency Information Sharing Protocol, which allows the sharing of information between Agencies for the purpose of the prevention and detection of crime and for public protection.

- 6.6 Information can be accessed by data subjects via a number of routes including a Freedom of Information Request or Subject Access Request.

7. Compliance

7.1 The Act requires the Council to state the principles we will apply in exercising our functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of specified offences.

7.2 Our principles are that we will have regard to the Commission's Guidance and will endeavour to be:

- proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- consistent: rules and standards must be joined up and implemented fairly;
- transparent: regulators should be open, and keep regulations simple and user friendly; and
- targeted: regulation should focus on the problem, and minimise side effects.

7.3 We will endeavour to avoid duplication with other regulatory regimes so far as possible.

7.4 We have adopted and implemented a risk-based inspection programme, based on:

- the licensing objectives
- relevant codes of practice
- guidance issued by the Commission, in particular at Part 36
- the Council's Local Area Profile
- the principles set out in this statement of principles

7.5 Our main enforcement role in terms of the Act is to ensure compliance with the premises licences and other permissions, which we authorise. The Commission is the enforcement body for operating licences and personal licences. It is also worth noting that we do not deal with concerns about manufacture, supply or repair of gaming machines, or concerns about on-line or remote gambling because this is part of the Commission's role.

7.6 This licensing authority also keeps itself informed of developments with regard to the work of the Better Regulation Delivery Office in its consideration of the regulatory functions of local authorities, in particular, with regard to the Regulators Code (April 2014) which provides a regulatory framework that supports compliance and growth while enabling resources to be focused where they are most needed. We will make available our enforcement and compliance protocols and written agreements upon request.

7.7 Bearing in mind the principle of transparency, the Council has adopted an Enforcement Policy which sets out the Council's approach to securing compliance with regulatory requirements and applies to all our regulatory functions, including Gambling. The Policy is available on the Council's website.

8. Licensing authority functions

8.1 The Act requires the Council to:

- be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- issue *Provisional Statements*
- regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- issue *Club Machine Permits* to *Commercial Clubs*
- grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- register *small society lotteries* below prescribed thresholds
- issue *Prize Gaming Permits*
- receive and Endorse *Temporary Use Notices*
- receive *Occasional Use Notices*
- provide information to the Commission regarding details of licences issued (see section above in 6.1)
- maintain registers of the permits and licences that are issued under these functions

8.2 It is worth noting that we are not involved in licensing remote gambling at all, because this is the Commission's role via operating licences.

Part B – Promotion of the Licensing Objectives

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

9.1 The Gambling Commission will take the lead role in keeping gambling free from crime by vetting applicants for operator and personal licences. The Council will have to be satisfied that the premises will not adversely affect the licensing objective and is compliant with the Commission's Guidance, codes of practice and this policy statement.

9.2 The Council will expect the applicant to have a good understanding of the local area in which they either operate, or intend to operate, a gambling premises. As part of the application, the applicant will provide evidence to demonstrate that in operating the premises they will promote this licensing objective.

9.3 Examples of the specific steps the Council may take to address this area can be found in the section covering specific premises in Part C and in relation to permits and notices in Part D of this policy.

10. Ensuring that gambling is conducted in a fair and open way

10.1 The Gambling Commission is the body primarily concerned with ensuring that operators conduct gambling activities in a fair and open way, except in the case of tracks.

10.2 The Council will notify the Gambling Commission of any concerns about misleading advertising or absence of required game rules, or any other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice.

10.3 Examples of the specific steps the Council may take to address this area can be found in the section covering specific premises in Part C and in relation to permits and notices in Part D of this policy.

11. Protecting children and other vulnerable persons from being harmed or exploited by gambling.

11.1 Protection of Children: Persons under 18 cannot be admitted to many types of gambling premises. This objective means preventing children from taking part in most types of gambling.

11.2 Section 45 of The Act provides the following definition for child and young person:

Meaning of "child" and "young person"

1) In this Act "child" means an individual who is less than 16 years old.

2) In this Act "young person" means an individual who is not a child but who is less than 18 years old.

11.3 Children and young persons may take part in private and non-commercial betting and gaming, but the Act restricts the circumstances in which they may participate in gambling or be on premises where gambling is taking place as follows:

- casinos, betting shops and adult gaming centres are not permitted to admit anyone under 18;
 - bingo clubs may admit those under 18 but must have policies to ensure that they do not play bingo, or play category B or C machines that are restricted to those over 18;
 - family entertainment centres and premises licensed to sell alcohol for consumption on the premises can admit under 18s, but they are not permitted to play category C machines which are restricted to those over 18;
 - clubs with a club premises certificate can admit under 18s, but they must have policies to ensure those under 18 do not play machines other than category D machines;
 - All tracks can admit under 18s, but they may only have access to gambling areas on days where races or other sporting events are taking place, or are expected to take place. Tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on category D machines.
- 11.4 The Council will have regard to any code of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises.
- 11.5 The Council will consider whether specific measures are required at particular premises, with regard to this licensing objective. These measure may include supervision of entrances / machines, segregation of areas, etc. Examples of the specific steps the Council may take to address this area can be found in the section covering specific premises in Part C and in relation to permits and notices in Part D of this policy.
- 11.6 Where gambling premises are located in sensitive areas where young and/or vulnerable persons may be present, for example near schools, this Licensing Authority will consider imposing restrictions on advertising the gambling facilities on such premises where it is considered relevant and reasonably consistent with the Licensing Objectives.
- 11.7 Protection of vulnerable people: It is difficult to define the term “vulnerable person”. The Gambling Commission, in its Guidance to Local Authorities, does not seek to offer a definition, but will, for regulatory purposes assume that this group includes people:
- “who gamble more than they want to, people who gamble beyond their means, elderly persons, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs.”
- 11.8 The Gambling Commission’s Code of Practice clearly describes the policies and procedures that operators should put in place regarding:
- combating problem gambling
 - access to gambling by children and young persons
 - information on how to gamble responsibly and help for problem gamblers
 - customer interaction
 - self exclusion
 - employment of children and young persons

- 11.9 The Council may consider any of the measures detailed below as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant:
- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet
 - training for staff members which focuses on an employee's ability to detect a person who may be vulnerable and providing support to vulnerable persons
 - self exclusion schemes
 - operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
 - posters and leaflets with GamCare Helpline and website displayed in prominent locations
 - external advertising to be positioned or designed not to entice passers-by.
- 11.10 It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 3, that licensees must have and put into effect policies and procedures intended to promote socially responsible gambling.
- 11.11 The LCCP say that licensees must make an annual financial contribution to one or more organisation(s) which between them research into the prevention and treatment of gambling-related harm, develop harm prevention approaches and identify and fund treatment to those harmed by gambling.

PART C: Premises Licences

12. General Principles

- 12.1 The Council will issue premises licences to allow those premises to be used for certain types of gambling. These are:
- a) casino premises,
 - b) bingo premises"
 - c) betting premises including tracks and premises used by betting intermediaries,
 - d) adult gaming centre premises, or
 - e) family entertainment centre premises.
- 12.2 Premises licences are subject to the requirements set out in the Act and regulations, as well as specific mandatory and default conditions, which the Secretary of State has detailed in regulations. The Council will exclude default conditions and attach others, where we believe it to be appropriate due to evidence of a risk to the licensing objectives.
- 12.3 The Gambling Commission has issued Codes of Practice for each interest area for which they must have regard. The Council will also have regard to these Codes of Practice.

13 Decision-making

When making decisions about premises licences the Council is under a statutory duty by virtue of s.153 of the Act to aim to permit the use of premises for gambling in so far as we think it:

- in accordance with any relevant code of practice issued by the Commission;
- in accordance with any relevant guidance issued by the Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with our Statement.

- 13.1 We will not accept moral objections to gambling as a valid reason to reject applications for premises licences (except with regard to any 'no casino resolution' - see section on Casinos). Issues of nuisance, planning permission and building regulation are not issues that can be taken into account when considering an application for a premises licence.
- 13.2 We will not consider whether there is demand for gambling as valid criteria when deciding whether to grant or reject applications for premises licences. Each application must be considered on its merits without regard for demand, reflecting the statutory 'aim to permit' principle outlined above.
- 13.3 However, we will consider the location of a premises so far as it relates to the licensing objectives and whether there is need for condition(s) to mitigate risks in respect of gambling in a particular location.
- 13.4 This Council has reviewed its constitution and scheme of delegation to officers to ensure effective implementation of the Act. The Licensing Committee and Sub-Committee have been set up to deal with licensing issues and the determination of applications in certain cases, ie those where representations have been made or where premises licences require review. Non contentious applications (ie those where no representations have been made) will be delegated to officers.

- 13.5 Where representations are received the Council will consider whether they are vexatious, frivolous or if they would influence the Council's determination of the application.

14. Definition of "premises"

The Act defines "premises" as including "any place". Section 152 of the Act therefore prevents more than one premises licence applying to any place. However, a single building could be subject to more than one premises licence, provided they are for different parts of the building and provided we can reasonably regard different parts of the building as being different premises. The legislation takes this approach to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, we will pay particular attention if there are issues about sub-divisions of a single building or plot and will ensure that licence holders observe mandatory conditions relating to access between premises.

- 14.1 The Commission states in its Guidance at paragraphs 7.6 - 7.8 : "7.6 In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing authority. 7.7 The Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises. If a premises is located within a wider venue, a licensing authority should request a plan of the venue on which the premises should be identified as a separate unit. 7.8 The Commission recognises that different configurations may be appropriate under different circumstances but the crux of the matter is whether the proposed premises are genuinely separate premises that merit their own licence - with the machine entitlements that brings – and are not an artificially created part of what is readily identifiable as a single premises."
- 14.2 The Council takes particular note of the Commission's Guidance, which states that licensing authorities should pay particular attention 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. In particular this Authority is aware that 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. The Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Additionally, the third licensing objective seeks to protect children from being harmed by gambling. In practice, this means not only preventing children from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, licence holders should configure premises so that they do not invite children to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.

14.3 Clearly, there will be specific issues that the Authority will consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition, an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would be prohibited under the Act.

14.4 This Authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities relating to the artificial sub-division of premises. It also takes note of section 152 (1) of the Act and will look very carefully at any application that may appear to breach these provisions.

14.5 The Council will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

14.6 The Commission's relevant access provisions for each premises type are reproduced below:

14.7 Casinos

- the principal access entrance to the premises must be from a street (as defined at 7.21 of the Guidance)
- no entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- no customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

14.8 Adult Gaming Centre

- no customer must be able to access the premises directly from any other licensed gambling premises

14.9 Betting Shops

- access must be from a street (in line with paragraph 7.21 of the Guidance) or from another premises with a betting premises licence
- no direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect, there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

14.10 Tracks

- no customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

14.11 Bingo Premises

- no customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

14.12 Family Entertainment Centre

- no customer must be able to access the premises directly from:
- a casino
- an adult gaming centre
- a betting premises, other than a track

14.13 Part 7 of the Commission's Guidance contains further guidance on this issue, which we will also take into account in our decision-making.

15. Premises "ready for gambling"

15.1 The Guidance states 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.

15.2 If the construction of a premises is not yet complete, if they need alteration, or if the applicant does not yet have a right to occupy them, then the applicant should make an application for a provisional statement instead.

15.3 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, we will determine applications on their merits, applying a two stage consideration process:

- first, whether the premises ought to be permitted to be used for gambling
- second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

15.4 Applicants should note that the Council is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

15.5 Detailed examples of the circumstances in which the Council may grant such a licence are at paragraphs 7.58-7.65 of the Guidance.

16. Location

16.1 The Council will not consider demand issues with regard to the location of premises but we will consider the potential impact of the location on the licensing objectives in our decision-making. In line with the Commission's Guidance to Licensing Authorities, we 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.

16.2 With regards to these licensing objectives it is the Council's policy, upon receipt of any relevant representation to look at specific location issues which include:

- the possible impact that a gambling premises may have on any sensitive premises that provide services to children or young people or vulnerable people; eg a school, vulnerable adult centre;

- the possible impact a gambling premises may have on a residential area where there is a high concentration of families with children;
 - the nature and size of the gambling activities taking place;
 - any levels of crime in the area.
- 16.3 The Council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 10, for licensees to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement
- 16.4 The LCCP say that licensees must review (and update as necessary) their local risk assessments:
- to take account of significant changes in local circumstances, including those identified in this policy statement;
 - when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
 - when applying for a variation of a premises licence; and
 - in any case, undertake a local risk assessment when applying for a new premises licence.
- 16.4 The Council will expect the local risk assessment to consider as a minimum:
- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;
 - the demographics of the area in relation to vulnerable groups;
 - whether the premises is in an area subject to high levels of crime and/or disorder.
- 16.5 Local risk assessments should show how vulnerable people, including people with gambling dependencies are protected.
- 16.6 The Council would also strongly recommend that the following matters are considered by operators when making their risk assessment, and they have taken action in the form of conditions where the operators have not demonstrated that they are sufficiently mitigating the risks. This list is not exhaustive and other factors not in this list that are identified must be taken into consideration:
- Information held by the licensee regarding self-exclusions and incidences of underage gambling
 - Gaming trends that may reflect benefit payments
 - Arrangement for localised exchange of information regarding self-exclusions and gaming trends
 - Urban setting such as proximity to schools, commercial environment, factors affecting footfall
 - Assessing staffing levels when a local college closes and the students begin to vacate the grounds.
 - Proximity of machines to the entrance door
 - Age verification policies including 'Think 21' and 'Think 25'
 - Consideration of line of sight from the counter to gambling machines.
 - Larger operators (William Hill, Coral, Ladbrokes, Betfred and Paddy Power) are responsible for conducting/taking part in underage testing, results of

Appendix 1

which are shared with the Gambling Commission. However, operators are urged to also make the results available to licensing authorities. Where the licensing authority receives intelligence in relation to failed 'Think 21' test purchases, the licensing authority would encourage the consideration of additional tasking over the standard once a year visits as a means of assessing risk.

- Providing the licensing authority with details when a child or young person repeatedly attempts to gamble on their premises. This may provide the Licensing authority with an opportunity to consider safeguarding concerns. The Crime, Enforcement and Regulation Service continue to raise awareness in cooperation with the Metropolitan Police of child sexual exploitation via Operation Makesafe amongst the business community. To date efforts have been focussed on providing awareness to hotels, taxi companies and licensed premises, nonetheless, extending such an approach to operators where there is a specific issue in relation to child safeguarding would be considered.
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities
- Known problems in the area, such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.

16.7 The Council would expect a risk assessment to be tailored to each premises and not solely based on a 'standard' template. The Council would also expect that each assessment is completed by a suitably competent person.

16.8 It will be the responsibility of the gambling operator to assign the assessor for assessing the local risks for their premises. The person assigned as the assessor must be competent to undertake this role as failure properly to carry out this function could result in a breach of the provisions of the LCCP. The Gambling Commission has not produced any guidance on the competencies of assessors, however the Council would expect the assessor to understand how the premises operate or will operate, its design, and where it is located. The assessor will need to understand the local area and can use staff or area managers to assist in gaining an understanding of that local area. The assessor should also be suitably experienced in assessing gambling related risk and identification of appropriate controls

16.9 The Council expects that local risk assessments are kept on the individual premises and are available for inspection.

16.10 It should be noted that this policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant to show how potential concerns can be overcome.

17. Planning

17.1 The Commission's Guidance states at paragraph 7.58: "In determining applications the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. Licensing Authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, 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...”.

- 17.2 The Council will not take into account irrelevant matters in line with the above guidance. In addition, we note the following excerpt from the Guidance at paragraph 7.65: “When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations and must not form part of the consideration for the premises licence. Section 210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building”.

18. Duplication with other regulatory regimes

- 18.1 The Council seek to avoid any duplication with other statutory or regulatory systems where possible, including planning. When we consider a licence application, we will not consider whether we will award planning permission or building regulations approval through the planning process. We will though, listen to, and consider carefully, any concerns about conditions which licensees are unable to meet due to planning restrictions, should such a situation arise.
- 18.2 When dealing with a premises licence application for finished buildings, we will not take into account whether those buildings have to comply with the necessary planning or buildings consents. We will not take fire or health and safety risks into account, as these matters do not form part of the consideration for the premises licence. We will deal with those matters under relevant planning control, buildings and other regulations.

19. The Licensing Objectives

- 19.1 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, we have considered the Commission’s Guidance and have set out our policy in Part B.

20. Local Area Profile

- 20.1 **Local Area Profile** – a map of this Local Authority’s area has been attached as **Appendix D**. The map contains the location of all schools, hostels and homes for vulnerable people, hotspots of reported crime, and centres for people with gambling addictions. This Authority will pay particular attention to applications for the new grant of, or variations to existing, premises licences where those premises lie within areas with a concentration of schools, crime, hostels/homes for vulnerable people and centres for people with a gambling addiction.
- 20.2 The Council will expect applicants to fully explain in their applications how their proposal will not exacerbate any problems to individuals living in the vicinity, or exacerbate any crime problems within the vicinity generally. Applicants will be expected to tailor their application, and have policies, procedures and control measures to mitigate any risks. They should have the appropriate numbers of

trained staff, and propose licence conditions, to cater for the local area in which they propose to run their business.

- 20.3 Applicants should also be aware of areas with concentrations of hostels and other types of accommodation for vulnerable people. Where they propose to make an application for the new grant of a premises licence, or a variation to an existing licence, in such areas they should explain fully in their risk assessments how they will mitigate any risks of operating gambling premises in close proximity to concentrations of housing for vulnerable people.
- 20.4 Other publicly available sources of information are available to assist in operators completing a Local Area Profile.
- 20.5 This Authority will expect applicants for the new grant of, or variation to an existing, licence to include full details of their risk assessment in compliance with Social Responsibility code 10.1.1 and Ordinary code provision 10.1.2.

21. Conditions

- 21.1 The Secretary of State has set mandatory and default conditions and the Gambling Commission has set Licence Conditions and Codes of Practice on Operator's Licences which are necessary for the general good conduct of gambling premises, therefore it is unlikely that the Council will need to impose individual conditions imposing a more restricted regime in relation to matters that have already been dealt with.
- 21.2 If the Council is minded to impose conditions because there are regulatory concerns of an exceptional nature, then any additional licence conditions must relate to the licensing objectives.
- 21.3 Any conditions attached to licences will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises and the type of licence applied for;
 - fairly and reasonably related to the scale and type of premises; and
 - reasonable in all other respects.
- 21.4 The Council will make all decisions on individual conditions on a case-by-case basis, although there will be a number of measures we will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas and so on. We have made some specific comments in this regard under some of the licence types below. The Council will also expect the licence applicant to offer his/her own suggestions as to the way in which he/she can effectively meet the licensing objectives.
- 21.5 We will also consider specific measures, which may be required for buildings subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Commission's Guidance.

- 21.6 The Council will also ensure that where category C or above machines are on offer in premises to which children are admitted (including buildings where multiple premises licences are applicable):
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - only adults are admitted to the area where these machines are located;
 - access to the area where the machines are located is supervised;
 - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
 - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 21.7 The Council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. In line with the Commission's Guidance, we will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 21.8 We note that there are conditions which the Council cannot attach to premises licences which are:
- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
 - conditions relating to gaming machine categories, numbers, or method of operation;
 - conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
 - conditions in relation to stakes, fees, winning or prizes.

