

Meeting	LICENSING COMMITTEE
Time/Day/Date	6.30 pm on Wednesday, 14 October 2015
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454512)

All persons present are reminded that the meeting may be recorded and by attending this meeting you are giving your consent to being filmed and your image being used. You are kindly requested to make it known to the Chairman if you intend to film or record this meeting.

The Monitoring Officer would like to remind members that when they are considering whether the following items are exempt information under the relevant paragraph under part 1 of Schedule 12A of the Local Government Act 1972 they must have regard to the public interest test. This means that members must consider, for each item, whether the public interest in maintaining the exemption from disclosure outweighs the public interest in making the item available to the public.

AGENDA

Item	Pages
1. APOLOGIES FOR ABSENCE	
2. DECLARATIONS OF INTEREST	
Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is 'Pecuniary' or 'Non-Pecuniary'.	
3. MINUTES	
To confirm and sign the minutes of the meeting held on 26 November 2014.	3 - 8
4. REVIEW OF GAMBLING ACT STATEMENT OF LICENSING POLICY	
Report of the Environmental Health Team Manager	9 - 30



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MINUTES of a meeting of the LICENSING COMMITTEE held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 26 NOVEMBER 2014

Present: Councillor N Smith (Chairman)

Councillors R Adams, G A Allman, J Cotterill, J G Coxon, D Everitt, J Geary, P Hyde, G Jones, L Massey, T Neilson, V Richichi, J Ruff and M B Wyatt

Officers: Mr S Eyre, Mr D Gill, Mr L Mansfield and Mr D O'Nyons

15. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A Bridges, C Large, M Specht and A V Smith.

16. DECLARATIONS OF INTEREST

There were no declarations of interest.

17. MINUTES OF PREVIOUS MEETING

Consideration was given to the minutes of the meeting held on 26 February 2014.

It was moved by Councillor R Adams, seconded by Councillor P Hyde and.

RESOLVED THAT:

The minutes of the meeting held on 26 February 2014 be approved and signed by the Chairman as a correct record.

18. LICENSING - SERVICE UPDATE

The Licensing Team Leader presented the report to Members.

He provided the Licensing Committee with an update on each of the following initiatives conducted by the Licensing Team during 2014/15.

EMA Multi Agency Taxi Enforcement

The Licensing Team leader informed Members that a bi-annual event was organised by NWLDC with the assistance of Leicestershire Police and East Midlands Airport to stop and check Taxis entering the Airport for defects. At the last event in September 2014, 106 vehicles from 33 councils were checked and a creditable 80 vehicles were found to be mechanically sound. The main defects identified were worn tyres and blown bulbs.

Councillor J G Coxon asked whether conducting the on the spot vehicle checks at the same time each year could cause predictability. The Licensing Team Leader informed Members that May and September were the best months to conduct these spot checks as many people were going away on holiday at this time. He informed Members that they were welcome to attend these programmes alongside officers.

Programme of on the Spot Taxi Vehicle Checks

The Licensing Team leader informed Members that 42 licensed vehicles had been subject to on the spot checks. Creditably 38 out of the 42 (90%) had passed the check. The four that had failed did so due to defective tyres and bulbs.

Councillor J Geary enquired whether or not Taxis drivers whose vehicles had failed for defect tyres had been prosecuted. He felt that the Council had a duty of care for people using Taxis in the district and stated that defunct tyres were a major contributor to road accidents.

In response to Councillor J Geary's question the Licensing Team Leader informed Members that when the Police were involved they did prosecute individuals for tyre defects. In addition, he explained that the powers to reject vehicles were in many respects as good as prosecution, as drivers had the expense of buying a new vehicle.

Visual Check of Older Taxi Vehicles

The Licensing Team Leader stated that to ensure a high quality of vehicles on the roads, a programme of inspections of older vehicles had been undertaken with 63 vehicles receiving a visual check.

Mechanical Examination of Licensed Vehicles

It was stated that every licensed vehicle within the district underwent a mechanical examination. Between April and October 2014, 174 vehicles received an examination with 112 of the 174 (64%) vehicles passing the test first time. The Licensing Team Leader expressed his disappointment that this figure was not as high as he had hoped, and explained that around 70% was the initial target.