22. Door Supervisors

- 22.1 The Commission advises in its Guidance: "If a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access, for example by children and young persons, then it may require that the entrances to the premises are controlled by a door supervisor. and the licensing authority is able to impose a condition on the premises licence to this effect."
- 22.2 Where we decide that supervision of entrances/machines is appropriate for particular cases, a consideration of whether the supervisors should be SIA licensed or not will be necessary. We will not automatically assume that the supervisors need to be licensed, as the statutory requirements for different types of premises vary, in line with part 33 of the Gambling Commission Guidance.

23. Adult Gaming Centres

- 23.1 An Adult Gaming Centre (AGC) is one of three types of amusement arcade. This type of arcade can provide higher payout gaming machines (Category B3 and B4) and access is restricted to persons who are aged 18 years or over.

23.2 The Council 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.

23.3 We may consider measures to meet the licensing objectives. This list is not mandatory, nor exhaustive, and is merely indicative of example measures:

- proof of age schemes
- CCTV Supervision of entrances / machine areas
- physical separation of areas
- location of entry Notices / signage
- specific opening hours
- self-exclusion schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare.

24. Licensed Family Entertainment Centres

24.1 A Licensed family entertainment centre (LFEC) is the second type of amusement arcade. This type of arcade can provide the lowest two categories of gaming machine (category C and D). Children can enter an LFEC but they can only gamble on category D machines. All category C machines must be located in a separate area, which can only be accessed by persons who are aged 18 years or over.

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

24.3 We may consider measures to meet the licensing objectives. This list is not mandatory, nor exhaustive, and is merely indicative of example measures such as:

- CCTV
- supervision of entrances / machine areas
- physical separation of areas
- location of entry
- notices / signage
- specific opening hours
- self-exclusion schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare
- measures / training for staff on how to deal with suspected truant school children on the premises

24.4 In line with the Commission's guidance, the Council 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. We will also be aware of any mandatory or default conditions on these premises licences, when we have published them.

25. Casinos

- 25.1 The Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games. Casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players. Casinos can also provide equal chance gaming and gaming machines. Large and small casinos can also provide betting machines.
- 25.2 No casinos resolution – The licensing authority previously passed a ‘no casino’ resolution under Section 166 of the Gambling Act 2005 however this resolution expired on 31 January 2010 and was not renewed.
- 25.3 The Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 specifies which authorities may issue large and small casino premises licences. As Guildford Borough Council is not one of the local authorities permitted to issue these casino licences, it is therefore not necessary to consider making a further ‘no casino’ resolution.
- 25.4 Should legislation change and/or the council decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

26. Bingo premises

- 26.1 A Bingo Hall is a place in which Bingo is played. There is no legal definition of Bingo but it is a game in which players mark off numbers on cards as the numbers are drawn randomly by the caller, the winner being the first person to mark off all the numbers on their card.
- 26.2 The Commission’s Guidance states at paragraph 18.5: “Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence”. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.
- 26.3 The Council notes the Guidance at paragraph 18.9 regarding the unusual circumstances in which we might permit pre-existing premises to be split into two adjacent premises. In making any decision, The Council will have regard to the limit for B3 gaming machines in licensed bingo premises which is 20% of the available machine estate.
- 26.4 The Council also notes the Guidance at paragraph 18.7, that children and young people are allowed into bingo premises; however, they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

27. Betting premises

- 27.1 The Act contains a single class of licence for betting premises however within this single class there are different types of premises which require licensing such as high street bookmakers, bookmakers located in self contained facilities

at racecourses as well as the general betting premises licences that track operators will require.

- 27.2 Betting machines – Section 181 of the Act states:
“A condition of a betting premises licence may relate to –
a) the number of machines used on the premises for the purpose of making or accepting bets;
b) the nature of those machines;
c) the circumstances in which those machines are made available for use.”
- 27.3 When considering whether to impose a condition on a licence the council 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.
- 27.4 Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commissions Codes of Practice or by the applicant, the council may consider licence conditions to address such issues,

28. Tracks

- 28.1 Guildford does not currently have a track in the Borough however, history shows a previous point-to-point track which could be reinstated.
- 28.2 The Council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. The Council will follow the Commission’s Guidance and consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling). We will consider 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.
- 28.3 The Council will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 28.4 We may consider measures to meet the licensing objectives. This list is not mandatory, nor exhaustive, and is merely indicative of example measures such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry Notices / signage
 - Specific opening hours
 - Self-exclusion schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare

- 28.5 Gaming machines - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
- 28.6 Betting machines – The Council will the Commission’s Guidance and take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons, or by vulnerable people, when considering the number, nature and circumstances of betting machines an operator proposes to offer.
- 28.7 Applications and plans. Applicants are required by regulations made under section 159 of The Gambling Act to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. We will use the plan to prepare future premises inspection activity.
- 28.8 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.
- 28.9 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.
- 28.10 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases, betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.
- 28.11 The Council appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information so that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

29. Travelling Fairs

- 29.1 Where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the Council is responsible for deciding whether the statutory requirement that facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 29.2 We will also consider whether the applicant falls within the statutory definition of a travelling fair.

- 29.3 We note that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, 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. We will work with our neighbouring councils to ensure that we all monitor land, which crosses our boundaries so that the statutory limits are not exceeded.

30. Provisional Statements

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

- 30.2 Section 204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she expects to:

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

- 30.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

- 30.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

- 30.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Council will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties will 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.

- 30.6 In addition, we may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in our opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the

plan and we will discuss any concerns we have with the applicant before making a decision.

31. Reviews

- 31.1 Interested parties or responsible authorities can make requests for a review of a premises licence; however, it is for the Council to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;
- in accordance with any relevant Code of Practice issued by the Commission;
 - in accordance with any relevant guidance issued by the Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the authority's statement of principles.
- 31.2 The Council will consider whether the request is frivolous, vexatious, or whether it will cause us to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
- 31.3 The Council can also initiate a review of a particular premises licence, or a particular class of premises licence based on any reason, which we think, is appropriate.
- 31.4 Once a valid application for a review has been received, responsible authorities and interested parties can make representations during a 28-day period. This period begins 7 days after we receive the application and we will publish notice of the application within 7 days of receipt.
- 31.5 The Council will carry out the review as soon as possible after the 28-day period for making representations has passed.
- 31.6 The purpose of the review will be to determine whether the Council should take any action in relation to the licence. If action is justified, the options open to us are:
- (a) add, remove or amend a licence condition imposed by the licensing authority;
 - (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such exclusion;
 - (c) suspend the premises licence for a period not exceeding three months; and
 - (d) revoke the premises licence.
- 31.7 We will have regard to the principles set out in section 153 of the Act, as well as any relevant representations in determining what action, if any, we should take following a review.
- 31.8 In particular, we may also initiate a review of a premises licence if a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 31.9 Once the review has been completed, we will, as soon as possible, notify our decision to:

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- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

PART C: Permits / Temporary and Occasional Use Notices

32. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

32.1 An unlicensed family entertainment centre (UFEC) is the third type of amusement arcade. The category of machine in this type of arcade is restricted to the lowest category D and children can enter and gamble.

32.2 Where a person does not hold a premises licence but wishes to provide gaming machines, he/she may apply to us for this permit. The applicant must show that the premises will be wholly or mainly, used for making gaming machines available for use (Section 238).

32.3 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. The Commission's Guidance also states: "In its statement of policy, a licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits...., licensing authorities may wish to give weight to matters relating to protection of children from being harmed or exploited by gambling....." (Paragraph 24.8)

32.3 Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....The licensing authority may also consider asking applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that employees are trained to have a full understanding of the maximum stakes and prizes." (Paragraph 24.9)

It should be noted that a licensing authority cannot attach conditions to this type of permit.

32.4 Statement of Principles: The Council expects the applicant to show that he/she has 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. We will consider the efficiency of such policies and procedures on their merits, however, they may include appropriate measures / training for staff with regard to suspected truant schoolchildren 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. We will also expect applicants to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

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

Automatic entitlement: 2 machines

33.1 The Gambling Act provides for premises licensed to sell alcohol for consumption on the premises, to have an automatic entitlement to 2 gaming machines, of categories C and/or D. The premises merely need to notify the Council in writing.

33.2 We can remove the automatic authorisation in respect of any particular premises if:

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

Permit: for 3 or more machines

33.3 If a person wishes to have more than two machines on the premises, then he/she must apply for a permit and we will consider that application based upon the licensing objectives; any guidance issued by the Commission issued under Section 25 of the Gambling Act 2005, and “such matters as we think relevant”.

33.4 This Council will consider “such matters” on a case-by-case basis. In general we will 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 us that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. We will be satisfied that there will be no access by measures which may include such things as 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 helpful. With regard to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

33.5 We recognise that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. The applicant would most likely need to apply for (and be dealt with) as an Adult Gaming Centre premises licence.

33.6 The Council can decide to grant the application with a condition to provide a lesser number of machines and/or a different category of machines than requested in the application. We cannot attach other conditions.

33.7 The holder of a permit must comply with any Code of Practice issued by the Commission about the location and operation of the machine.

34. Prize Gaming Permits

- 34.1 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.
- 34.2 We have not prepared a statement of principles. Should we decide to do so, we will include details in a revised version of the Statement.
- 34.3 In making our decision on an application for this permit we may (but do not need to) have regard to the licensing objectives but we must have regard to any Commission guidance (Gambling Act 2005, Schedule 14 paragraph 8(3)).
- 34.4 The Gambling Act 2005 provides conditions with which the permit holder must comply, but the licensing authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

35. Club Gaming and Club Machines Permits

- 35.1 Members Clubs and Miners’ welfare institutes (but not Commercial Clubs) may apply for a Club Gaming 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.
- 35.2 Members Clubs and Miner’s welfare institutes (and 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). Please note that Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.
- 35.3 The Commission’s Guidance states: "The Act states that 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 restricted to that of a prescribed kind (currently bridge and whist). Members’ club must be permanent in nature But there is no need for a club to have an alcohol licence.” Examples include working men’s clubs, branches of Royal British Legion and clubs with political affiliations.
- 35.4 The Commission’s Guidance also notes that "Licensing authorities may only refuse an application on the grounds that:

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

35.5 The Act provides a 'fast-track' procedure for premises, which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). The Commission's Guidance states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced." and "The grounds on which an application under this process may be refused are that:

- a) the club is established primarily for gaming, other than gaming prescribed by regulations under s266 of the Act;
- b) in addition to the prescribed gaming, the applicant provides facilities for other gaming;
- c) a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

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

36. Temporary Use Notices

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

36.2 The Council can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

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

36.4 There are a number of statutory limits with regard to Temporary Use Notices. You can see discussion around the meaning of "premises" in Part 7 of the Commission's Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. The Act defines "premises" as including "any place".

36.5 In considering whether a place falls within the definition of "a set of premises", the Council will look at, amongst other things, the ownership/occupation and control of the premises.

36.6 The Council will object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Commission's Guidance to Licensing Authorities.

37. Occasional Use Notices

37.1 The Council has very little discretion with regard to these notices but we will ensure that the applicant does not exceed the statutory limit of 8 days in a calendar year. We will also consider the definition of a 'track' and whether the Act permits the applicant to avail him/herself of the notice.

38. Small Society Lotteries

38.1 The Council will adopt a risk-based approach towards our compliance responsibilities for small society lotteries. We consider the following list, although not exclusive, could affect the risk status of the operator:

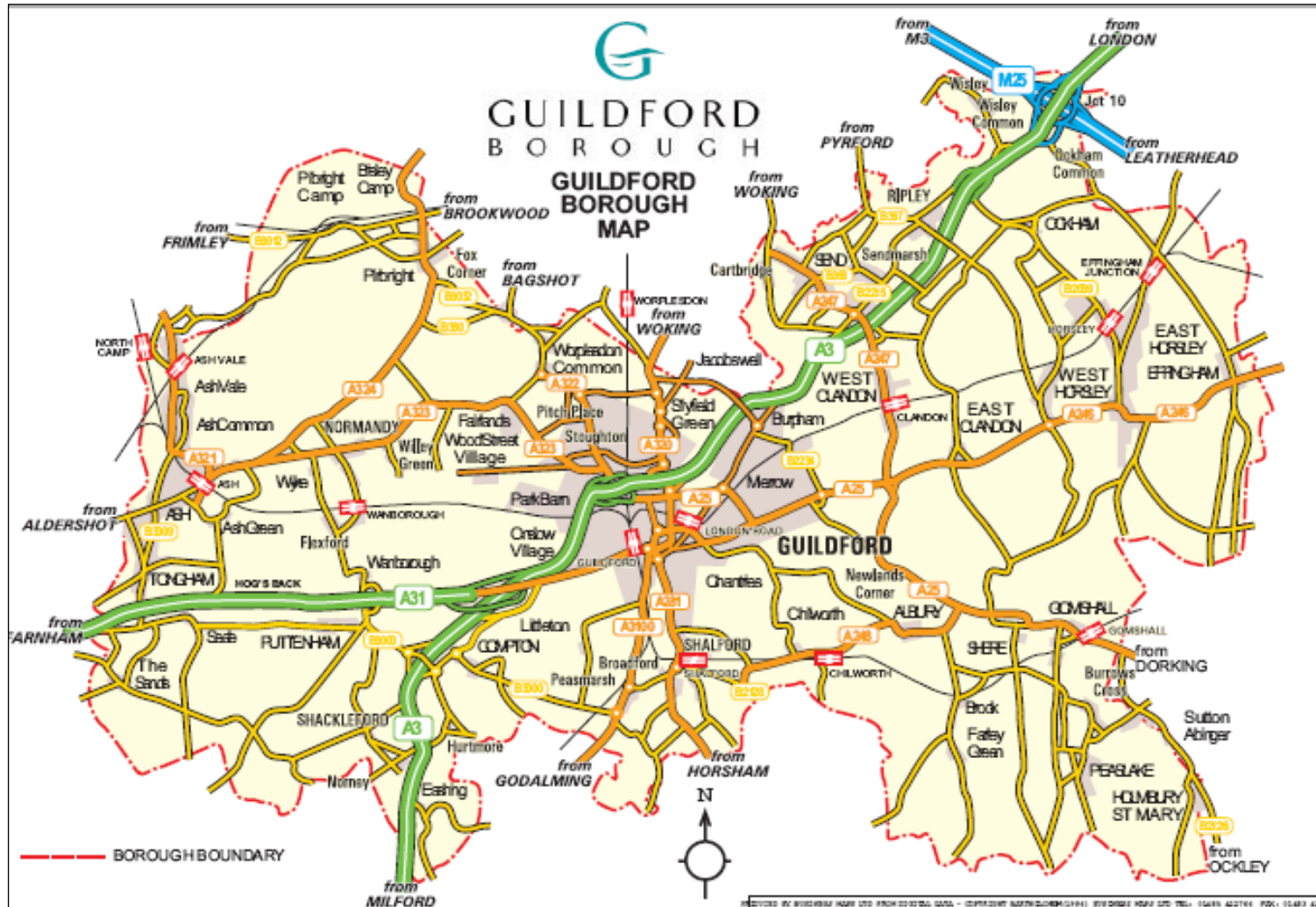
- Submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- Submission of incomplete or incorrect returns
- Breaches of the limits for small society lotteries

38.2 Non-commercial gaming is permitted if it takes place at a non-commercial event as either 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:

- By, or on behalf of, a charity or for charitable purposes
- To enable participation in, or support of, sporting, athletic or cultural activities.

38.3 Charities and community groups should contact us on (01483) 505050 or email licensing@quildford.gov.uk to seek further advice.

Appendix A
Map of Guildford Borough



Appendix B
List of Responsible Authorities

Licensing Authority

Guildford Borough Council
Licensing Team
Millmead House
Millmead
Guildford
Surrey
GU2 4BB

Gambling Commission

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Chief Officer for Police

Surrey Police
The Licensing Unit
PO Box 101
Guildford
Surrey
GU1 9PE

Fire and Rescue Authority

Surrey Fire and Rescue Service
Fire Station
Guildford Road
Farnham
Surrey
GU9 9QB

Planning Authority

Guildford Borough Council
Planning Services
Millmead House
Millmead
Guildford
Surrey
GU2 4BB

Environmental Health Authority

Guildford Borough Council
Environmental Health Team
Millmead House
Millmead
Guildford
Surrey
GU2 4BB

Child Protection Authority

Surrey County Council
Safeguarding Children Unit
Quadrant Court
35 Guildford Road
Woking
Surrey
GU22 7QQ

HM Revenue and Customs

HM Revenue and Customs
National Registration Unit
Portcullis House
21 India Street
Glasgow
G2 4PZ

Appendix C

List of Consultees

All responsible authorities at Appendix B	
All Guildford Borough Councillors	
All Parish Councils	
Association of British Bookmakers	mail@abb.uk.com
Association of Licensed Multiple Retailers (ALMR)	info@almr.org.uk
British Amusement & Catering Trades Association	info@bacta.org.uk
British Beer & Pub Association	contact@beerandpub.com
National Casino Industry Forum	director@nci-forum.co.uk
British Greyhound Racing Board	Greyhound Board of Great Britain Procter house 1 Procter Street WC1V 6DW
British Horseracing Authority	info@britishhorseracing.com
British Institute of Innkeeping	BII and BIIAB, Wessex House, 80 Park Street, Camberley, Surrey, GU15 3PT
Canal and River Trust	customer.services@canalrivertrust.org.uk
Casino Operators Association	gensec@coa-uk.org.uk
Citizens Advice Bureau	15-21 Haydon Place, Guildford, GU1 4LL
Coral Racing Ltd	coral.licensing@galacoral.com
Done Brothers (Cash Betting) Ltd	support@betfred.com
Experience Guildford	amanda@experienceguildford.com
Federation of Licensed Victuallers	admin@flva.co.uk
Gamblers Anonymous (UK)	sr.pro@gamblersanonymous.org.uk
GamCare	info@gamcare.org.uk
Gamestec Leisure Ltd	enquiries@gamestec.co.uk
Kossway Automatics Ltd	admin@kossway.com
Ladbrooks Betting & Gaming Ltd	richard.royal@ladbrokes.co.uk
Gala Coral Group	New Castle House, Castle Boulevard, Nottingham, NG7 1FT
Surrey Chambers of Commerce	louise.punter@surrey-chambers.co.uk
Guildford Pubwatch	guildfordpubwatch@ymail.com
Residents Associations	
Racecourse Association Ltd	info@racecourseassociation.co.uk
Remote Gambling Association	chawkswood@rga.eu.com
Responsibility in Gambling Trust	info@responsiblegamblingtrust.org.uk
Crime & Disorder Reduction Partnership	Lyndsey.Armitage@guildford.gov.uk
Surrey County Council Trading Standards Service	business.advice@surreycc.gov.uk
Security Industry Authority	info@sia.homeoffice.gov.uk
Star Oyster Ltd	michelh@staroyster.co.uk
Society for the Study of Gambling	ssqtreasurer@aol.com
The Bingo Association	info@bingo-association.co.uk
The Environment Agency	enquiries@environment-agency.gov.uk
The Lotteries Council	tina@lotteriescouncil.org.uk
The Working Men's Club & Institute Union	253/254 Upper Street, London N1 1RY
William Hill Plc	jnorris@williamhill.co.uk
Guildford Baptist Church	office@guildfordbaptist.org
Emmanuel Church	parish.office@emmanuelchurch.co.uk
Samaritans	admin@samaritans.org

Appendix D **Local Area Profile**

1. Introduction

The Gambling Act 2005 (the Act) gave Local Authorities (LAs) responsibility for issuing premises licenses for gambling venues. The Act states that LAs should '*aim to permit*' the use of premises for gambling so long as applications for premises licences are reasonably consistent with the Gambling Commission's code of practice, the Gambling Commission guidance, the licensing objectives and the Council's Statement of Principles.

The licensing objectives are:

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

Recently, there have been changes in the recommended approach to gambling licensing and regulation, as expressed in the guidance published by the Gambling Commission (the Commission). These changes can be summarised into three broad themes:

- Increased focus on risk and regulation
- Greater attention to local area risk, and;
- Encouragement of partnership and collaboration between stakeholders to mitigate risk

All industry operators have to undertake local area risk assessments to explore what risks gambling venues pose to the licensing objectives, including the protection of young and vulnerable people.

Guildford Borough Council (the Council) has developed this document as a guide which gambling operators can use when undertaking and preparing their local premises risk assessments. This guide is intended for all gambling operators and has not been designed with a specific gambling sector in mind.

The Gambling Commission introduced new provisions in its social responsibility code within the Licence Conditions and Codes of Practice (LCCP), which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. This change in national policy is intended to provide a well evidenced and transparent approach to considering and implementing measures to address the risks associated with gambling.

The introduction of new provisions in the social responsibility code within the LCCP encourages local authorities, the Commission and the industry to work in partnership to address local issues and concerns. This movement towards increased partnership working is something that Guildford has been doing for a number of years and continues to support. We have found that a risk-based approach to regulation is beneficial for businesses and the authority to prioritise their actions in response to the identified risk.

The risk based approach provides a better understanding of, and enables a proportionate response, to risk. This approach includes looking at future risks and thinking about risks in a probabilistic way. Risk is not necessarily related to an event that has happened. Risk is related to the probability of an event happening and the likely impact of that event. In this case it is the risk of the impact on the licensing objectives.

This guide provides a framework for the local risk assessment process that will provide the necessary frame work to comply with the LCCP requirements. Local risk assessments will be beneficial to the Council as Licensing Authority under the Act, as well as responsible authorities and interested parties when considering new and variation applications. A well thought out and complete risk assessment will

benefit gambling operators in the process of applying for new and varying existing premises licences by reducing the need for additional information or possibly the imposition of conditions.

Gambling operators are required to undertake a risk assessment for all of their existing premises and must also undertake a review of those assessments when certain triggers are met. These triggers, along with the Council's views on what may instigate either a new assessment or the review of an existing one are detailed within this guidance document.

The Council considers that these local risk assessments are a key component of the overall assessment and management of the local risks. The Council would expect a risk assessment to be tailored to each premises and not solely based on a 'standard' template. The Council would also expect that each assessment is completed by a suitably competent person.

This local risk assessment process is not the same as other forms of risk assessment undertaken by gambling operators, such as Health and Safety at Work, Fire Safety and Food Hygiene, etc. These local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They are specific to the premises, the local area and the local community.

The Licensing Authority will set out how it intends to carry out its functions under the Act in this Statement of Licensing Principles, also known as Licensing Policy. This statement is kept under review and is updated every three years (as a minimum).

The Commission is responsible for issuing operating licences to gambling operators who are deemed suitable and competent to provide facilities for gambling. As a requirement of these operating licences, gambling operators must ensure that they comply with and meet the requirements of the LCCP.

In February 2015, the Commission introduced a new social responsibility code provision making it a requirement for certain gambling operators to assess the local risks to the licensing objectives posed by each of their premises based gambling operations. The Commission also introduced an ordinary code provision relating to sharing local risk assessments. The relevant provisions of the code state:

Social responsibility code provision 10.1.1
Assessing local risk

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.

1. Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.

2. Licensees must review (and update as necessary) their local risk assessments:

to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
when applying for a variation of a premises licence; and
in any case, undertake a local risk assessment when applying for a new premises licence.

Ordinary code provision 10.1.2
Sharing local risk assessments

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences

1. Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

These code provisions came into effect on 6th April 2016. As a result, all premises that provide facilities for gambling within Guildford must be assessed to identify the local risks posed by the provision of gambling facilities in their respective locations. This guidance will assist operators in complying with these code provisions.

2. Guildford Area Profile

Although gambling is a legal entertainment activity it can, in some locations have a negative impact on individuals and the wider community. The Council is keen to understand how gambling can affect its residents and visitors.

The Borough is the second highest populated district in Surrey with 139,700 residents in 2012. The major urban areas are located in the town centre of Guildford and Ash and surrounding areas on the western fringes of the borough.

Guildford Borough is also the second largest borough in the county, covering approximately 269 square kilometres (104 square miles) of which 89% is land designated as Green Belt. Outside the urban areas and villages, rural areas contain the Surrey Hills Area of Outstanding Natural Beauty covering 99 square kilometres, several sites of importance for nature protection and areas of special scientific interest. The borough also has a rich and varied architectural heritage, including 36 scheduled ancient monuments.

Guildford is mostly an affluent area with relatively low unemployment and low levels of crime. Most residents are healthy and enjoy well above average life expectancy. The workforce is generally well-educated and highly skilled. Guildford is home to the University of Surrey.

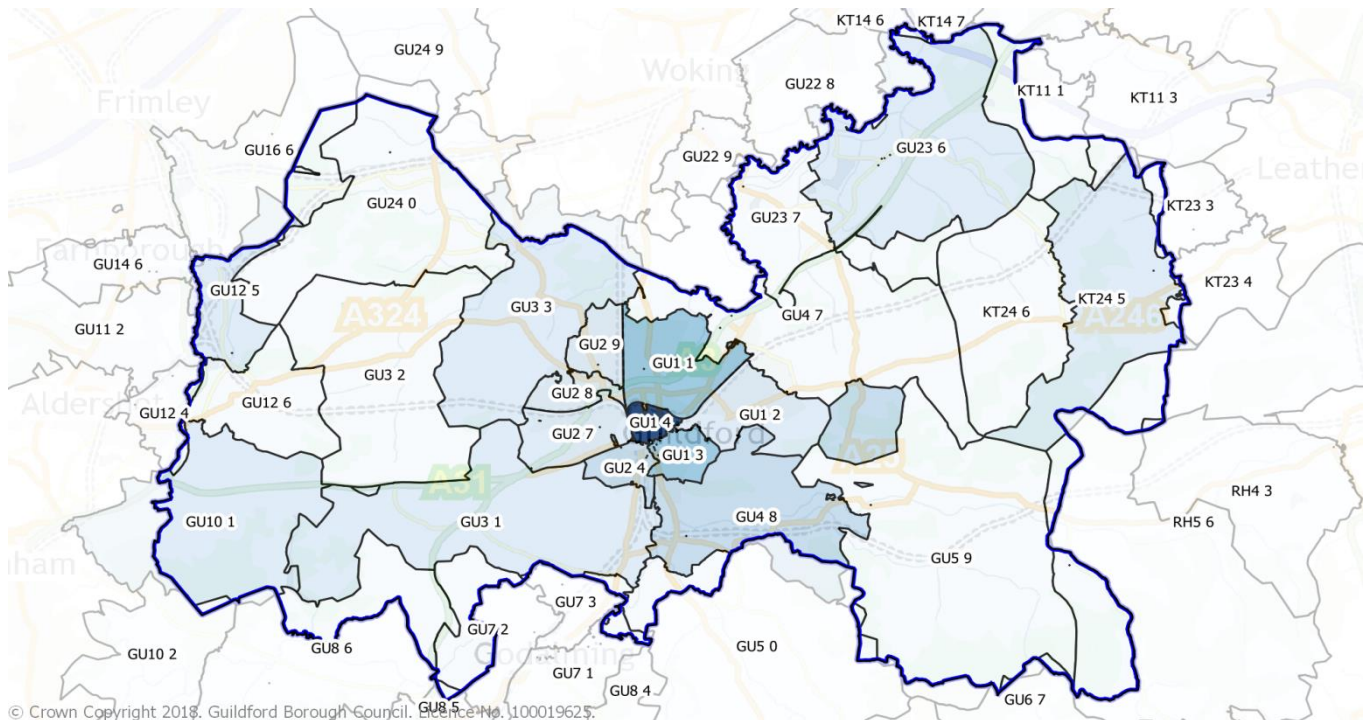
The town centre is a focus for major commercial and administrative functions and is a principal regional shopping destination, with a vibrant night time economy. In 2014 the town was awarded Purple Flag, recognising excellence in the management of the town centre at night. This prestigious award demonstrates the Council's and the other Purple Flag Partners' ambitions to develop and improve the night time economy, encouraging a broad outlook on how the town is presented at night and tackling all aspects from cleanliness to access and transport, street lighting to signage, entertainment variety and choice of styles in bars, clubs and restaurants. In order to retain this award, the Council, corporately, is keen to encourage a diverse entertainment economy, and recognises that the gambling sector contributes to this area.

Guildford has the following currently licensed for Gambling. There are:

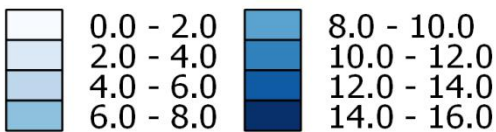
- 11 licensed betting premises, operated by national bookmakers
- 1 Family entertainment centre at Spectrum leisure centre
- Club Gaming permits at Members Clubs
- Club machine permits at Members Clubs
- Licensed premises gaming machine permits at alcohol licensed premises
- 44 Licensed premises gaming machine notifications at alcohol licensed premises
- 85 Small Society Lotteries

The majority of gaming premises are concentrated around the area of the town centre. Map 1 below shows the number and distribution of premises licensed for gambling per postcode sector of the Borough.

MAP 1: Distribution of premises licensed for gambling per postcode sector



Number of gambling premises



Despite the 2015 guidance from the Commission detailing the requirement for a local area profile, there is little guidance available about what should be contained within a local area profile. Westminster and Manchester Councils have been seen to lead the way in this area and commissioned research in 2015 to identify individuals in their local areas who were potentially vulnerable to gambling-related harm. The results of this research were published in two reports:

- Exploring area-based vulnerability to gambling-related harm: Who is vulnerable? Findings from a quick scoping review – 13th July 2015
- Exploring area-based vulnerability to gambling-related harm: Developing the gambling related harm risk index – 9th February 2016

Additional research by Leeds Beckett University (July 2016) into ‘problem’ gambling reports that national evidence shows that problem gambling can affect anyone at any time. ‘Problem’ gambling is defined as “gambling to a degree that compromises, disrupts or damages family, personal or recreational pursuits”.

Even when defined this way, the term ‘problem gambling’, is in fact not without its difficulties and needs careful explanation. The licensing objectives for gambling premises, emerging from the 2005 Gambling Act, call for vulnerable people to be protected from harm from gambling, not to be protected from problem gambling. This is an important distinction. Some people may experience harm from their gambling that is short lived, or episodic, or correspondingly they may experience harm whilst not considered to be ‘problem gamblers’. At the same time, some people who do not gamble or who do so responsibly and sustainably may experience harm because of the consequences of the gambling behaviour of others.

In short, the concept of *gambling related harm* is broader than that of *problem gambling*. There is an increasing expectation that policy makers (nationally and locally), industry regulators and operators in the industry consider this broader perspective and develop strategies to mitigate gambling related harm.

Rates of 'problem' gambling among all adults in Britain tends to be low although there are some groups who are more likely to experience problems. The research identified the following characteristics where there is evidence to support inclusion as being "at risk" from gambling related harm:

- Problem gamblers who are seeking treatment
- Substance abuse/misuse
- Poor mental health
- People with poorer intellectual functioning and learning disabilities
- Unemployment
- People from certain minority ethnic groups
- Younger people (including students)
- Adults living in constrained economic circumstances; particularly, those on very low incomes and benefits
- Homeless people and those living in areas of greater deprivation
- Offenders and ex-offenders, (including those on probation and some custodial circumstances)
- Immigrants
- People under the influence of alcohol

The groups listed above are also more likely to be vulnerable to debt and other problems, although little is known about why these groups are more vulnerable.

The 2018 Annual Report by the Gambling Commission into Gambling Participation and Perception found that overall, gambling participation has decreased since 2016 with 45% of people aged 16+ having participated in at least one form of gambling in the past four weeks in 2017 (48% in 2016). This is predominantly driven by participation in the National Lottery draws, as when people who have only gambled in the National Lottery draws are excluded, participation is at 31%. By contrast, online gambling participation has increased, with 18% of people have gambled online in the past four weeks (17% in 2016).

Overall perceptions and attitudes towards gambling are more negative than in 2016 with 33% of respondents thinking that gambling is fair and can be trusted and 41% thinking that gambling is associated with criminal activity. Theft and fraud are the crimes people associate the most with gambling. In addition, 80% of people think there are too many opportunities for gambling nowadays and 71% think that gambling is dangerous for family life, however 64% of respondents thought that people should have the right to gamble whenever they want.

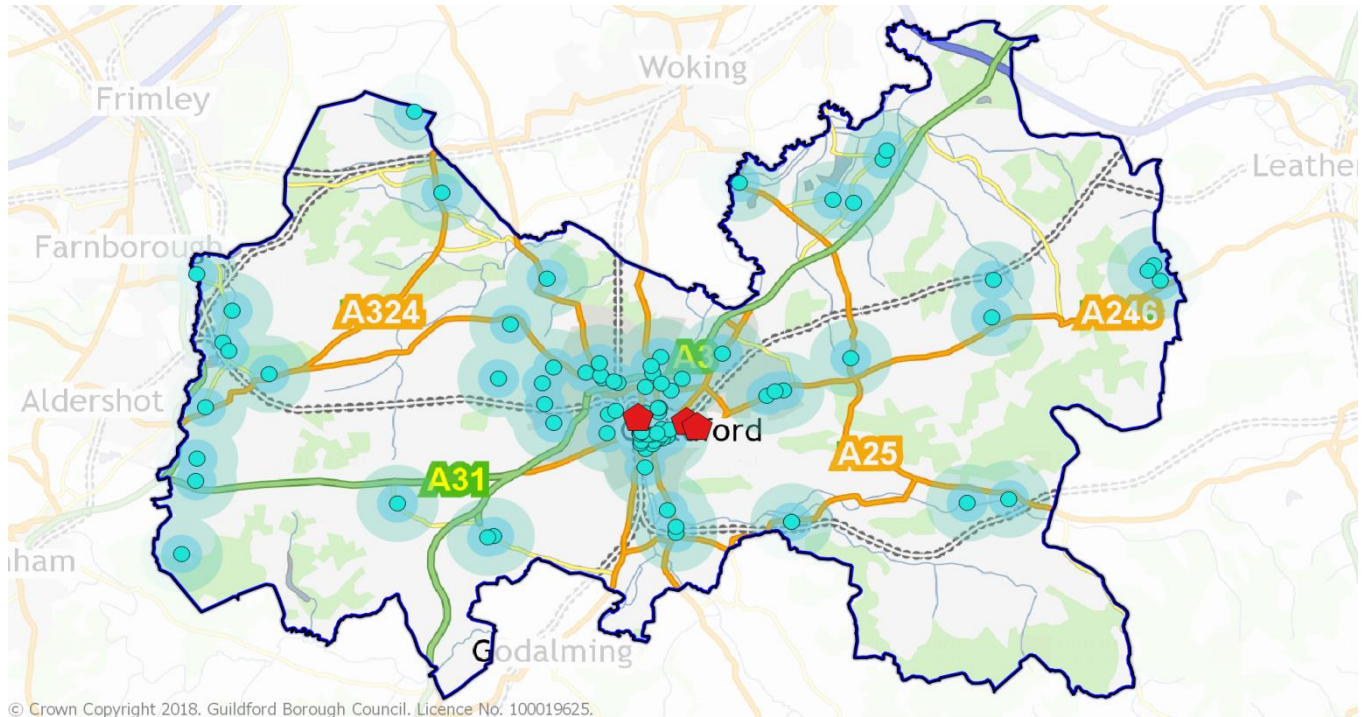
Further information about the potential risk factors and exact data used are now discussed:

Risk factor: problem gamblers seeking treatment

Dataset used: *Gamblers Anonymous meetings, and Gamcare counselling locations*

These locations are derived from lists provided by Gamcare and the Gamblers Anonymous website. These locations show the places where people with gambling problems will be visiting and hence 'pull' this potentially vulnerable group to this location.

MAP 2: Location of gambling premises and gambling treatment centres



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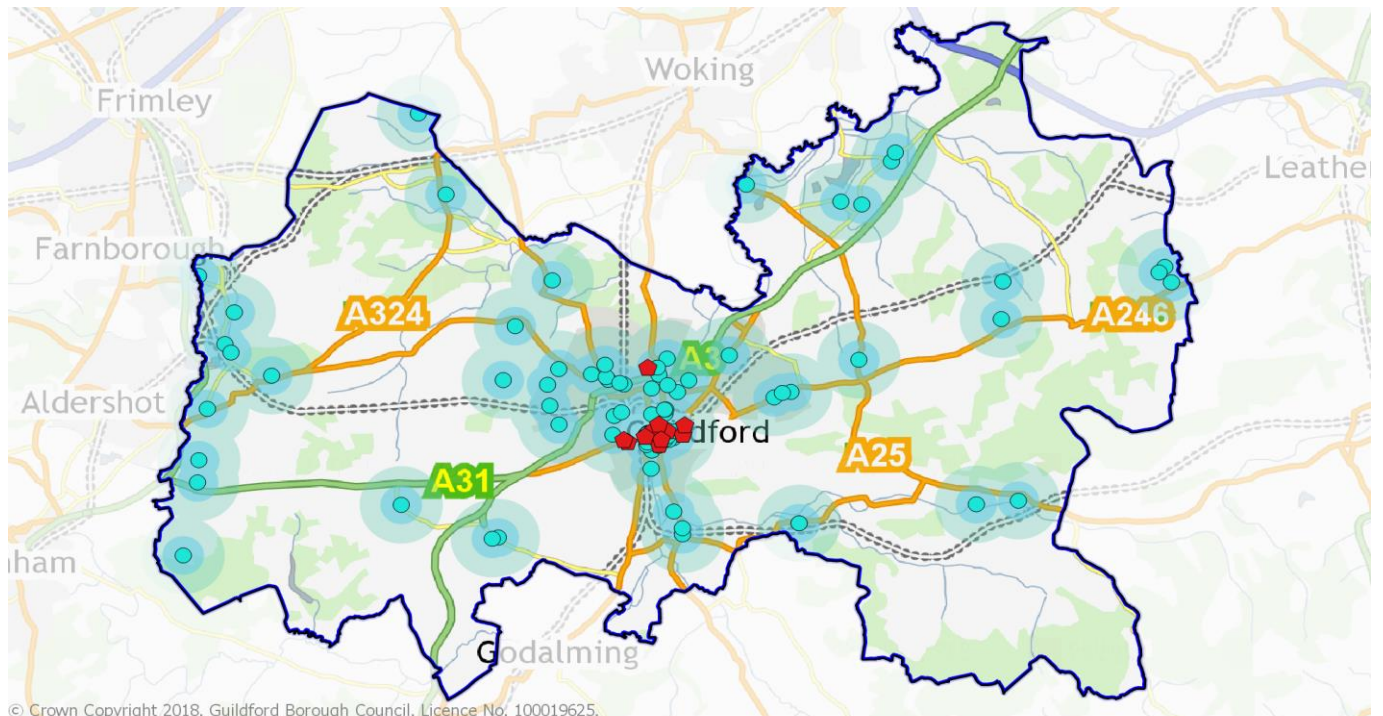
-  Gambling Treatment Locations
-  Gambling Premises
-  200m distance
-  500m distance
-  1km distance

Risk factor: people with substance abuse or misuse problems

Dataset used: *Drug and alcohol treatment and recovery centres/clinics and clinics within GP surgeries, needle exchanges, accommodation for persons who require treatment for substance misuse*

As with problem gambling treatment centres, these clinics are likely to act as ‘pull’ for potentially vulnerable people to these locations. This dataset is an amalgamation of LA internal lists supplemented by web searches for any possible missing data on government websites (public health departments, LAs, NHS, Care Quality Commission).