ACPO week Initiative with the Police

The Licensing Team Leader informed Members that although meetings and visits of licensed premises with the police to contribute to the Association of Chief Police Officers Licensing Initiative had been scaled back compared to the previous year, the Council was still intent on contributing to the initiative.

Installation of IDOX public access software

The Licensing Team Leader informed Members that new software had been installed on the Council's website that would enable any person to view and check on real-time licensing applications and decisions that had been approved. As a result the Licensing Team would no longer be producing a weekly email for Members updating them on applications that had been received.

The Licensing Team Leader assured Members that help and assistance would be available for Members in using this service.

Councillor T Neilson reiterated comments he had made in June, expressing his desire for the weekly email bulletin to be continued. He stated that he liked the regular updates provided and mentioned that a request had been made to the Planning Department to introduce a weekly bulletin of their own.

Councillor J Geary also expressed his concern with doing away with the weekly email provided to Members, citing his own experiences where he had struggled to log on to the Council's website to view the information that he required. He stated that the weekly email provided a useful source of information that was reliable.

Councillor J Geary stated that the new software would mean that he would only receive information relating to specific postcodes. This would consequently cause embarrassment for him as the public may perceive that he was not interested. Living outside the ward that he represents, he would have no knowledge of other applications.

Furthermore, Councillor J Geary stated that it was essential all Members received up to date information. He feared that members of the public were becoming disillusioned with Local and Central Government and that it was imperative that Members had the information necessary to provide answers to questions when asked.

In addition, Councillor J Geary stated that less and less information and communication was being sent through to Councillors to enable them to do their jobs and provide an effective public service. He cited an example recently where he had tried to contact an officer from the Council, only to find that they no longer worked there.

The Licensing Team Leader informed Members that thousands of pounds had been invested into getting the IDOX software operational and that within time Members would become familiar with the software. He added that the current weekly email circulated to Members did not meet the Councils proactive and service driven standards. He asked that if Members could make the transition to the new software it would be greatly appreciated.

The Environmental Health Team Manager added that this was an improved service, and adopting the new software was a step forward and not a step backwards. He reassured Members that sufficient help would be offered to support them in setting up their profile to ensure they received the information they were interested in.

Music Events

The Licensing Team Leader stated that the District was becoming a hub for music events and large scale events, citing established music festivals such as Download and Strawberry Fields as examples. Members were also informed that the Licensing team had already started to receive enquires for other festivals and one off events for 2015.

Councillor N Smith stated that when Strawberry Fields first started it had generated numerous complaints, however things had changed. He informed Members that Heather and Ravenstone did not send any representatives to the debriefing as they were so pleased with the progress of the festival. Furthermore, Packington had asked him to place on record their thanks to all the Officers involved for their hard work.

Joint Working with Leicestershire Police

Members were informed that the relationship between the Police and the Licensing team was continuing to flourish. Visits to high risk premises to ensure compliance with the Licensing Act were continuing.

Attendance and Support of Pubwatch

The Licensing Team Leader informed Members that Officers regularly attended Pubwatch, and that the local Ashby de la Zouch and Coalville branches of Pubwatch had merged which was a good bonus for the district.

Leicestershire Licensing Forum

A county wide forum made up of Licensing team leaders, licensing solicitors and police officers. This was providing a broad front for the whole county on all Licensing matters.

Depot MOT Checks

The Licensing Team Leader informed Members that the number of Taxi drivers that have opted for the Councils depot to undertake their MOT test had risen. He also reminded

Members that all Council Staff and Councillors were entitled to use the depot to MOT their own Vehicles.

Licensing Sub-Committee Hearing

The Licensing Team Leader stated that three sub committees had been held since the last meeting of the Licensing Committee.

Significant Policy Changes 2011-2014

The Licensing Team Leader informed Members that the Committee had considered and approved several policies since 2011 and placed on record his thanks to Members for their support over the past few years to produce the policy changes.

Councillor J Geary enquired who undertook the Disability training for all licensed drivers and asked about the format of the training. The Licensing Team Leader informed Members that a Consultancy firm from Loughborough who have a wide range of experience perform the training, twice a year in the NWLDC Council Chamber with each course lasting the duration of two hours.

RESOLVED THAT:

The Licensing Committee notes the contents of the report.

19. REVIEW OF STREET TRADING POLICY

The Environmental Health Team Manager presented the report to Members. He advised them that the purpose of the report was to consult Members on the draft Street Trading Policy. He reminded Members that the last Policy review was quite significant, however now there were further considerations to consider. He informed Members that he would take them through the changes and welcomed any comments from Members.

Proposed Changes to Current Policy

Assessing the Suitability of a Proposed New Trading Location

The Environmental Health Team Manager informed members that this proposal has come about as a result of the changes made in April this year to make the whole district a consent area. Subsequently, there has been an increased likelihood of people applying for licences in new areas that were previously unused. The proposal was to add Leicestershire County Council Highway Authority to the list of consultees.

Councillor M B Wyatt enquired whether or not the Coalville Special Expenses Working Party (CSEWP) should be included in the list of consultees as well. In response to this question the Legal Advisor informed Members that the CSEWP had no decision making powers, therefore they could not be considered as a consultee. He added that Ward Members could be notified however.

Councillor L Massey asked whether a street trader on Ashby Road near the island for the motorway junction between Ashby de la Zouch and Coalville had been through the determination process. She stated that his location was dire and was distracting and dangerous to road users.

Councillor J Ruff agreed with Councillor L Massey, adding that her own concern was that it would be difficult for individuals to pull over into the lay by given its close proximity to the roundabout.

In response to these concerns, the Environmental Health Team Manager assured Members that this particular application has been approved. However, he could not confirm whether or not Highways had been consulted on the application, citing this example as another reason why the addition of Leicestershire County Council Highways Authority to the list of consultees had been proposed.

Councillor J Geary expressed his thanks to Councillor M B Wyatt for raising the issue and to the Legal Advisor for his comments.

List of Consultees

The Environmental Health Team Manager informed Members that there was a proposal to add the local Town or Parish Council to the list of consultees.

Councillor T Neilson proposed that all district Councillors be consulted in respect of applications as opposed to just Coalville Ward Members. This proposal was seconded by Councillor J Geary and agreed by affirmation of the meeting.

Determination Process, in the event of relevant Objection Received

The Environmental Health Team Manager informed Members that for reasons of transparency and fairness the Council was proposing to amend the determination process by referring all applications where a relevant objection was made to a hearing before a sub-committee. He explained to Members that this proposal should be considered by the additional cost that would be incurred against the increased transparency of the determination process.

Councillor N Smith expressed his opinion to Members that this proposal was unnecessary as the Council had received no objections or complaints about the current determination process, and that the proposal would only increase the workload of Officers.

Councillors P Hyde and G A Allman concurred with the Chairman's thoughts and expressed their support for the proposal to be scrapped.

Councillor P Hyde commented that the Council employed officers who were capable and paid to make these decisions.

In response to a concern expressed by Councillor J Geary, the Legal Advisor explained that under the current determination process there was no mechanism or method to appeal a refusal of an application. He asked Members whether they wished to introduce this proposal, and reminded them that they were not legally obliged to do so.

It was moved by Councillor N Smith, seconded by Councillor P Hyde and agreed by affirmation of the meeting not to include this proposal.

Reasons for Objecting to or refusing an Application

The Environmental Health Team Manager informed Members that to assist consultees and for reasons of transparency it was proposed to introduce a list of reasons for objecting to or refusing an application. He stated that the list was not exhaustive; and any objection would be deemed relevant if it was linked to one of the policy objectives.

Amending Consent Conditions

The Environmental Health Team Manager referred Members to the recommendation that delegated authority be given to the Head of Legal and Support Services in Consultation with the Portfolio Holder to review and amend the list of mandatory conditions. He

reminded Members that as things stood any amendments to consent conditions had to be brought before the Licensing Committee.

This recommendation was agreed by affirmation of the meeting.

The Environmental Health Team Manager informed Members that the draft policy would be taken to Council on 24 February 2015 for consideration and adoption. Once the Council approves the policy a public notice will be placed in a local newspaper advertising the Council's decision to implement the resolution noting the date for implementation.