MAP 3: Location of gambling premises and substance misuse treatment centres



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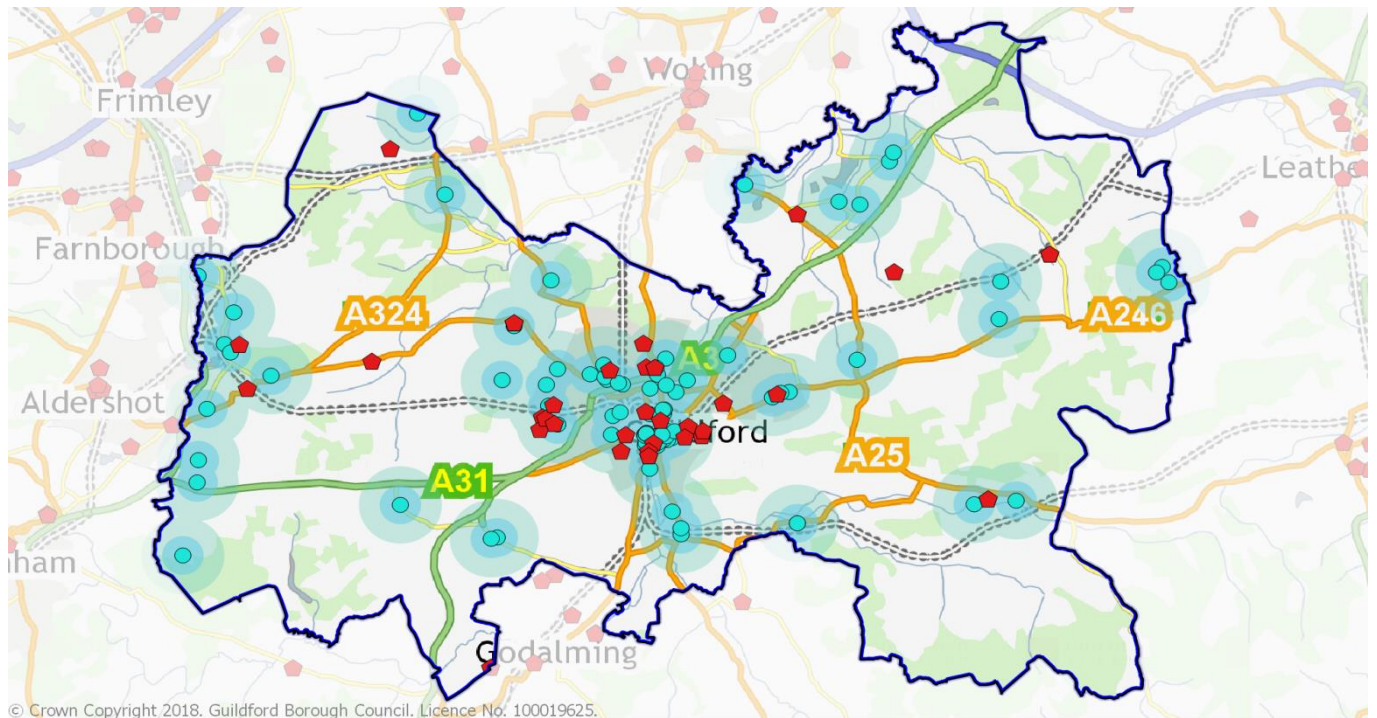
- ◆ Substance Misuse Treatment Centres
- Gambling Premises
- 200m distance
- 500m distance
- 1km distance

Risk factor: people with poor mental health

Datasets used: *Mental health treatment and recovery centres/clinics and clinics within GP surgeries, accommodation for persons who require treatment.*

As with problem gambling treatment centres, these clinics are likely to act as ‘pull’ for potentially vulnerable people to these locations. This dataset is an amalgamation of LA internal lists supplemented by web searches for any possible missing data on government websites (public health departments, LAs, NHS, Care Quality Commission).

MAP 4: Location of gambling premises and medical centres



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- ◆ Medical centres for mental health
- Gambling Premises
- 200m distance
- 500m distance
- 1km distance

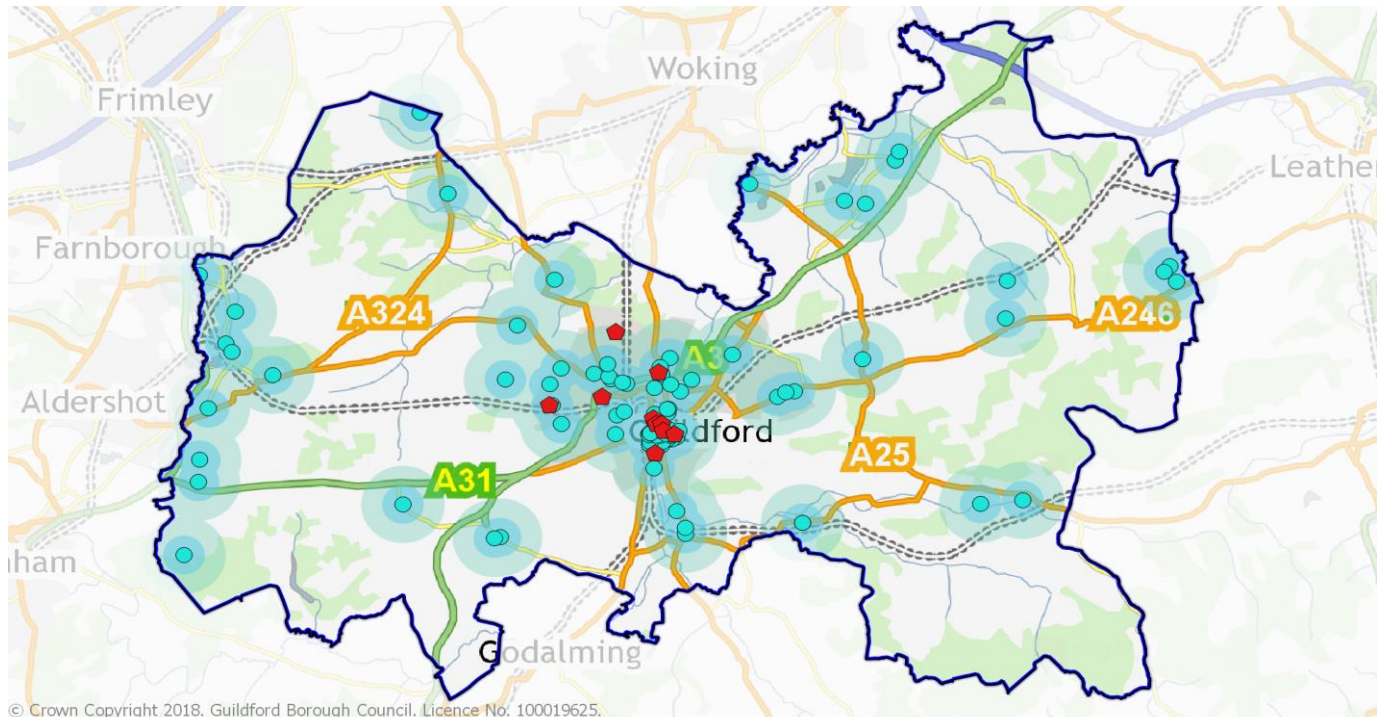
Risk factor: Unemployment and those with financial difficulties and/or debt

Datasets used: Location of job centres, CABs, payday loan shops, pawn brokers, CABs, food banks, soup kitchens etc.

Job centres and CABs will be accessed by members of the population who are likely to be unemployed and considered likely to have a combination of very low income and a large amount of personal disposable time. The Directgov website should provide a complete and current list of job centre locations.

These data represent locations where those with financial difficulties and debt problems are more likely to be present, visiting places where credit is accessed through less secured means, or places where people are so severely financially constrained they cannot afford to buy food. Although pay day loan shops may be accessed by many members of the population, these locations may serve to pull vulnerable populations with financial and debt problems into an area by providing them with access to unsecured and easy-access finance. These data are therefore derived from local web searches.

MAP 5: Location of gambling premises and unemployment and finance support centres



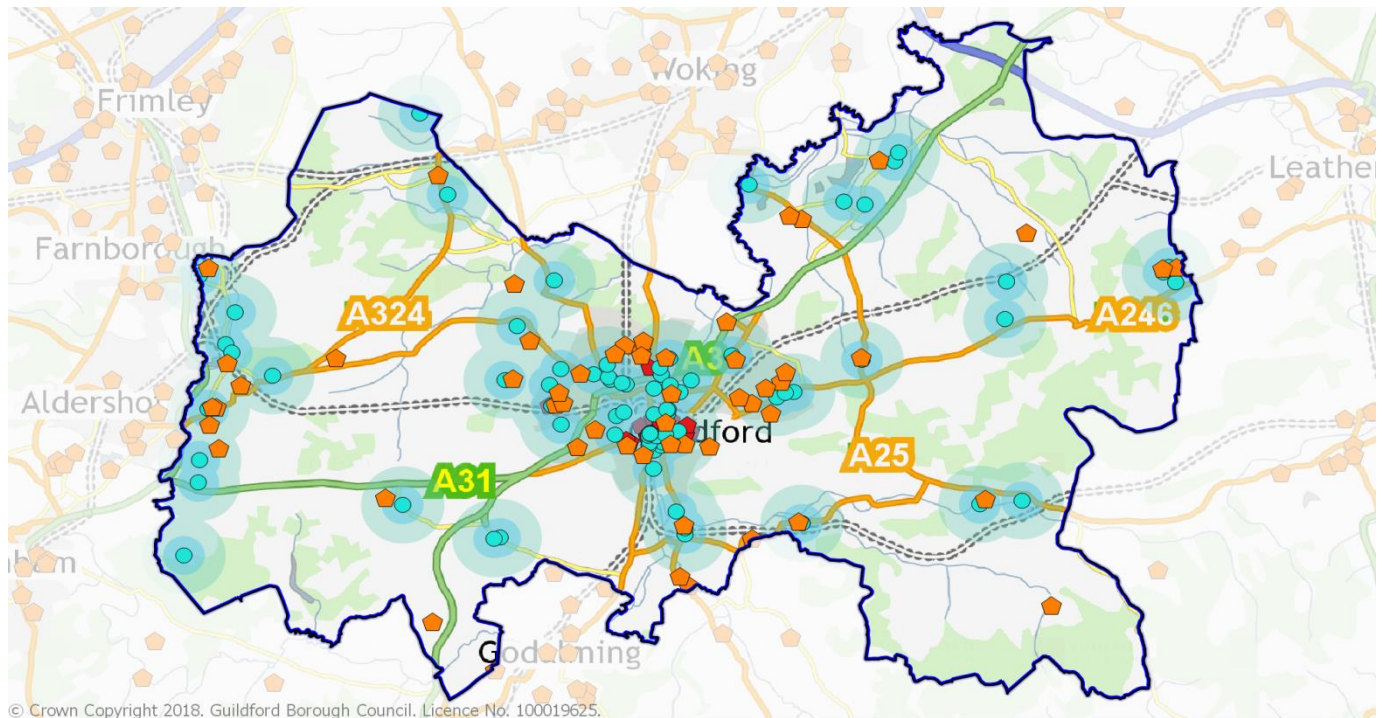
- ◆ Unemployment and Financial Support Locations
- Gambling Premises
- 200m distance
- 500m distance
- 1km distance

Risk factor: Youth

Datasets used: *Education institutions*

These data list all known educational institutions and are derived from a complete and current government database. These locations have been included as they represent areas where younger people will be present in greater numbers at certain points of the day. Many educational institutions can have catchment areas much broader than their immediate locale and they reflect the daytime population. In the case of higher educational institutes, this will also reflect greater night-time populations too.

MAP 6: Location of gambling premises and educational institutions



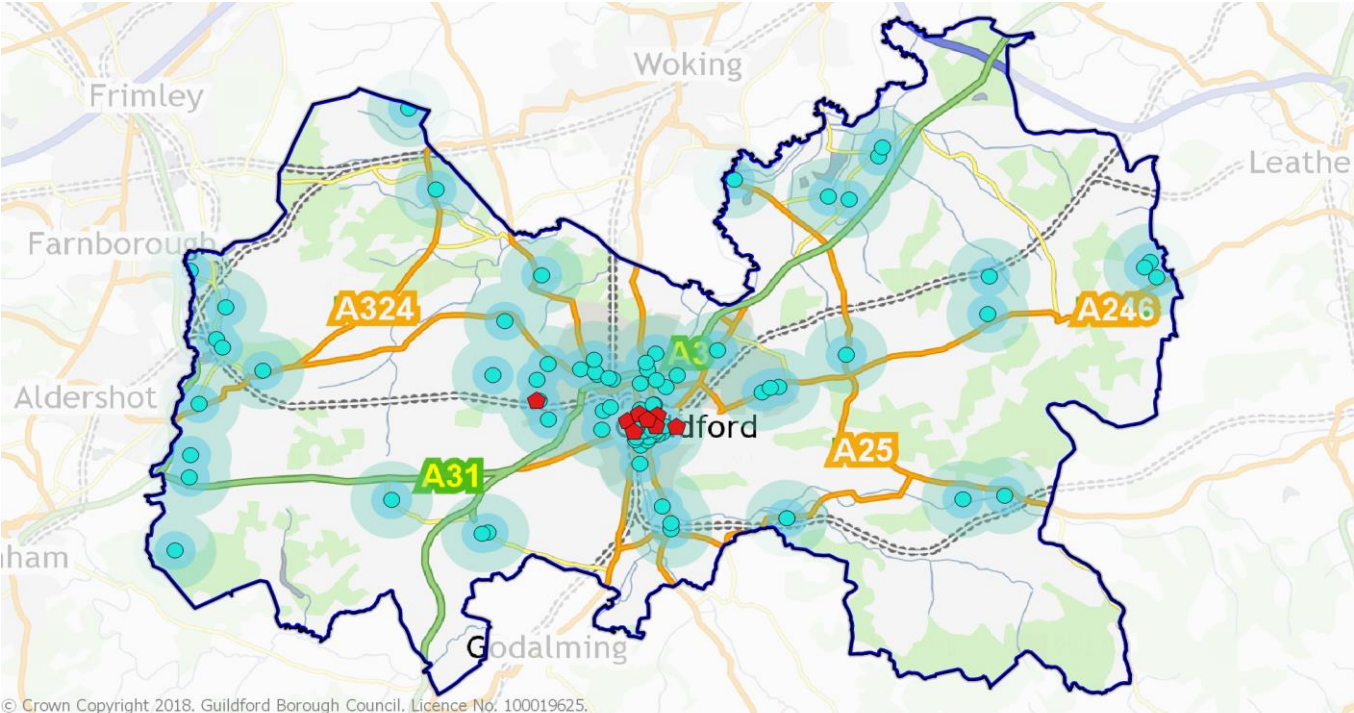
- ◆ Educational Institutions
- Gambling Premises
- 200m distance
- 500m distance
- 1km distance

Risk factor: Homelessness/housing instability

Dataset used: *The location of homeless accommodation from Local Authority lists/Homeless UK*

There are a variety of accommodation provision types for the homeless, ranging from emergency shelters to more mid to long-term support representing broader 'housing instability'. Data on the location of accommodation for homeless have been derived from online lists available at Homeless UK which give key locations. However, this database may not include sensitive locations not fit for publishing in the public domain (for example, women's refuges), as well as smaller accommodation provision.

MAP 7: Location of gambling premises and homeless support centres



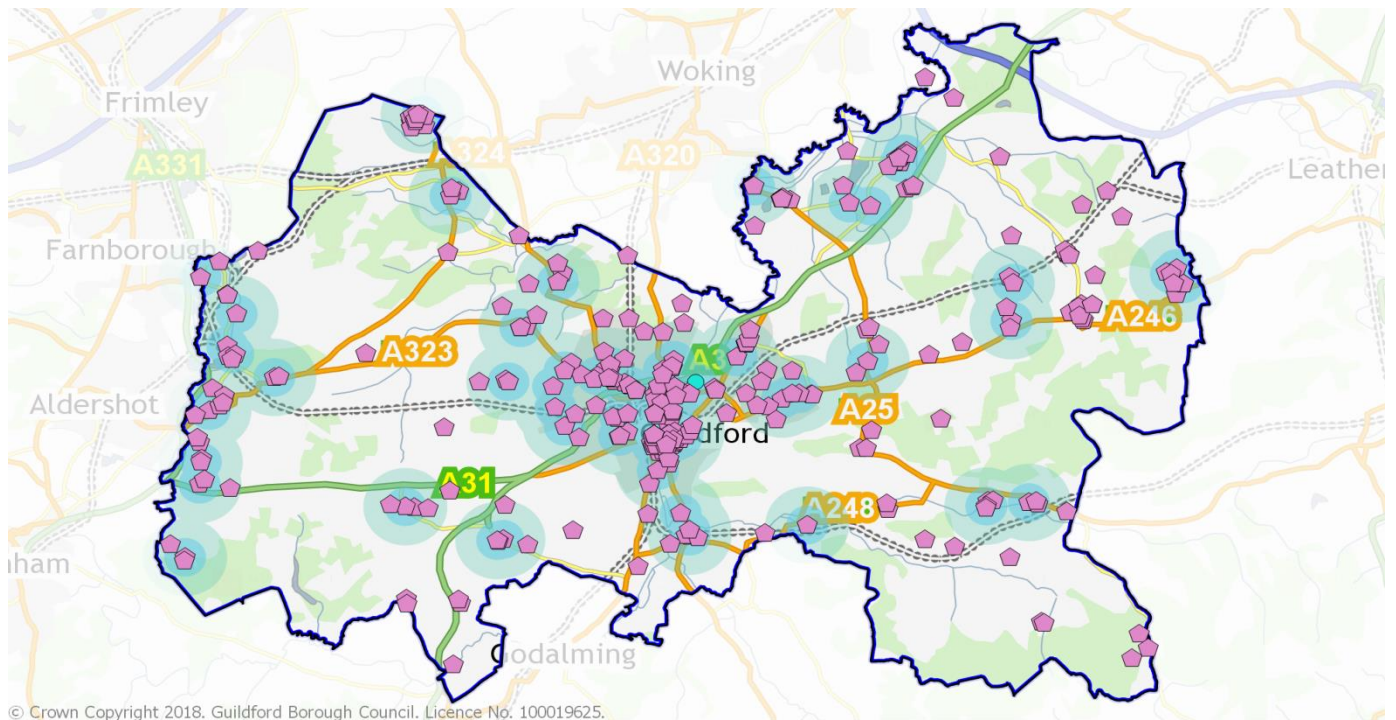
- ◆ Homeless Support Locations
- Gambling Premises
- 200m distance
- 500m distance
- 1km distance






Risk factor: Alcohol impairment

Dataset used: Location of premises licensed by Guildford Borough Council for the sale of alcohol

There is evidence to suggest that persons impaired by the influence of alcohol may be at risk of gambling related harm. The data used is from the Council's register of licensed premises.