RESOLVED THAT:

- a) The Licensing Committee considers and comments on the draft street trading policy prior to consideration and adoption by Council on 24 February 2015.
- b) That Licensing Committee supports the proposal for delegation to the Head of Legal and Support Services in consultation with the portfolio holder to amend/add to the mandatory conditions.
- c) Ward Members be added to the list of consultees.

The meeting commenced at 6:30pm

The Chairman closed the meeting at 7.10pm

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.10 pm

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING COMMITTEE – 14 OCTOBER 2015

Title of report	REVIEW OF GAMBLING ACT STATEMENT OF LICENSING POLICY
Contacts	<p>Portfolio Holder - Councillor Alison Smith MBE 01530 835668 alison.smith@nwleicestershire.gov.uk</p> <p>Lee Mansfield Environmental Health Team Manager 01530 454610 lee.mansfield@nwleicestershire.gov.uk</p> <p>Stephen Eyre Licensing Team Leader 01530 454844 stephen.eyre@nwleicestershire.gov.uk</p>
Purpose of report	For Members to consider the draft Gambling Act 2005 Statement of Licensing Policy following the consultation period
Council Priorities	Business and Jobs Homes and Communities
Implications:	
Financial/Staff	No additional financial or staffing implications
Link to relevant CAT	Not applicable
Risk Management	Legislation requires the policy to be reviewed every 3 years
Equalities Impact Assessment	Not applicable
Human Rights	None
Transformational Government	None
Comments of Head of Paid Service	The report is satisfactory
Comments of Section 151 Officer	The report is satisfactory

Comments of Monitoring Officer	The report is satisfactory
Consultees	Leicestershire Constabulary, Association of British Bookmakers, British Amusement Catering Trade Association, British Casino Association, Bingo Association, British Horse Racing Board, Working Men's Club and Institute Union, British Beer & Pub Association, Gamcare, Salvation Army, Leicestershire Partnership NHS, Andy Peters Racing, Betfred, Coral, Gala Leisure, Flutter Leisure Ltd, Gaming Centres Ltd, Ladbrokes, Moto Donington, Playland, Quicksilver, Responsible Authorities, Town and Parish Councils.
Background papers	Gambling Commission – Guidance to licensing authorities 4 th edition. Gambling Commission – Draft Guidance to licensing authorities 5 th edition. NWLDC – Gambling Act 2005 Statement of Licensing Policy Issue 3.
Recommendations	THAT THE REVIEWED STATEMENT OF LICENSING POLICY IS RECOMMENDED TO COUNCIL FOR APPROVAL

1.0 BACKGROUND

- 1.1 Under section 349 of the Gambling Act, (the Act), Licensing Authorities are required to prepare and publish a statement of principles which they intend to apply when exercising their functions under the Act. This statement of principles is referred to as the Statement of Licensing Policy ('Policy').
- 1.2 Following consultation with a wide range of bodies and agencies, the last review of this Licensing Policy was approved by full Council on 12 October 2012 and came into effect on 31 January 2013.
- 1.3 North West Leicestershire's Gambling Act Statement of Licensing Principles (Statement) is a policy statement that guides its licensing authority in its decision making with regards to all applications received under the Gambling Act 2005.
- 1.4 Section 349 also requires Licensing Authorities to review their Policy every three years. The revised statement must be in place on or before 31 January 2016.

2.0 REVIEW OF STATEMENT OF LICENSING POLICY

- 2.1 The current policy has been reviewed in accordance with national guidance issued to licensing authorities by the Gambling Commission. A draft statement of licensing policy is attached as Appendix 1.
- 2.2 Although the guidance broadly remains unchanged, there are two new areas that must be addressed within a licensing policy. These are:
- Local risk assessments

- Local area profile – mapping out the District's gambling premises licences and the risk they pose.

2.3 A paragraph requiring applicants to carry out and submit a risk assessment relating to their application has been added at Part A, section 9 of the draft policy.

2.4 A profile of the licensed premises/activities within North West Leicestershire has been inserted at Part A, section 10 of the draft policy. Applicants will use this profile to inform their risk assessment. At the time of print there were 17 licensed premises comprising of 10 betting shops, 1 bingo hall and 6 adult gaming centres.