MAP 8: Location of gambling premises and alcohol licensed premises



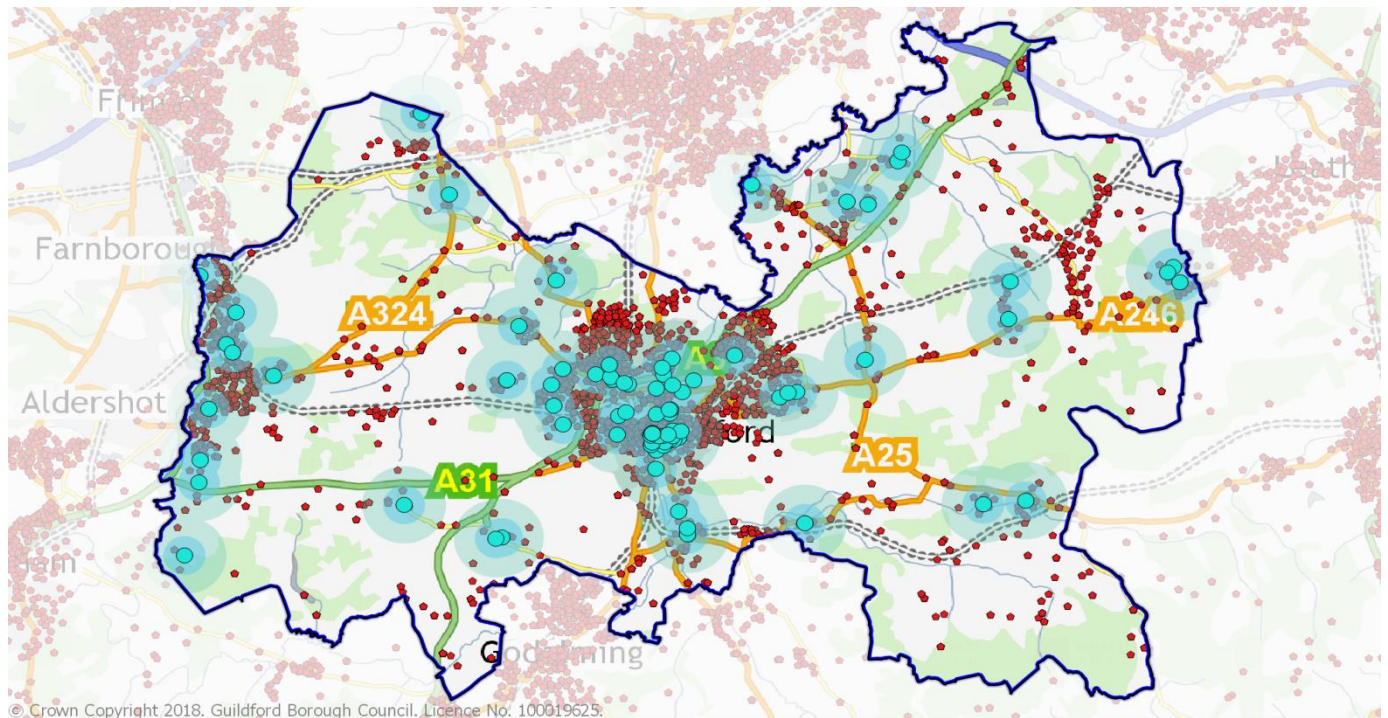
-  Licensed Alcohol Premises
-  Gambling Premises
-  200m distance
-  500m distance
-  1km distance

Risk factor: Crime
Dataset used: Surrey Police Crime Statistics

The gambling objectives also aim to prevent gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

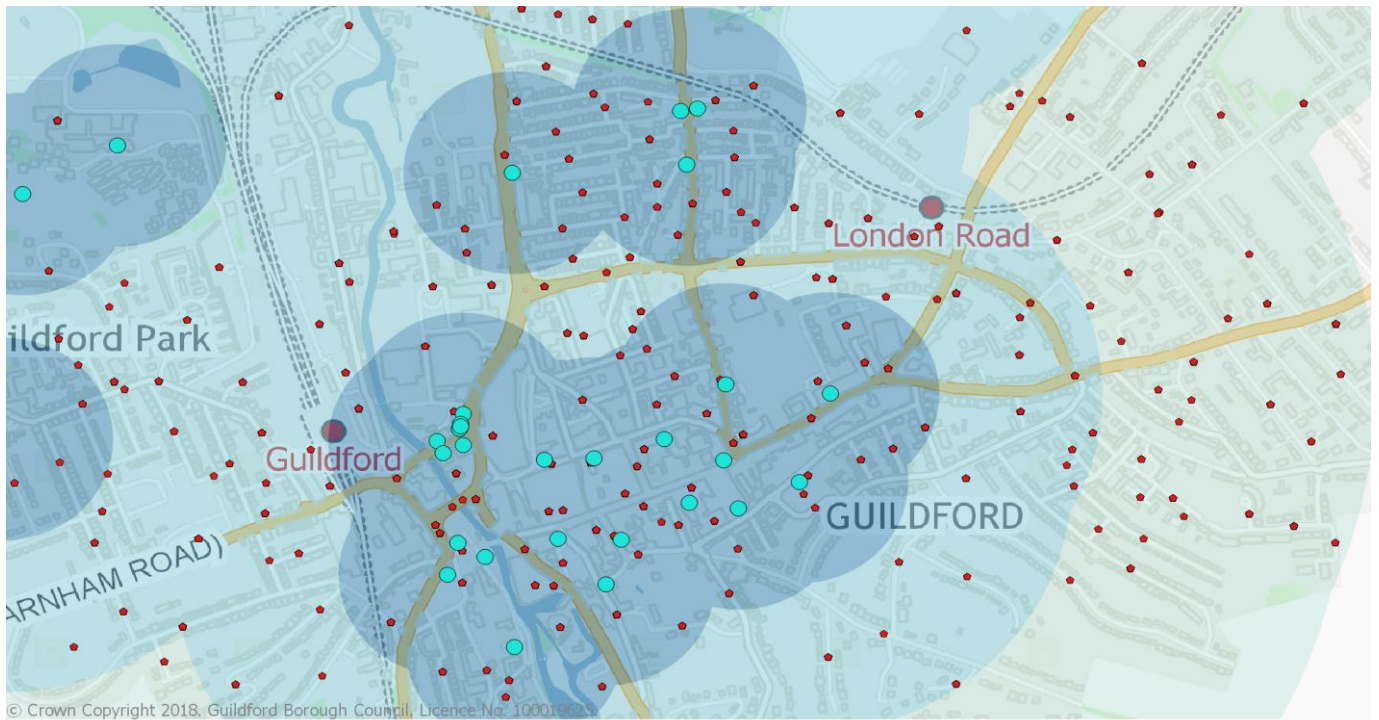
In order to assist operators with their assessments, crime patterns associated with the Borough for the year 2017 have been included in the Guildford area profile.

MAP 9: Location of gambling premises and reported crimes in 2017



- Reported Crime 2017
- Gambling Premises
- 200m distance
- 500m distance
- 1km distance

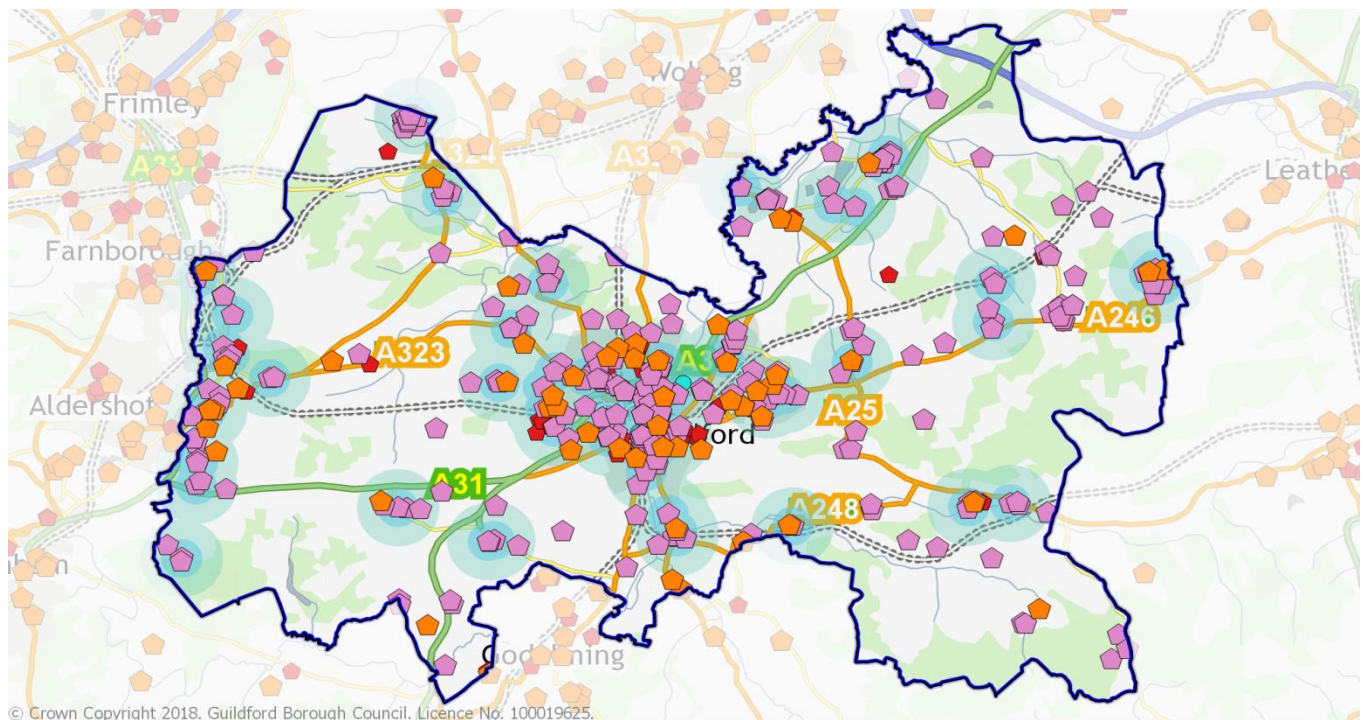
MAP 10: Location of gambling premises and reported crimes in 2017 focussed on the town centre



- Reported Crime 2017
- Gambling Premises
- 200m distance
- 500m distance
- 1km distance

All risk factor comparison and Town Centre Focus

MAP 11: Location of gambling premises, alcohol licensed premises and other identified risk groups



- ◆ Medical centres for mental health
- ◆ Gambling Premises
- ◆ Educational Institutions
- 200m distance
- 500m distance
- 1km distance

Map 11, showing the location of gambling premises against all risk groups indicates a close proximity of gambling premises and likely locations of vulnerable groups, particularly around Guildford town centre. Map 12 shows a zoom of the town centre and compares gambling premises and likely vulnerable groups.

Whether such proximity is that significant a factor is open to argument given that gamblers like anyone else can move around easily. Additionally, the increase in online gambling means that a person can effectively gamble wherever they are on their mobile device. Nonetheless, the Council would expect operators, particularly those in the town centre, to have identified the close proximity to vulnerable groups and have sufficient controls included in their risk assessment.

There is also a close correlation between premises licensed for gambling and for the sale of alcohol, mainly due to a number of licensed premises and clubs providing facilities for gaming. The Council would therefore expect operators to have identified alcohol consumption as a risk factor and have sufficient controls included in their risk assessment.

MAP 12: Location of gambling premises support centres for vulnerable groups in the town centre



- ◆ Support Centres- Addiction, Homelessness and Unemployment
- Gambling Premises
- 200m distance
- 500m distance

3. Risk assessment triggers

The local risk assessment code provisions provide a number of triggers for when a new assessment is required and for when an existing one requires review. The Gambling Commission has not provided any further detail on these triggers and it will be ultimately down to gambling operators, the Commission and the Council to assess when these triggers have been met.

In order to assist gambling operators this section sets out the Licensing Authority's views on what these triggers may be and when operators should provide a copy of their assessments to the Licensing Authority.

3.1 New premises

If an operator intends to apply for a new premises licence under Part 8 of the Act then a local risk assessment must be carried out as required by the Commissions LCCP social responsibility code provision 10.1.1. That assessment should be based on how the premises are proposed to operate at the premises location and must take into account the local area. The completed assessment should be provided with the application for a new premises licence upon submission to the Licensing Authority.

3.2 Significant changes in local circumstances

Operators are required to review their local risk assessment if significant changes in local circumstances occur. Changes to local circumstances happen frequently and can be either temporary or permanent depending on the change, how long that change will remain in place and how it affects the local area. However, the requirement for review of the risk assessment is only applicable when that change is significant.

The review of the premises risk assessment may simply mean that after review no action is necessary as the measures and systems already in place will mitigate any risk associated with that significant change. In this case gambling operators may record that a review has taken place, why it had occurred and that no action was necessary. This would enable the gambling operator to maintain an appropriate audit trail so as to demonstrate that action had been taken.

However, on occasions the significant change in local circumstances may require a need to update and amend the existing risk assessment. In those cases gambling operators may wish to ensure that their assessments are updated adequately and that any relevant control measures are introduced correctly.

As the Gambling Commission has not set out what a significant change in local circumstances is it will be the gambling operator's responsibility to identify these changes and take the appropriate action in reviewing their risk assessments. The Council, in an attempt to assist gambling operators has produced the following lists of examples that may be considered to be significant changes in local circumstances:

- The local area is classified or declassified by the Licensing Authority as being an area of heightened risk within its Statement of Licensing Principles.
- Any new pay day loan or pawn brokers open in the local area
- Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment.
- The local area is identified as a crime hotspot by the police and/or Licensing Authority.
- Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises (e.g. additional homeless hostels or gambling or mental health care/support facilities are opened in the local area).

The list above is not an exhaustive list of examples of what could be considered as significant changes in local circumstances. The Council will provide information to gambling operators when it feels a significant change has occurred in the local area to enable them to take any necessary steps in

reviewing their risk assessments. The Council may inform gambling operators when it feels that a significant change has occurred in the area. The Council may also include any specific concerns that it feels may be considered as part of any review of the local area risk assessment for that premises. The notification of any significant changes from the Council should be a prompt to gambling operators to consider carrying out a review of their local risk assessments and having regard to any specific concerns raised by the Council.

3.3 Significant changes to the premises

From time to time operators will undertake changes to the premises' layout and décor, which is unlikely to prompt a review of the risk assessment for that premises. However, where there is a significant change at the premises that may affect the mitigation of local risks, then an operator must review its risk assessment and if necessary update it, taking into account the change and how it may affect one or more of the licensing objectives.

It is expected that gambling operators will undertake this risk assessment process as a matter of course for any premises refit, changes to layout or internal control measures. If any changes do require a review of the risk assessments for that premises gambling operators should ensure that they have a system in place to record and action any measures identified in that review.

The gambling operator will be responsible for identifying when a significant change to the premises has occurred. In order to assist gambling operators the Council has provided the following list of examples of what could be classified as a significant change to the premises (some of which may also require a variation to the existing premises licence).

- Any building work or premises refit where gambling facilities are relocated within the premises.
- The premises licence is transferred to a new operator who will operate the premises with its own procedures and policies which are different to those of the previous licensee.
- Any change to the operator's internal policies which as a result requires additional or changes to existing control measures; and/or staff will require retraining on those policy changes.
- The entrance or entrances to the premises are changed, for example, the door materials are changed from metal with glazing to a full glass door or doors are reallocated from egress to ingress or vice versa.
- New gambling facilities are made available on the premises which were not provided previously, for example, bet in play, handheld gaming devices for customers, Self Service Betting Terminals, or a different category of gaming machine is provided.
- The premises operator makes an application for a licence at that premises to provide an activity under a different regulatory regime, for example, to permit the sale of alcohol or to provide sexual entertainment on the premises.

As with the examples of significant changes in local circumstances set out in paragraph 3.7, the list above is not an exhaustive list of significant changes to premises.

The Council will not, as general practice, request a copy of the reviewed risk assessment if a significant change to the licensed premises has occurred, unless the change is one that will necessitate a variation application.

3.4 Variation of the premises licence

Variations to premises licences are only those required to be made under section 187 of the Act and will not include changes of circumstances such as a change of premises' name or a change of licensee's address, etc.

The Commissions LCCP social responsibility code provision 10.1.1 requires that gambling operators must undertake a review of the local risk assessment and update it if necessary when preparing an

application to vary the premises licence. Operators submitting a variation application to the Council may consider submitting a copy of the reviewed local risk assessment when submitting the application. This will then negate the need for the Council requesting to see a copy of this risk assessment and could potentially reduce the likelihood of a representation being made to the application.

If an operator wishes to vary a converted casino premises licence from one premises to another then the gambling operator should consider producing a new risk assessment for that premises. It is advisable that a copy of that assessment is submitted to the Council with the application form.

3.5 Regular review of risk assessment

As a matter of best practice the Council recommends that operators establish a regular review regime in respect of their local risk assessments. This review programme can be carried out alongside other reviews on Health and Safety risk assessments for the premises. This review programme would ensure that, regardless of whether or not any of the trigger events set out above have occurred, these risk assessments are considered at regular intervals and updated if necessary.

It will be up to the gambling operator as to the frequency of these reviews but it is recommended that no more than three years should pass before these assessments are reviewed. Operators may wish to synchronise their reviews of the local risk assessments with the publication of the Council's Statement of Licensing Principles for Gambling. This would enable gambling operators to consider the Local Area Profile, which has been published in the Council's Statement of Licensing Principles for Gambling.

4. Undertaking a local risk assessment

A local risk assessment of gambling premises should be carried out through a step-by-step approach. Gambling operators may first assess the local area and identify the relevant risk factors, then assess the gambling operation, and finally assess the premises design, both internal and external. Once the risk factors have been identified, the control measures to mitigate the risks should be considered. These control measures will either already be in place or will need to be implemented.

Who should undertake the assessment

It will be the responsibility of the gambling operator to assign the assessor for assessing the local risks for their premises. The person assigned as the assessor must be competent to undertake this role as failure properly to carry out this function could result in a breach of the provisions of the LCCP. The Gambling Commission has not produced any guidance on the competencies of assessors, however the Council would expect that the assessor must understand how the premises operate or will operate, its design, and where it is located. The assessor will need to understand the local area and can use staff or area managers to assist in gaining an understanding of that local area. The assessor should also be suitably experienced in assessing gambling related risk and identification of appropriate controls.

Step 1: The local area

Operators should start by identify the local risk factors surrounding the premises. The risk factors will differ from location to location so an understanding of the specific characteristics of the local area and the people who live, work or visit that area is important.

The Guildford Local Area Profile (section 2) will set out the demographic profile of areas of the Borough, and the specific concerns and risks that the Licensing Authority has identified in relation to gambling in those areas.

Step 2: Gambling operation and physical design

In assessing the risk factors associated with a gambling operation the assessor should take into account the local risks which are commonly accepted by broader stakeholders and how that gambling operation may affect that risk.

The physical design of the premises is a key consideration as this could have a significant impact on the risk to the licensing objectives. In assessing the risk factors associated with the premises design and layout reference is needed to the local area risks factors already identified to ensure the design doesn't add to that risk. The design, both internal and external should be considered and specific risk factors identified and noted.

Step 3: Control measures

Once the risk factors have been identified, the assessor should seek to identify control measures that would mitigate the identified risks. Such control measures will relate to one of the three categories of control measures mentioned above (systems, design and physical). Some risk factors may require a combination of control measures to adequately mitigate the risk.

Step 4: Action Plan

Once the assessment has been carried out an action plan should be completed so that any identified actions are documented and a deadline for completing the required piece of work is set and agreed.

Completed assessment

The control measures must be implemented on the premises and, if applicable, staff on the premises should be trained in their use or trained on the new policy or procedure. The assessment must be retained and should be reviewed whenever a trigger occurs or as part of a regular review regime (see part 3 above).

Racecourse Association:

Dear Mr. Smith,

Revision of Statement of Gambling Licensing Policy - Consultation

Thank you for your letter on 25/05/2018 regarding the Draft Statement of Gambling Principles for Guildford Borough Council.

We would advise you that we have no venues in your area, and therefore will not be responding to your document.

Kind Regards

Matthew Taylor

The Racecourse Association Ltd

HMRC

Dear Colleague,

Thank you for sending us access to your consultation document for your Gambling Policy Statement.

As one of the responsible authorities quoted in your appendices can I ask you to amend our postal contact address from 21 India Street to:-

HM Revenue and Customs
Excise Processing Teams
BX9 1GL
United Kingdom

Our contact telephone number is now 0300 322 7072 Option 7.

Our email address remain the same, NRUBetting&Gaming@hmrc.gsi.gov.uk

Kind Regards

GamCare:

Hello,

Thank you for your email, we appreciate your interest in our work.

While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the [Gambling Commission](#).

The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.

- A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/
- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
- Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?
- Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.

- Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

We would suggest that the Local Licensing Authority primarily consider applications from [GamCare Certified operators](#). GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact mike.kenward@gamcare.org.uk

For more information on GamCare training and other services available to local authorities, as well as recommended training for gambling operators, please see the attached brochures.

If there is anything else we can assist with please do let us know.

Kind regards,
Catherine

Catherine Sweet
Head of Marketing and Communications
T: 020 7801 7028
E: catherine.sweet@gamcare.org.uk

Ash Parish Council:

Dear Lisa,

Further to our meeting last night, I can confirm there is no formal response from Ash Parish Council.

Thank you.

Sarah Groom, Clerk to the Council
Ash Parish Council
The Ash Centre
Ash Hill Road
Ash, Surrey
GU12 5DP
01252 328287

www.ashpcsurrey.gov.uk

Bingo Association:

Dear Licensing Team

I have looked at your draft gambling policy statement and noted that in 26.3 relating to Bingo Premises, the paragraph discussing splitting premises states:

“The Council notes the Guidance at paragraph 18.9 regarding the unusual circumstances in which we might permit pre-existing premises to be split into two adjacent premises and in particular, that it is not permissible to locate sixteen Category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.”

Since 2011, (SI 2011 1710, attached) there has been no numerical limit on the number of Category B3 machines (unless a premises licence was acquired after that date). The limit for B3 gaming machines in licensed bingo premises was increased to 20% of the available machine estate and therefore reference to a number in the Policy document is misleading. Interestingly, the South Buckinghamshire and Rhondda Cynon Taf’s draft policy contained the same paragraph and I have written to them as well making the same observation.

I hope that this is useful.

With kind regards

Cherry

Cherry Hosking
Company Secretary

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Gosschalks Solicitors:

BY EMAIL ONLY

Licensing Unit

Guildford Borough Council
Millmead House
Millmead, Guildford
Surrey, GU2 4BB

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / MJM / 097505.00005
#GS1770714
Your ref:
Date: 22nd August 2018

Dear Sir/Madam,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The Association of British Bookmakers (ABB) represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

Please see below for the ABB's response to the Council's current consultation on the draft gambling policy statement.

This response starts by setting out the ABB's approach in areas relevant to the local authority's regulation of betting shop premises, and its commitment to working with local authorities in partnership. The response finishes by highlighting matters within the policy statement which the ABB feels may need to be addressed.

Betting shops have been part of the British high street for over 50 years and ensuring a dialogue with the communities they serve is vital.

The ABB recognises the importance of the gambling policy statement in focusing on the local environment and welcomes the informed approach this will enable operators to take for example, with regard, to the new requirements for local area risk assessments and ensuring the right structures are in place in shops that are appropriate for that area.

Whilst it is important that the gambling policy statement fully reflects the local area, the ABB is also keen to ensure that the statutory requirements placed on operators and local authorities under the Gambling Act 2005 remain clear; this includes mandatory conditions (for instance, relating to Think 21 policies) and the aim to permit structure. Any duplication or obscuring of these within new processes would be detrimental to the gambling licensing regime. The ABB also believes it is important that the key protections already offered for

communities, and clear process (including putting the public on notice) for objections to premises licence applications, continue to be recognised under the new regime.

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

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that numbers as of March 2017 were 8,788 - a decline of 349 since March 2014, when there were 9,137 recorded.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Working in partnership with local authorities

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

LGA – ABB Betting Partnership Framework

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA), developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms, which established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the *"desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be."*

The framework builds on earlier examples of joint working between councils and the industry, for example the Medway Responsible Gambling Partnership which was launched by Medway Council and the ABB in December 2014. The first of its kind in Britain, the voluntary agreement led the way in trialing multi-operator self-exclusion. Lessons learned from this trial paved the way for the national multi-operator self-exclusion scheme now in place across the country. By phoning a free phone number (0800 294 2060) a customer who is concerned they are developing a problem with their gambling can exclude themselves from betting shops close to where they live, work and socialise. The ABB is working with local authorities to help raise awareness of the scheme, which is widely promoted within betting shops.

The national scheme was first trialed in Glasgow in partnership with Glasgow City Council. Cllr Paul Rooney, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, described the project as "*breaking new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator.*"

Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities. These partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015. By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

Local area risk assessments

Since April 2016, under new Gambling Commission LCCP provisions, operators have been required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated. Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy, and any local area profile, in their risk assessment. These must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or for a new premises licence.

The ABB fully supports the implementation of risk assessments which will take into account risks presented in the local area, such as exposure to vulnerable groups and crime. The new requirements build on measures the industry has already introduced through the ABB Responsible Gambling Code to better identify problem gamblers and to encourage all customers to gamble responsibly.

This includes training for shop staff on how to intervene and direct problem gamblers to support services, as well as new rules on advertising including banning gaming machine advertising in shop windows, and the introduction of Player Awareness Systems which use technology to track account based gaming machine customers' player history data to allow earlier intervention with any customers whose data displays known 'markers of harm'.

Best practice

The ABB is committed to working pro-actively with local authorities to help drive the development of best practice with regard to local area risk assessments, both through responses to consultations such as this and directly with local authorities. Both the ABB and its members are open and willing to engage with any local authority with questions or concerns relating to the risk assessment process, and would encourage them to make contact.

Westminster Council is one local authority which entered into early dialogue with the industry, leading to the development of and consultation on draft guidance on the risk assessment process, which the ABB and our members contributed to. Most recently one operator, Coral, has been working closely with the Council ahead of it issuing its final version of the guidance, which we welcome.

The final guidance includes a recommended template for the local area risk assessment which we would point to as a good example of what should be expected to be covered in an operator's risk assessment. It is not feasible for national operators to submit bespoke risk assessments to each of the c.350 local authorities they each deal with, and all operators have been working to ensure that their templates can meet the requirements set out by all individual local authorities.

The ABB would be concerned should any local authority seek to prescribe the form of an operator's risk assessment. This would not be in line with better regulation principles. Operators must remain free to shape their risk assessment in whichever way best meets their operational processes.

The ABB has also shared recommendations of best practice with its smaller independent members, who although they deal with fewer different local authorities, have less resource to devote to developing their approach to the new assessments. In this way we hope to encourage a consistent application of the new rules by operators which will benefit both them and local authorities.

Concerns around increases in the regulatory burden on operators

The ABB is concerned to ensure that any changes in the licensing regime at a local level are implemented in a proportionate manner. This would include if any local authority were to set out overly onerous requirements on operators to review their local risk assessments with unnecessary frequency, as this could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to operate consistently with the three licensing objectives.

Any increase in the regulatory burden would severely impact ABB members at a time when overall shop numbers are in decline, and operators are continuing to absorb the impacts of significant recent regulatory change. This includes the increase to 25% of Machine Games

Duty, limits to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Employing additional licence conditions

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

The LCCP require that premises operate an age verification policy. The industry operates a policy called "Think 21". This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and the ABB, and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%. The ABB has seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

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

Other concerns

Where a local area profile is produced by the licensing authority, this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

Considerations specific to the Draft Gambling Act 2005 Statement of Principles 2019 - 2022

The heading to Part B is "Promotion of the licensing objectives" and therefore there is a reference within paragraph 9.2 that the applicant will need to demonstrate how it will "promote" one of the licensing objectives. The promotion of the licensing objectives is a fundamental principle in Licensing Act 2003 applications but the only body upon whom Gambling Act 2005 confers a duty to promote the licensing objectives is the Gambling Commission. The licensing authority is required to have regard to the licensing objectives when exercising most of its functions whilst applications and the operation of licensed premises are required to be "reasonably consistent" with the licensing objectives. In the circumstances, the references to "promotion" and "promote" should be amended.

Furthermore, within paragraph 9.1, there is a statement that the council will have to be satisfied that premises “*will not adversely affect the licensing objectives and is compliant with the Commissioner’s Guidance, Code of Practice and this Policy Statement*”. This reference should also be amended to reflect the fact that the council will need to be satisfied that applications/operations will be reasonably consistent with the licensing objectives.

It appears that the first sentence of paragraph 16.3 may be incomplete. This sentence indicates that “*The council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives*” but does not indicate what the consequences of that satisfaction may be. This sentence should be redrafted in order that the consequences of such satisfaction are clear.

Paragraph 16.6 contains a list of bullet points that the licensing authority recommends be considered by operators when making their risk assessment. The second bullet point (“*gaming trends that may reflect benefit payments*”) should be deleted as this is not a relevant consideration when assessing a risk to the licensing objectives. The only way in which this could be relevant is if the licensing authority had determined that those in receipt of benefits were automatically vulnerable or more likely to commit crime as a result of gambling. We are certain that this predetermination has not taken place.

Similarly, the final bullet point relating to antisocial behavior should be deleted as issues of nuisance and anti-social behavior are not relevant considerations as far as an assessment of a risk to the licensing objectives is concerned.

Paragraph 21 explains the licensing authority’s approach to the imposition of additional conditions. We welcome the acknowledgement in paragraph 21.1 that all Gambling Act 2005 premises licences are subject to mandatory and default conditions which are usually sufficient to ensure operation in accordance with the licensing objectives and therefore it is unlikely that the council will need to impose further conditions.

This section would, however, be assisted if the statement made in paragraph 12.2 could be reiterated i.e. that additional conditions will only be attached where there is evidence of a risk to the licensing objectives in the circumstances of a particular case.

Paragraphs 27.2 and 27.3 refer to betting machines. The draft Statement of Principles would be assisted if a clear distinction could be made between betting machines and gaming machines. Whilst the licensing authority has the power, in certain circumstances, to restrict the number of betting machines, it may not restrict the number of gaming machines. The holder of a betting premises licence may make available for use up to 4 gaming machines of categories B, C or D (Section 172(8) Gambling Act 2005).

Conclusion

The ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, the ABB and its members already do this successfully in partnership with local authorities now. This includes through the ABB Responsible Gambling Code, which is mandatory for all members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff.

We would encourage local authorities to engage with us as we continue to develop both these codes of practice, which are in direct support of the licensing objectives, as well as our processes around local area risk assessments.

Yours faithfully,

GOSSCHALKS

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Licensing Committee Report
Report of the Licensing Team Leader
Author: Mike Smith
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Email: mike.smith@guildford.gov.uk
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Date: 28 November 2018

Changes to Licensing Arrangements for Activities Involving Animals

Executive Summary

To inform the Committee of changes to the way in which animal boarding establishments, dog breeding establishments, pet shops and riding establishments are licensed, and the commencement of responsibility for the licensing of the keeping of animals for exhibition.

It asks the Committee to note the work undertaken to respond to these legislative changes, and asks the Committee to approve public consultation on a draft policy concerning the licensing of Activities Involving Animals.

Recommendation to Licensing Committee

That the Committee approves the draft Animal Welfare Licensing Policy for public consultation, and instructs officers to carry out the consultation over a 12 week period.

Reasons for Recommendation:

To obtain the views of interested parties on the proposed policy and use these views to formulate any changes to the policy.

1. Purpose of Report

- 1.1 The purpose of the Report is to inform the Committee of changes to the way in which animal boarding establishments, dog breeding establishments, pet shops and riding establishments are licensed, and the commencement of responsibility for the licensing of the keeping of animals for exhibition.
- 1.2 It asks the Committee to note the work undertaken to respond to these legislative changes, and asks the Committee to approve public consultation on a draft policy concerning the licensing of Activities Involving Animals.

2. Strategic Framework

- 2.1 The changes to the licensing of animals will contribute to our fundamental themes and priorities as follows:

Economy – supporting business, growth and employment

Sustainability – safe borough

3. Background

- 3.1 Before 1 October 2018, the Council was responsible for the regulation of a variety of animal-related businesses, as well as the keeping of specified dangerous animals by individuals. The licence types historically issued by the Council are:

- **Animal boarding establishment licences** (for businesses accommodating dogs or cats – e.g. kennels, catteries, home boarders, pet day care)
- **Dog breeding establishment licences** (premises used for, or in connection with, the commercial breeding of dogs)
- **Pet shop licences** (any business which keeps animals with a view to selling them as pets)
- **Riding establishment licences** (premises which keep horses and ponies for hire for riding, or for riding tuition – excluding livery stables)
- **Zoo licences** and **Dangerous Wild Animal** licences are also issued by Guildford, however, these will continue to be covered by their own specific legislation.

- 3.2 The current number of licences issued by Guildford in 2017/18 are as follows:

- 27 x Animal boarding establishment licences (including home boarding and day care)(duration: one calendar year, expiry 31 December each year)
- 5 x Pet shop licences (duration: one calendar year, expiring 31 December each year)
- 10 x Riding establishment licences (duration: one year, expiry on anniversary of grant)
- 2 x Dog Breeding licences duration: one year, expiry on anniversary of grant)

- 3.3 In addition to the licences issued by Guildford, Surrey County Council is currently responsible for registering any performing animals based within the county. There are 4 such licences granted in the Guildford Borough.

- 3.4 Before 1 October 2018, numerous pieces of legislation and secondary legislation regulated the six licence types set out in paragraph 3.1. Also, as adoption of conditions and implementation of processes were left to the discretion of individual licensing authorities, there were a wide variation of requirements as to how to apply for licences and comply with locally set conditions, which, for businesses that

operate in a number of areas, could cause uncertainty and confusion. In addition, all types of licence were standalone, so a business that offers two or more of the licensable activities (for example a pet shop that also offers accommodation for dogs and cats while their owners are away) would have to apply for both a pet shop and animal boarding establishment licence, with the additional expenditure incurred.

- 3.5 The Animal Welfare Act 2006 introduced a new licensing power which enabled nationally set regulations to be made for any animal-related activities specified in those regulations. As a result, The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 were published earlier this year, which will significantly change the way animal related businesses are inspected and licensed. The Regulations came into force on 1 October 2018.

4. Changes

- 4.1 The Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 (“the Regulations”) define the animal based activities that require licences as follows:

- Selling animals as pets (or with a view to their being later resold as pets) in the course of a business including keeping animals in the course of a business with a view to their being so sold or resold.
- Providing or arranging for the provision of accommodation for other people’s cats or dogs in the course of a business on any premises where the provision of that accommodation is a purpose of the business.
- Hiring out horses in the course of a business for either riding, instruction in riding, or both.
- Breeding three or more litters of puppies in any 12-month period; or breeding dogs and advertising a business of selling dogs.
- Keeping or training animals for exhibition in the course of a business for educational or entertainment purposes, either to any audience attending in person, or by the recording of visual images of them by any form of technology.

- 4.2 The first significant change is that all four existing types of licence, together with the additional activity of keeping and training animals for exhibition, which is brought over from Surrey County Council, will be encompassed by one new ‘Animal Activity licence’. If an applicant is running more than one licensable animal related activity, each activity will be assessed separately and set out in one licence. The length of licence (previously one year in most cases) may be anything between one and three years dependent on the outcome of their inspection, and the type of licence (See paragraph 4.10).

- 4.3 As stated in paragraph 3.4 previous arrangements included locally set conditions. The Regulations specify conditions for each animal activity which must be included in each licence issued.

- 4.4 Existing licences that were issued up to 30 September 2018, will continue on until their stated expiry dates, and will then be renewed under the Regulations.

- 4.5 If the grant of a licence is refused, or the licence is revoked, the operator will be able to appeal to a First Tier Tribunal, which would comprise a panel with specialist knowledge administered by HM Courts and Tribunal Service.
- 4.6 The Regulations comprise a set of general conditions in respect of matters such as record keeping, types and numbers of animals, staffing, maintaining a suitable environment and diet, monitoring behaviour, handling of the animals, protecting the animals from pain, suffering, injury and disease and dealing with emergencies. Each specific animal activity then has its' own set of more detailed conditions, tailored to that particular activity.

Inspection Process

- 4.7 In the past, an inspection of the premises has been carried out by the Council's Dog Warden. The new regime requires a 'qualified inspector' to carry out the inspections, and in the case of the grant of a dog breeding establishment and at grant and renewal of horse riding establishments they must either be or be accompanied by a veterinary surgeon. To qualify to inspect premises, a person must hold a Level 3 certificate granted by a body, recognised and regulated by the Office of Qualifications and Examinations Regulations which oversees training and assessment of persons inspecting and licensing certain animal activities businesses, and must have passed an independent exam. Their certificate must apply to the specific type of activities they are inspecting. A qualified veterinary surgeon is also a qualified inspector.
- 4.8 Transitional provisions are in place to enable any person that can show evidence of at least one year of experience in licensing and inspecting animal activities businesses to carry out the inspections until October 2021. After that time, the above requirements will need to be met.
- 4.9 Under the new arrangements, the inspection process will be much more comprehensive, and built around providing the premises with a 'risk rating'. This process will establish whether the business is 'low risk' or 'higher risk' based on the level to which it meets the standards set out in the regulations and guidance, and will award between one and five stars, thus determining the length of the licence (with the exception of 'Keeping and Training Animals for Exhibition' for which all licences will be issued for 3 years as default). The star rating will be displayed on the licence, and included in the Council's public register.
- 4.10 Businesses established as higher risk will attain between one and four stars. If one or two stars are issued they will be issued a one year licence, and can expect a minimum of one unannounced visit during that period. If four stars are attained, the licence will be issued for two years, and the licence holder can expect one unannounced visit during the two year period.
- 4.11 Lower risk businesses can be issued a licence for any period between one and three years. Licence holders can expect a minimum of one unannounced visit at any time during the period specified on the licence.

- 4.12 The recently published guidance advises that if a business is certified by a UKAS-accredited body to operate animal welfare certification, it should be considered low risk and receive the higher star rating, unless there is evidence of poor animal welfare or non-compliance. Existing businesses that are not certified must be assessed using a risk scoring table – also set out in the guidance – to ascertain their score, and from this, their star rating. New businesses that are not certified will automatically be considered high risk as they have no operational history.
- 4.13 Operators of businesses will be able to appeal their risk rating, or request a reassessment if they have made improvements.