3.0 CONSULTATION

3.1 The Gambling Act 2005 requires that all local authorities have to widely consult when reviewing their Statement and best practice dictates that the consultation time period should be 12 weeks.

3.2 The reviewed Policy was sent out for consultation for 12 weeks commencing on 15 June. The consultation was set up using the software 'citizen space' and was sent to all consultees listed at the front of this report by email. The consultation closed on 6 September.

3.3 The following responses were received:

3.3.1 Both Castle Donington and Measham Parish Councils confirmed that they had no comments to make.

3.3.2 The Bingo Association suggested a small change to the wording relating to the licensed bingo premises within the local profile. This amendment has been made.

3.3.3 Coral Racing Limited stated they are supportive of the policy document. Coral stated that they are pleased to see the requirement to supply risk assessments with future applications. They suggested that risk assessments should be (a) to assess specific risks to the licensing objectives in the local area, and (b) to assess whether additional control measures are needed. The draft policy has been amended to reflect these comments.

3.3.4 A paragraph providing guidance in relation to the sale of lottery tickets on the highway has been inserted following a comment received internally by the licensing team.

3.3.5 No other comments were received.

4. APPROVAL PROCESS

4.1 The reviewed Policy will be taken to Council on 17 November 2015 for approval and adoption prior to the Policy publication in January 2016. Once the reviewed policy has been approved, it must be published 4 weeks prior to it coming in effect on 31st January 2016.

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FOREWORD

The Gambling Act 2005 has now been in force for 10 years and this is North West Leicestershire District Council's fourth Statement of Licensing Principles.

Under the Act, a Licensing Authority is required to prepare and publish a Statement of Licensing Policy. Since the introduction of the Act, the Policy has assisted in promoting the three licensing objectives detailed under the Act:

- 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, and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Licensing Authority has considered and evaluated the effectiveness of the previous policy and with partners has decided which elements of the Policy should be retained. A new addition to this policy is a Local Area Profile which provides an analysis of the number and location of gambling facilities within the District and provides a prediction of where future issues may arise.

The policy was adopted by full Council following consultation with key stakeholders. The policy commenced on 31st January 2016 and unless reviewed in the intervening period, the Statement of Licensing Policy will remain in force until 31st January 2019.

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PART A

1. Introduction

North West Leicestershire District Council is the Licensing Authority under the Gambling Act 2005 (the Act). North West Leicestershire is a mixed urban and rural district covering approximately 279 square kilometres with a population of 93,700 (2011 estimate). The main towns are Coalville, a former mining town and Ashby de la Zouch, a traditional market town. The area also encompasses East Midlands Airport and the site of Donington Park a motor circuit and site for music festivals. These areas are shown in the map below at Appendix A.

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

This Licensing Authority consulted widely upon this statement before finalising and Publishing it. The Act requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police;
- One or more persons who appear to the Licensing Authority to represent the interests of persons carrying on gambling businesses in the Licensing Authority’s area;
- One or more persons who appear to the Licensing Authority to represent the interests of persons who are likely to be affected by the exercise of the Licensing Authority’s functions under the Act.

A list of those persons consulted is provided below at Appendix B.

It should be noted that this policy 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 each will be considered on its own merits and according to the statutory requirements of the Act.

2. Declaration

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

3. The Licensing Objectives

In exercising most of their functions under the Act, Licensing Authorities must have regard to the licensing objectives as set out in 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.

4. Responsible Authorities

The Licensing Authority is required to state the principles it will apply in exercising its powers to designate a body which is competent to advise the Licensing Authority 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.

This Licensing Authority designates the Leicestershire Constabulary for this purpose.

5. Interested Parties

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 application is made, the person

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

The Licensing Authority is required to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. The overriding principle is that each case will be decided upon its merits. The factors that this Licensing Authority may take into account when determining what ‘sufficiently close to the premises’ means (in each case) might include:

- The size of the premises;
- The nature of the premises;
- The distance of the premises from the location of the person making the representation;
- The potential impact of the premises; and
- The circumstances of the complainant.