Suitable Applicants

- 4.14 Any individual who carries on a licensable activity will be designated as the operator of the business, and can apply for a licence. providing they:-
- are not disqualified from holding a licence in accordance with Regulation 11 and Schedule 8.
- 4.15 In order to ensure compliance with our duties to ensure that an individual has not been disqualified from holding a licence, the Council has drafted a policy setting out criteria which will ensure that only suitable applicants are granted a licence.
- 4.16 The draft policy sets out that upon application the Council:-
- Will require the applicant to provide a basic disclosure (DBS) certificate issued within 3 months of the date of application; and
 - May request information from Surrey Police under our information sharing agreement about any relevant convictions an applicant may hold. This information sharing is possible under Section 17 of the Crime and Disorder Act 1998, which requires that local authorities must have regard to the likely effect of the exercise of their functions on, and do all that they can to prevent crime and disorder in their area.
- 4.16 An applicant will be granted a licence if the Council is satisfied that the licence conditions will be met. In considering this, the Council will take into account whether the applicant is a fit and proper person to be the operator of the activity. The term 'fit and proper' is not defined in the legislation or guidance. The draft Policy states that the Council will consider a 'fit and proper person' to be an individual who can demonstrate upon application that they have:-
- the right to work in the UK
 - no relevant convictions
 - not been disqualified from holding a licence
 - the knowledge, experience, compliance history and ability to comply with licence conditions and safeguard the welfare of animals in their care
 - made suitable management and training arrangements to safeguard and protect any staff and/or members of the public who may be affected by the licence activity.

5. Consultation

- 5.1 Officers and the Council's Web and Communications Teams have carried out publicity work to highlight the legislative changes.
- 5.2 As a new policy is being proposed, consultation is critical to ensure any changes are clear and transparent for businesses and the public.
- 5.3 If the Committee approves the proposed policy, we will follow our consultation standards over a 12 week period by:
- Writing to relevant authorities (for example the Police, Defra)
 - Writing to interested parties (for example current licence holders)
 - Publicising the consultation on the Council's website
 - Using social media to inform the public of the consultation and direct them to the website.
- 5.4 We will then analyse the comments, prepare any changes considered appropriate to the policy for final approval and present a further report to the Licensing Committee on 25 March 2019.

6. Equality and Diversity Implications

- 6.1 Under the general equality duty as set out in the Equality Act 2010, public authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not.
- 6.2 The protected grounds covered by the equality duty are: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.
- 6.3 The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of equality duty.
- 6.4 There are no Equality and/or Diversity issues arising from the new Regulations, or consulting on a draft Animal Welfare Licensing Policy. The Regulations and Draft Policy allow an application to be made and assessed against standard criteria, irrespective of any protected characteristics of the applicant.

7. Financial Implications

- 7.1 The duration of the licences granted will depend on a risk rating, with some licences being granted for a longer period than others. Some of our existing licensees may not be suitable for licensing under the new legislation, which could

reduce licence fee revenue – although this in turn would reduce administration and costs incurred by the Council. In addition to this, there may be an increase in the number of licences that are granted as the threshold for requiring a licence will be reduced, and increased enforcement powers could lead to more businesses requiring licensing being identified.

- 7.2 The animal licensing scheme falls within the definition of ‘services’, and is subject to the EU Services Directive, incorporated in to UK law as the Provision of Services Regulations 2009.
- 7.3 The fees can be split into two parts – the application fee, payable at the time of submission to cover the Council’s costs in considering and determining the application, and the licence fee, which covers ongoing enforcement and compliance requirements.
- 7.4 Ahead of the implementation, revised fees were set under delegated Authority to accommodate the changes. The fees for the period 1 October 2018 to 31 March 2019, are set out at Annex 2 of the report.
- 7.5 All fees have been calculated and will be reviewed annually, taking into account the requirements of Regulation 13 with the aim of full cost recovery.

8. Legal Implications

- 8.1 The Regulations and guidance issued by DEFRA under the Regulations, set out the activities which must be licensed, who may apply for a licence and how the Council must determine applications for a licence. The Regulations also set out the conditions which must be applied to any licence granted.
- 8.2 Should the Council refuse to grant or renew a licence, the applicant may appeal to a First-tier Tribunal. This must be done within 28 days of the decision.
- 8.3 Once a licence has been granted, the Council may suspend, vary or revoke the licence if the licence conditions are not complied with, the Regulations have been breached, information supplied is found to be false or misleading or it is necessary to do so to protect the welfare of an animal. There is no right of appeal against a suspension, however the licensee may make written representations to the Council and upon receipt of those representations, the Council must re-consider its decision. A licence may only be suspended for a maximum of 28 days, following which the licence must be reinstated, with or without variation or revoked. When a licence is varied or revoked, the licence holder may appeal to a First-tier Tribunal. This must be done within 28 days of the decision.
- 8.4 The statutory guidance issued by DEFRA requires the Council to provide an appeal process to enable applicants to challenge the initial star rating they are given. The guidance sets out the timescales and the level of officer who should hear the appeal. If a business is still dissatisfied, they can challenge the appeal outcome by way of judicial review. It will also be possible for applicants to pay for a re-inspection following the carrying out of improvements that would lead to a higher star rating.

9. Human Resource Implications

- 9.1 It is estimated that there will be 76 new licensed activities in the Borough during the first year, this number currently stands at 25. The number of investigations into unlicensed activities is predicted to rise with the expanding requirements, further increasing the demand on Officer time.
- 9.2 The Dog Warden post currently conducts the animal licencing inspections, except for the riding establishments, with administrative and managerial support provided within Regulatory Services. In order to respond to the changes and additional workload the Dog Warden post has been moved from Operational Services to Regulatory Services, reporting to the Licensing Team Leader.
- 9.3 Some of the Dog Warden's duties around dog fouling have been redistributed to the JET team, with a planned review of other duties in order to respond to the demand created by the new Animal Licensing activities.
- 9.4 As the Regulations set out specific qualifications which local authority inspectors must hold by 2021, Officers will be required to attend training and obtain the relevant qualification.

10. Conclusion

- 10.1 In October 2018, The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into effect replacing all the existing legislation. The new legislation also significantly expands the type of animal activity that requires licensing and introduces a star rating scheme for licensed animal activity businesses.
- 10.2 The new regulations expand the animal licensing regime to offer greater protection to animals being looked after, displayed or sold by third parties.
- 10.3 Fees for the new animal licences are locally set and can recover all costs but the Local Authority can make no profit. The Council has set fees for the activities which it will be licensing from 1 October 2018.
- 10.4 A Policy concerning the new Licensing Arrangements has been drafted which seeks to ensure the suitability of applicants and licence holders. The Committee is asked to approve the policy for public consultation.

11. Background Papers

[Animal Welfare \(Licensing of Activities Involving Animals\) Regulations 2018](#)

[Procedural Guidance Notes for Local Authorities 2018](#)

12. Appendices

Appendix 1: Draft Animal Welfare Licensing Policy

Appendix 2: Fees and Charges

13. Consultation

Service	Sign off date
Regulatory Service Manager	<i>2 November 2018</i>
Finance / 151 Officer	<i>1 October 2018</i>
Legal / Governance	<i>28 September 2018</i>
HR	<i>28 September 2018</i>
Equalities	<i>28 September 2018</i>
Lead Councillor	<i>10 October 2018</i>
CMT	<i>6 November 2018</i>
Committee Services	<i>13 November 2018</i>

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Animal Welfare Licensing Policy

Approved (date)

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1. Introduction

- 1.1 This policy sets out how the Council will exercise its functions under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, Dangerous Wild Animals Act 1976 and Zoo Licensing Act 1981.
- 1.2 This policy has been introduced pursuant to the commencement of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (“the Regulations”) on 1 October 2018. It will be reviewed at least every 3 years following first approval, and at other times where considered necessary, for example, to reflect significant changes in relevant legislation or guidance.
- 1.3 This policy sets out the principles we will use when dealing with applicants and licence holders with whom the Council is responsible for.
- 1.4 This policy provides guidance to any person with an interest in Animal licensing. In particular, but not exclusively:
- Applicants for licenses,
 - Existing licence holders whose licences are being reviewed,
 - Licensing Officers,
 - Members of the Licensing Committee, and
 - Magistrates’ hearing appeals against local authority decisions.
- 1.5 This policy sets out the criteria to be taken into account by the Council when determining whether or not an applicant or an existing licence holder is suitable to be granted, have renewed or continue to hold a Licence. In addition to criminal convictions the Council will also take into account other factors such as general character, compliance with licence requirements/guidance/conditions, non-criminal behaviour and police or other relevant records or information from reliable sources.

2. Policy Objectives

- 2.1 The Policy is designed to ensure that:-
- any person who carries on, attempts to carry on or knowingly allows a licensable activity to be carried on holds a licence in accordance with the Regulations,
 - the licence holder is not disqualified from holding a licence in accordance with the requirements of the Regulations,
 - that the five overarching principles of animal welfare, (known as the “five needs”) introduced by the Animal Welfare Act 2006 are upheld in any decision,
 - the safeguarding of any children or vulnerable persons in contact with a licensable activity is ensured
 - each application is considered on its merits
 - decisions made by the Council are transparent and consistent
 - relevant objectives of the Council’s Corporate Business Plan are supported
 - that the obligations of the Council’s Public Sector Equality duty under the Equality Act 2010, section 149 are fulfilled by eliminating discrimination, harassment, victimisation and other conduct prohibited by the Act,

advancing equality of opportunity and fostering good relations between persons who share and those who do not share protected characteristics.

2.2 In addition, the Council will base its licensing regime on the following principles which arise from the responsibilities arising under the Animal Welfare Act 2006:-

- Responsibility to protect the welfare of all fellow creatures;
- Ensuring the welfare of domestic or captive animals by implementing appropriate standards that promote the “five needs”;
- Ensuring that persons responsible for the management of animal welfare observe recognised standards of good practice;
- Ensuring that, so far as it falls within its powers, the requirements of all animal-related legislation will be rigorously and pro-actively enforced.

3. Animal Welfare Act

3.1 The Animal Welfare Act 2006 (the Act) established that reasonable welfare standards must be maintained whilst unifying all animal legislation, including responsibilities falling to other enforcement agencies.

3.2 The Act introduced five overarching principles of animal welfare, known as the “five needs” which are:

1. The need for a suitable environment;

(by providing an appropriate environment, including shelter and a comfortable resting area)

2. The need for a suitable diet;

(by ready access, where appropriate, to fresh water and a diet to maintain full health)

3. The need to be able to exhibit normal behaviour patterns;

(by providing sufficient space, proper facilities and the company of an animal of its own kind, where appropriate)

4. Any need to be housed with, or apart from, other animals;

(by providing the company of an animal of its own kind, where appropriate); and

5. The need to be protected from pain, suffering, injury and disease;

(by prevention or rapid diagnosis and treatment, and ensuring conditions and treatment which avoid mental suffering).

4. Licensable Activities

4.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force on 1st October 2018 and will have an impact on establishments licensed under the previous animal health legislation. This includes those previously licensed as pet shops, catteries, kennels, home boarders, dog crèche, riding establishments, dog breeders and performing animals.

- 4.2 A licence is required when any of the licensable activities outlined in Schedule 1 of the regulations are undertaken. These are:
- selling animals as pets (Part 2);
 - providing or arranging for the provision of boarding for cats or dogs (including the provision of boarding for cats; kennels for dogs; home boarding for dogs; or day care for dogs (Part 3);
 - hiring out horses (Part 4);
 - breeding dogs (Part 5);
 - keeping or training animals for exhibition (Part 6).
- 4.3 The Regulations replace previous licensing and registration regimes under the following legislation:
- Pet Animals Act 1951
 - Animal Boarding Establishments Act 1963
 - Riding Establishments Acts 1964 & 1970
 - Breeding of Dogs Act 1973 & Breeding and Sale of Dogs (Welfare) Act 1999
 - Performing Animals (Regulation) Act 1925
- 4.4 The Regulations do not impact on the licensing of Dangerous Wild Animals under the Dangerous Wild Animals Act 1976 and Zoos under the Zoo Licensing Act 1981, which remains unaffected by the legislative changes, however will fall within the scope of this Policy.

5. Suitability of Applicants

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

- 5.1 In accordance with the Regulations any individual, who carries on a licensable activity will be designated as the operator of the business and can apply for a licence providing they are not disqualified from holding a licence in accordance with Regulation 11 and Schedule 8.
- 5.2 In order to ensure compliance with our duties to ensure that an individual has not been disqualified from holding a licence, upon application the Council:-
- Will require the applicant to provide a basic disclosure (DBS) certificate (issued within 3 months of the date of application) showing that they are not disqualified from holding a licence, and/or hold no relevant convictions which may affect whether they are a 'fit and proper' person to hold a licence; and
 - May request information from Surrey Police under our information sharing agreement about any relevant convictions an applicant may hold. This information sharing is possible under Section 17 of the Crime and Disorder Act 1998, which requires that local authorities must have regard to the likely effect of the exercise of their functions on, and do all that they can to prevent crime and disorder in their area.
- 5.3 An applicant will be granted a licence if the Council is satisfied that the licence

conditions will be met. In considering this, the Council will take into account whether the applicant is a fit and proper person to be the operator of the activity. The term 'fit and proper' is not defined in the legislation or guidance. For the purpose of this Policy, the Council will consider a 'fit and proper person' to be an individual who can demonstrate upon application that they have:-

- the right to work in the UK
- no relevant convictions
- not been disqualified from holding a licence
- the knowledge, experience, compliance history and ability to comply with licence conditions and safeguard the welfare of animals in their care
- made suitable management and training arrangements to safeguard and protect any staff and/or members of the public who may be affected by the licence activity.

Dangerous Wild Animals and Zoos

5.4 In order to ensure compliance with our duties to ensure that an individual has not been disqualified from holding a licence, upon application the Council:-

- Will require the applicant to provide a basic disclosure (DBS) certificate issued within 3 months of the date of application; and
- May request information from Surrey Police under our information sharing agreement about any relevant convictions an applicant may hold.

Relevance of convictions

5.5 The purpose of this section is to offer guidance on how the Council can determine whether an applicant/licence holder suitable to either be granted a licence in the first place or retain such a licence. In all cases, the Council will consider the conviction or behaviour in question, what weight should be attached to it and each and every case will be determined on its own merits, but in light of these guidelines. Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that people do make mistakes, and it is further accepted that many learn from those mistakes and do not continue to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, will not prevent the grant or renewal of a licence.

5.6 The council will not normally grant a licence to a person with one (or more) convictions for any of the following offences:

- Offences involving violence
- Possession of a weapon
- Sex and indecency offences
- Offences involving dishonesty
- Offences involving drugs
- Licensing offences
- Offences involving danger or suffering caused to Animals

5.7 Any offences or behaviour not expressly covered by this Policy may still be taken into account.

6. Safeguarding

6.1 The regulations have the aims of maintaining and improving animal welfare standards. However there are other safeguarding considerations arising from licensable activities which the Council has a statutory duty to ensure, in particular surrounding the protection of children and vulnerable persons.

6.2 The Council is aware that some licensable activities may involve unsupervised contact with children and/or vulnerable persons. For example the tuition of a young person provided at a Riding Establishment, or entertaining at a children's party with an exhibition of animals.

6.3 To this extent, the Council would expect applicants and licence holders whose activities involve contact with children or vulnerable persons to:-

- Have a written safeguarding policy and provide training for staff; and
- Have a procedure for vetting staff who have unsupervised contact with young/vulnerable persons.

7. Application Process

7.1 Licence applications must be submitted in writing on the prescribed application form, along with any supporting information (as detailed in the application form and as required under this Policy), together with the appropriate fee. Proof of the planning permission required for the relevant activity on the premises should also be provided.

7.2 The Council will notify licence holders when their existing licence will expire (3 months prior to expiry) and licence holders must make a new application at least 10 weeks before the licence expires to continue the activity without a break. It is the licence holder's responsibility to ensure that any renewal application is made in good time, and the Council cannot be held responsible for any delays or lapses of a licence caused by an incomplete or late application.

7.3 Payment for vet inspections required either by legislation or by the Council in order to determine the application, will be an additional charge passed on to the applicant/license holder.

7.4 The Guidance stipulates that once a local authority receives an application for the grant or renewal of a licence it must do all of the following before granting or renewing a licence:

- The Council must consider whether the conduct displayed by the applicant indicates that they are a fit and proper person to carry out the licensable activity and meet their licence conditions.
- The Council must inspect the site of the licensable activity and assess if it

is likely to meet the licence conditions. The inspection must be completed by a suitably qualified inspector present (as well as a veterinarian for the initial inspection of a dog breeding establishment, or a listed veterinarian for inspections of horse riding establishments). The inspector must prepare a report, in accordance with the requirements of regulation 10, to be submitted to the local authority following their inspection.

- The inspector’s report will contain information about the operator, any relevant premises, any relevant records, the condition of any animals and any other relevant matter and state whether or not the inspector considers that the licence conditions will be met.
- Ensure that the appropriate fees have been paid, these can include fees for the consideration of the application, the reasonable anticipated costs of consideration of a licence holder’s compliance with the Regulations, the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator and any costs reasonably anticipated in relation to the provision of information to the Secretary of State.

8. Rating and Licence duration

8.1 Licences can be issued for a period of either one, two or three years depending on the risk rating and level of compliance. This also corresponds with the Star Rating for the establishment.

8.2 The Scoring matrix is below:

Scoring Matrix		Welfare Standards		
		Minor Failings (existing business that are failing to meet minimum standards)	Minimum Standards (as laid down in the schedules and guidance)	Higher Standards (as laid down in the guidance)
Risk	Low Risk	1 Star 1yr licence Min 1 unannounced visit within 12 month period	3 Star 2yr licence Min 1 unannounced visit within 24 month period	5 Star 3yr licence Min 1 unannounced visit within 36 month period
	Higher Risk	1 Star 1yr licence Min 1 unannounced visit within 12 month period	2 Star 1yr licence Min 1 unannounced visit within 12 month period	4 Star 2yr licence Min 1 unannounced visit within 24 month period

8.3 Licences for the keeping or training animals for exhibition are issued for three years.

9. Standards and Conditions

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations

9.1 The Regulations include mandatory conditions for each licensable activity and DEFRA has produced associated guidance. The conditions are divided into

two categories namely General Conditions (stipulated in Schedule 2) and Specific Conditions from the associated Schedule of the Regulations.

- 9.2 Applicants/licence holders will need to meet all the mandatory conditions, although minor failings may be noted/recorded providing they do not compromise the welfare of the animals (these should be predominantly administrative in nature).
- 9.3 For each activity (except keeping or training animals for exhibition) a number of “higher standards” have been included in the guidance. Meeting the higher standards is optional but is the only way to gain a higher star rating.
- 9.4 The higher standards are classified into two categories – required (mandatory) and optional. These will usually be colour coded into blue and red respectively. To qualify as meeting the higher standards the business must achieve all the required (mandatory) standards as well as a minimum of 50% of the optional higher standards.
- 9.5 The Regulations make provision for Officers to take samples for laboratory testing from any animals on premises occupied by an operator for the purposes of ensuring the licence conditions are being complied with. A Licence holder must comply with any reasonable request of an inspector to facilitate the identification and examination of an animal and the taking of samples and, in particular, must arrange the suitable restraint of an animal if so requested by an inspector.
- 9.6 Samples should be as non-invasive as possible, however inspectors may deem more invasive samples necessary if there are concerns over the welfare of the animals. The provision for sampling is primarily aimed at veterinarians carrying out inspections and it is not expected that samples be taken by those without the training to properly and safely do so.

Dangerous Wild Animals

- 9.7 The Council will usually impose Defra’s standard conditions, in addition to any premises/animal specific conditions deemed to be required by the Inspecting Officer/Vet.

Zoos

- 9.8 The Council will usually impose Defra’s standard conditions, in addition to any premises/animal specific conditions deemed to be required by the Inspecting Officer/Vet.

10. Granting an application

- 10.1 Where a licence is issued the Council will provide the following details:

- the Licence with the Star Rating;
- details of how the business has been rated including a list of the higher standards the business currently fails to meet or a list of the minimum

standards the business is failing to meet and resulting in a “minor failing” category;

- a copy of the risk management assessment table;
- details of the appeals process and timescales.

10.2 Any fee(s) required upon the grant of the licence must be paid in full prior to the issue of the licence.

11. Refusing Applications

11.1 The Council will consider the report from the inspector and any comments made by the applicant when deciding whether to issue a licence.

11.2 The Council will refuse to issue a licence if it considers that the applicant cannot meet the licence conditions, for example, if the granting of a licence will have a negative impact on animal welfare or if the level of accommodation, staffing or management is inadequate for the well-being of animals.

11.3 The Council will also refuse to issue or renew a licence if the applicant has a history of non-compliance with licensing conditions or requirements, is obstructive towards officers, or if there are safeguarding concerns arising from the licensed activity. The above list is not exhaustive, but indicative of the circumstances where they Council will want to refuse an application.

11.4 The Council will also refuse an application if it considers that the applicant does not meet the ‘fit and proper person’ test.

11.5 A licence cannot be issued to an operator who is disqualified.

11.6 Any application fees or veterinary inspection fees paid will not be refunded for unsuccessful applications.

11.7 If a licence is refused, the applicant will have the right of appeal to a First-tier Tribunal within 28 days of the decision notice.

12. Appeals to Star Rating

12.1 To ensure fairness to the business, the Council has an appeals procedure in place for the operator to dispute the star rating given.

12.2 The business will be provided with supporting information (the inspection reports) which will highlight the inspecting officer’s decision on how the risk rating, compliance level and star rating has been determined. The business is encouraged to discuss the matter initially with the inspecting officer where possible.

12.3 A business may appeal if they consider their star rating to be wrong - in other words it does not reflect the standards found at the time of inspection. Any appeal to the rating given must be made in writing within 21 days.

12.4 A business may wish to apply for a re-inspection or re-rating on a chargeable basis following completion of works to rectify any non-compliance or

improvements to achieve higher standards.

- 12.5 An appeal will be assessed and determined by an appointed manager within the Department, who will conduct a 'desk based' appraisal of the rating given.
- 12.6 The appointed managers for this purpose are the Licensing Team Leader, or Regulatory Services Manager in their absence.
- 12.7 If the business disagrees with the outcome of the appeal they can only challenge the decision by means of judicial review.

13. Variations, Suspensions and Revocations of Licences

- 13.1 The Regulations provide for a local authority at any time to vary a licence:
 - On the application in writing of the licence holder, or
 - On the initiative of the local authority, with the consent in writing of the licence holder.
- 13.2 In addition to the above a local authority may suspend, vary or revoke a licence without the consent of the licence holder if:
 - The licence conditions are not being complied with,
 - There has been a breach of the Regulations,
 - Information supplied by the licence holder is false or misleading, or
 - It is necessary to protect the welfare of an animal.
- 13.2 A suspension or variation of a licence will normally take effect 7 working days after the decision has been issued to the licence holder unless the reason is to protect the welfare of an animal in which case the local authority may stipulate that the decision has immediate effect.
- 13.3 A decision to vary or suspend the licence must be notified to the licence holder in writing, explaining the reasons for the decision, and providing information regarding when the suspension or variation comes into effect and the rights of the licence holder to make written representation, as well as any specific changes deemed necessary in order to remedy the situation.
- 13.4 The decision to vary, suspend or revoke a license will be dependent on the severity of the situation. If an operator fails to meet administrative conditions or provide information when requested then this could potentially lead to the suspension of a licence. If such a scenario happens repeatedly, the Council may consider revocation appropriate. Revocation of a licence will also occur in an instance where poor welfare conditions are discovered or it would otherwise benefit the welfare of the animals involved to be removed from the activity. Variations can occur if adjustments need to be made, whether that is to the licence itself or to the premises/animals referred to in the licence.
- 13.5 Following the issuing of the notice of suspension or variation, the licence holder will have 7 working days to make written representation. Upon receipt of this the Council will decide whether to continue with the suspension or variation of the licence or cancel the decision.

- 13.6 If the licence has been altered with immediate effect to protect the welfare of an animal then the Council must indicate that this is the reason.
- 13.7 The business will not be able to trade once the suspension of a licence has come into effect and cannot do so until the decision is overturned by the local authority upon being satisfied that licence conditions are being met.
- 13.8 There is no right of appeal against the suspension of a licence. After 28 days of suspension the licence must be revoked or reinstated.
- 13.8 A licence holder may appeal to a First-tier Tribunal if they do not agree with the decision made by the local authority to vary or revoke a licence. This must be done within 28 days of the decision.

14. Transfer of a licence upon the death of a licence holder

- 14.1 If a licence holder dies, the procedure in regulation 12 of the Regulations applies. It allows the personal representative of the deceased to take on the licence provided that they inform the local authority within twenty-eight days of the death that they are now the licence holders. The licence will then remain in place for three months from the death of the former holder or for the rest of the time it was due to remain in force if that time period is shorter. The new licence holder should then apply for a new licence one month before the expiry of this new period.
- 14.2 Additionally the local authority can extend the three month period by up to another three months if requested by the personal representative and if they believe this time is needed to wind up the estate of the former licence holder.
- 14.3 If the personal representative does not notify the local authority within 28 days of the death of the licence holder, the licence will cease to have effect after those 28 days.

15. Inspections During the Course of a licence

- 15.1 There will be cases where inspections must be carried out during the term of a licence.
- 15.2 For the activity of hiring out horses, there is a requirement for an annual inspection by a listed veterinarian, regardless of the total length of the licence. The local authority must appoint a listed veterinarian to inspect the premises on which the activity is being carried out before the end of the first year after the licence is granted and then each subsequent year.
- 15.3 Unannounced inspections can also be carried out and will be used in the case of complaints or other information that suggests the licence conditions are not being complied with or that the welfare of the animals involved in a licensed activity is at risk.
- 15.4 During the course of an inspection the inspector may choose to take samples for laboratory testing from the animals on the premises occupied by an operator. The operator must comply with any reasonable request of an

inspector to facilitate the identification, examination and sampling of an animal including ensuring that suitable restraints are provided if requested.

16. Qualifications of Inspectors

16.1 All inspectors must be suitably qualified. This is defined in the Guidance as:

- Any person holding a Level 3 certificate granted by a body, recognised and regulated by the Office of Qualifications and Examinations Regulation which oversees the training and assessment of persons in inspecting and licensing certain animal activities businesses, confirming the passing of an independent examination. A person is only considered to be qualified to inspect a particular type of activity if their certificate applies to that activity;
- Any person holding a formal veterinary qualification, as recognised by the Royal College of Veterinary Surgeons (“RCVS”), together with a relevant RCVS continuing professional development record;
- Until October 2021, any person that can show evidence of at least one year of experience in licensing and inspecting animal activities businesses.

17. Fee Structure

17.1 The current level of licence fee will be displayed on the Council’s webpage.

17.2 All fees have been calculated and reviewed annually, taking into account the statutory requirements of Regulation 13, with the aim of full cost recovery.

18. Enforcement

18.1 The Regulations introduce a range of enforcement powers to allow the Council to issue a suspension, variation or revocation notice where licence conditions are not being complied with; there is a breach of the regulations or issues relating to the protection of the welfare of an animal.

18.2 The service of an enforcement notice is subject to a strict process and includes provision for the right to make written representations and/or appeal.

18.3 It is an offence to breach any licence condition. It is also an offence not to comply with an inspector’s request in the process of taking a sample from an animal.

18.4 It is also an offence to obstruct an inspector who has been appointed by a local authority to enforce the Regulations. Committing any of these offences could result in an unlimited fine.

18.5 Anyone who carries on any of the licensable activities without a licence is liable to imprisonment for a term of up to six months, a fine or both. Section 30 of the Animal Welfare Act 2006 allows for local authorities to prosecute for any offences under that Act.

- 18.6 The post-conviction power from section 34 of the Animal Welfare Act 2006 is in place whereby a person convicted of an offence under the Act or Regulations may be disqualified from owning, keeping, participating in the keeping of animals and/or from being party to an arrangement under which they can control or influence the way an animal is kept. They may also be disqualified from transporting or dealing in animals. Breaching these disqualifications is an offence.
- 18.7 The post-conviction power from section 42 of the Animal Welfare Act is also in place whereby a court can cancel a currently existing licence and disqualify a person from holding a licence for any period it sees fit when that person is convicted of an offence under the Act or Regulations.
- 18.8 The Council works closely with partners in accordance with a locally established joint enforcement protocol and will aim to promote the welfare of animals and safety of the public.
- 18.9 The main enforcement and compliance role for the Council in terms of the Regulations will be to ensure compliance with the conditions placed upon the licence and investigate and take appropriate action on unlicensed premises.
- 18.10 In carrying out its enforcement duties with regards to the inspection of premises, the variation, suspension or revocation of licences and the powers to institute criminal proceedings in respect of certain offences under the Act, the Council has adopted an enforcement policy, which is available on www.guildford.gov.uk.

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

Fees and Charges

Licence Type	Application Fee	Fee For Grant	Total Fee	Other Costs
Animal Boarding	£326.00	£120.00	£446.00	Vet Fees upon application and as required for licence duration
Home Boarding	£326.00	£120.00	£446.00	
Dog Day Care	£326.00	£120.00	£446.00	
Dog Breeding	£326.00	£120.00	£446.00	
Keeping Animals for Exhibition	£268.00	£115.00	£383.00	
Selling Animals as Pets	£326.00	£120.00	£446.00	
Hiring out Horses	£326.00	£120.00	£446.00	
Each Additional Licence Activity	£73.00	£88.00	£161.00	
Each Additional Inspection			£100.00	
Advisory Visit			£100.00	
Variation to licence			£220.00	
Re-evaluation of rating			£220.00	
Variations to reduce the licensable activities or numbers of animals			£91.00	
Transfer due to death of licensee			£91.00	

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Licensing Committee Report

Ward(s) affected: All

Report of the Licensing Team Leader

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Date: 28 November 2018

National database of taxi and PHV driver licence refusals and revocations

Executive Summary

In June 2017, the Local Government Association commissioned the development of a National Register of taxi licence Refusals and Revocations. The Register went live in July 2018. Through facilitating sharing of information between licensing authorities, the objective of the register is to prevent individuals who have had a licence revoked or an application for one refused by one authority from securing a licence elsewhere by failing to declare their previous licensing history.

By using the National Register, the Council will be ensuring it complies with best practice in order to ensure that only suitable persons hold taxi and PHV drivers licences and thus protect public safety and confidence in the licensed trade.

Recommendation to Licensing Committee

The Licensing Committee is requested to note the work undertaken to utilise the National database of taxi and PHV driver licence refusals and revocations.

Reason for Recommendation:

To improve safety and confidence within the licensed hackney carriage and private hire vehicle service.

1. Purpose of Report

1.1 The report informs the Committee of the work undertaken to use the National Register of taxi and private hire vehicle driver licence refusals and revocations.

2. Strategic Priorities

2.1 Using the National Register will contribute to our fundamental themes as follows:

- **Our Society** - believing that every person matters and concentrating on the needs of the less advantaged
- **Our Economy** – supporting business, growth and employment

3. Background

- 3.1 The current Taxi and Private Hire Policy 2015-2020 adopted on the 9 December 2015 and subsequently revised on 8 February 2018 introduced positive changes to protect public safety by introducing livery for taxis, door signs for private hire vehicles and the requirement for drivers to complete the BTEC Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver.
- 3.2 Licensing Authorities are required to satisfy themselves that those holding hackney carriage and Private Hire Vehicle (PHV) driver licences are 'fit and proper' to do so. This is done firstly during the determination of an application for a licence, and then kept under review during the currency of a licence. For example when evidence is obtained that suggests that a licensed individual is no longer a fit and proper person the licensing authority is entitled to suspend, revoke or refuse to renew the licence.
- 3.3 The process of assessing whether an applicant or licensee is 'fit and proper' may vary between authorities but there is widespread consensus on the need to increase consistency and set national minimum standards for the fit and proper test at a suitably high level. This would help prevent individuals who have had a licence revoked by one authority from simply going to another area and securing a licence - assuming the second authority
- 3.4 Historically, if drivers do not disclose information about a previous revocation or refusal of a licence, there is often no way for a licensing authority to find this information out. This means that vital intelligence about an applicant's past behaviour is being missed and an individual might be able to get a new licence in another area, despite having their licence revoked elsewhere. High profile instances of this happening have undermined public confidence in the safety of hackney carriages and PHVs, and left licensing authorities open to criticism for something that is currently very difficult for them to control.

4. National Register of Refusals and Revocations

- 4.1 In response to this issue, the Local Government Association (LGA) has commissioned the National Anti-Fraud Network (NAFN) to develop of a national register of hackney carriage and PHV driver licence refusals and revocations, the 'National Register of Refusals and Revocations'. The new register will allow licensing authorities to record details of where a hackney carriage or PHV drivers' licence has been refused or revoked, and allow licensing authorities to check new applicants against the register. This should help to prevent people found to be not fit and proper in one area from securing a licence somewhere else through deception and non-disclosure.

- 4.2 The objective of the national register is to ensure that authorities are able to take properly informed decisions on whether an applicant is fit and proper, in the knowledge that another authority has previously reached a negative view on the same applicant.
- 4.3 This will be achieved by providing a mechanism for licensing authorities to be able to check whether an individual has had a licence refused or revoked. Whenever a licensing authority processes a new application for a hackney carriage/PHV driver's licence, or for a renewal, it should check the register at a suitably early stage of the process to confirm whether the applicant was subject to a previous licensing decision that they should be aware of.
- 4.4 Every application must always be considered on its own merits. A licensing authority must not fetter its decision-making, or appear to have simply relied upon the previous decision of another authority. The purpose of the register is not to mean that an applicant who has been refused a licence on one occasion will always be refused.
- 4.5 However, it will always be relevant for an authority to consider a previous refusal or revocation, and the reasons for that decision. That previous decision may in many cases warrant significant weight to be given to it. Licensing authorities will wish to think carefully about taking a different view to an earlier decision. Depending on the nature and context of the earlier decision, they may require strong and new evidence to support a different view, having regard to the representations of the applicant. Any authority will wish to have proper respect for the decision of a previous authority, having regard to the fact that a driver had the right of appeal to the Magistrates' Court against a decision which was wrong or flawed. Without this approach, the objectives of safeguarding and consistency – and the reputation of local government – will be undermined.

5. Consultation

- 5.1 Applicants will be informed of the existence of the NR3 register and that it will be consulted in connection with their application (and subsequent applications to renew licences). They will also be informed that their personal data will be placed on the register if at any time their licence is revoked or renewal is refused.
- 5.2 We have written to all existing licensees to advise that the Council has signed up to the register, and that if their licence is subsequently revoked or not renewed, this will be recorded.
- 5.3 We have also written to all previous licence holders whose licence has been refused or revoked advising them that their details will be entered into the register.

6. Equality and Diversity Implications

- 6.1 Under the general equality duty as set out in the Equality Act 2010, public authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of

opportunity and fostering good relations between people who share a protected characteristic and those who do not.

- 6.2 The protected grounds covered by the equality duty are: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.
- 6.3 The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of the equality duty.
- 6.4 There are no Equality and/or Diversity issues arising from the use of the Register.

7. Financial Implications

- 7.1 The use of the register can be managed through the existing licensing budget.

8. Legal Implications

- 8.1 Access to the database is only available to Local Authorities who have signed up to a data processing and data sharing agreement with the NAFN to ensure compliance with the relevant data protection requirements.
- 8.2 The LGA has consulted the Information Commissioners Office on the databases' intended functionality and have advised that the database complies with the GDPR as the Local Authority has a lawful basis for processing this information.

9. Human Resource Implications

- 9.1 There are no human resource implications arising from these proposals.

10. Summary of Options

- 10.1 The Licensing Committee is requested to note the work undertaken to utilise the National database of taxi and PHV driver licence refusals and revocations.

11. Conclusion

- 11.1 By using the National Register, the Council will be ensuring it complies with best practice in order to ensure that only suitable persons hold taxi and PHV drivers licences and thus protect public safety and confidence in the licensed trade.

12. Background Papers

- 12.1 [Taxi and Private Hire Licensing Policy 2015-2020](#)

13. Appendices

None

14. Consultation

Service	Sign off date
Regulatory Services Manager	2 November 2018
Finance / 151 Officer	1 October 2018
Legal / Governance	8 October 2018
HR	28 September 2018
Equalities	28 September 2018
Lead Councillor	10 October 2018
CMT	6 November 2018
Committee Services	13 November 2018

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Licensing Committee Report
Report of Director of Finance
Author: Sophie Butcher
Tel: 01483 444056
Email: sophie.butcher@guildford.gov.uk
Date: 28 November 2018

Licensing Committee work programme: 2018-19

Recommendation to Licensing Committee

The Committee is invited to review and approve its current work programme for the remainder of the 2018-19 municipal year.

Reason for Recommendation:

To ensure that the Licensing Committee has an opportunity to review its work programme.

1. Purpose of Report

1.1 The work programme is presented to enable necessary changes to be made and to provide updated information on items for future meetings. Appendix 1 to this report sets out the Committee's work programme to date, including any items currently unscheduled.

2. Financial Implications

2.1 There are no specific financial implications arising from this report.

3. Human Resource Implications

3.1 There are no specific human resources implications arising from this report.

4. Legal Implications

4.1 There are no specific legal implications arising from this report.

5. Background papers

None

6. Appendices

Appendix 1: Licensing Committee - Draft Work Programme: 2018-19

Licensing Committee
Draft Work Programme 2018-19

7 January 2019		
Item	Details of decision to be taken	Officer
Taxi and Private Hire fees and charges 2019-20 – for consultation	To consider for consultation the Taxi and Private Hire fees and charges 2019-20.	Mike Smith, Licensing Team Leader 01483 444387

25 March 2019		
Item	Details of decision to be taken	Officer
Taxi and Private Hire fees and charges 2019-20 – objections	To consider any objections received in relation to the Taxi and Private Hire fees and charges.	Mike Smith, Licensing Team Leader 01483 444387

UNSCHEDULED ITEMS		
Item	Details of decision to be taken	Officer

UNSCHEDULED ITEMS

Item	Details of decision to be taken	Officer
Review of Licensed Vehicle Test Standards	To consider consultation results and make recommendations to full Council, which shall determine whether the Taxi and Private Hire Licensing Policy should be amended to adopt any revised vehicle test standards	Mike Smith, Licensing Team Leader 01483 444387

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