In determining whether a person with business interests might be affected by the premises, the factors likely to be relevant include:

- The size of the premises;
- The catchment area of the premises; and
- Whether the person making the representation has business interests in that catchment area that might be affected.

This Licensing Authority views trade associations, trade unions, residents’ and tenants’ associations as interested parties.

Interested parties can be persons who are democratically elected such as Councillors and Members of Parliament. No specific evidence of being asked to represent an interested person will be required as long as the Councillor or Members of Parliament represents the ward likely to be affected. Other than these however, this Licensing Authority will generally require written evidence that a person or body ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons requesting the representation is sufficient.

6. Exchange of Information

This Licensing Authority adopts the principle of better regulation and will conduct itself in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 1998 and other relevant legislation will not be contravened. The Licensing Authority will also have regard to the Guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

7. Enforcement

The main enforcement and compliance role for this Licensing Authority in terms of the Act will be to ensure compliance with licences and permits issued by this Licensing Authority and any conditions attached to them, including compliance with relevant codes of practice, dealing with temporary permissions and registration of small lotteries.

This Licensing Authority will act in accordance with the following principles for regulators:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

This Licensing Authority will endeavour to avoid duplication with other statutory or regulatory regimes so far as possible.

This Licensing Authority will have regard to the Regulators' Code and will adopt a risk-based, proportionate and targeted approach to regulatory inspection and enforcement.

This Licensing Authority shall comply with the codes of practices developed by the Crown Prosecution Service in the management of criminal cases.

8. Licensing Authority Functions

This Licensing Authority will:

- 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 by means of issuing Club Gaming Permits and/or Club Machine Permits;
- Issue Club Machine Permits to Commercial Clubs;
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres;
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;

- Register small society lotteries below prescribed thresholds;
- Issue Prize Gaming Permits;
- Receive and endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission;
- Maintain registers of licences and permits that are issued and small society lottery registrations.

It should be noted that this Licensing Authority will not be involved in licensing remote gambling. This is the responsibility of the Gambling Commission by means of operating licences.

9. Local Risk Assessments

The Gambling Commission's Licence Conditions and Codes of Practice (LCCP) (issued in February 2015) requires operators to consider local risks in their applications.

As part of the application process licensees are required to submit a local risk assessment when applying for a new premises licence. An updated risk assessment must also be submitted:

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

A local risk assessment should (a) assess specific risks to the licensing objectives in the local area, and (b) assess whether control measures going beyond standard control measures are needed.

This Licensing Authority may require a licensee to share their risk assessment with the authority. The risk assessment will set out the measures the licensee has in place to address specific issues where concerns exist over new or existing risks. By adopting this proactive approach Licensing Authorities and licensees should be able to reduce the occasions on which a premises review is required.

10. Local Area Profile

The following area profile has been included to facilitate operators being able to better understand the environment within North West Leicestershire and therefore proactively mitigate risks to the licensing objectives.

North West Leicestershire District Council area has a total of 17 gambling premises licences.

The breakdown of those licences by type and location is given below:

By premises:

10	Betting
1	Bingo
6	Adult Gaming Centres (AGCs)

By location:

Coalville Town Centre	3 betting, 1 bingo and 2 AGCs.
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Ashby de la Zouch	2 betting.
Castle Donington	1 betting
Coalville suburbs (Greenhill)	1 betting
Ibstock	1 betting
Measham	1 betting
Whitwick	1 betting
Airport	2 AGCs
Motorway services	2 AGCs

Betting premises can also be found in some of the smaller communities of Ibstock, Measham and Castle Donington.

The 2 Adult Gaming Centres at East Midlands Airport are both situated airside (within the restricted area) and due to the complexities of getting permission to access this restricted area of the airport their customer base is taken from transient travellers leaving the country on holiday or business. These premises are considered to be low risk and consequently receive light touch intervention from the licensing authority.

The motorway service area at Donington Park generally serves individuals using the M1 and A42 routes. The premises are situated away from the motorway and can be accessed by anyone using the nearby minor roads. The service area is open 24 hours. Underage gambling is low risk as there are no housing estates within walking distance. Underage persons would more than likely be under the supervision of a parent or guardian whilst visiting the motorway service area.

The only bingo premises in the district are situated in Coalville, housed in a previously used 1930's design cinema.

Coalville and Ashby de la Zouch areas are earmarked for a large house building programme during the next few years but in the short term it is deemed as low risk that the extra population will adversely alter the demographic of those people who regularly gamble. However, this will be reviewed in future policy documents.

Recent enquiries with local betting premises in relation to use of B2 or fixed odds betting terminals (FOBT) seems to show that there is no excessive use of the machines and proper control and monitoring of these machines by the licence holders is in place. Inspections by licensing enforcement officers have highlighted a high level of compliance by the industry and this is backed up by the historically low – almost nil – complaints received about individual premises. This Authority will continue to monitor to ensure high compliance levels are maintained.

11. Registers

The Licensing Authority keeps registers of the premises licences it has issued. They can be viewed online on the Council's web site or at the Council's offices during normal office hours. Copies of the register can be requested but a charge will be made.

12 Fees

The Council shall aim to ensure that the income it receives in fees matches the costs of providing the service to which the fees relate. The Council sets its own fees within a framework set by central government.

PART B
Premises Licences

1. General Principles

Premises licences will be subject to the requirements set out in the Act and regulations, as well as specific mandatory and default conditions detailed in regulations issued by the Secretary of State. This Licensing Authority may exclude default conditions and also attach others, where it is believed to be appropriate.

This Licensing Authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is :

- In accordance with any relevant code of practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with this Licensing Authority's Statement of Licensing Policy.

In determining applications, this Licensing Authority will only take into consideration all relevant matters and not take into consideration any irrelevant matters. Planning permission, building control approval and public nuisance are not considered to be relevant.

This Licensing Authority accepts the principle that moral objections to gambling are not a valid reason to reject applications for premises licences and also that unmet demand is not a criterion for a Licensing Authority.

This Licensing Authority will give particular consideration to applications:

- for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes; and
- applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).

In respect of premises which still have to be constructed or altered, an operator can apply for a premises licence rather than a provisional statement. In these circumstances, this Licensing Authority will first decide whether, as a matter of substance after applying the principles in section 153 of the Act, the premises ought to be permitted to be used for gambling and secondly, in deciding whether or not to grant the application, this Licensing Authority will need to consider if 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.

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.

Decisions upon individual conditions will be made on a case by case basis.

Gaming machines are defined in the Act which essentially covers all machines on which people can gamble. Section 172 of the Act prescribes the number and category of gaming machines that are permitted in each type of gambling premises licensed by the Licensing Authority. Regulations define 4 categories of gaming machines: categories A, B, C and D with category B divided into

further sub-categories. The categories and subcategories have been defined according to the maximum amount that can be paid for playing the machines and the maximum prize it can deliver. A breakdown of gaming machine categories and entitlements is available on the Gambling Commission website www.gamblingcommission.gov.uk

2. Licensing Objectives

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

Where an area has known high levels of organised crime this Licensing Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be appropriate such as the provision of door supervisors.

Appropriate matters for consideration may include:

- disorder;
- the sale and distribution of controlled drugs;
- the laundering of the proceeds of drugs to support gambling.

Ensuring that gambling is conducted in a fair and open way

This Licensing Authority does not expect to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences which will be dealt with by the Gambling Commission.

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

This Licensing Authority will consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include:

- supervision of entrances / machines;
- location of machines including cash terminals;
- segregation of areas;
- signage/leaflets.

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

3. Adult Gaming Centres

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

Factors which this Licensing Authority may consider include:

- Proof of age schemes

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

This list is not mandatory, nor exhaustive, and is merely indicative of factors that may be taken into consideration.

4. (Licensed) Family Entertainment Centres

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing 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.

Factors which this Licensing Authority may consider include:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entrance
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of factors that may be taken into consideration.

5. Casinos

This Licensing Authority has not passed a 'no casino' resolution under the Act, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

6. Bingo Premises

Gaming machines may be made available for use in licensed bingo premises only on those days when sufficient facilities for playing bingo are also available for use.

Where category C or above machines are available in premises to which children are admitted this Licensing Authority will wish to ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;

- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

7. Betting Premises

It is not permissible to offer gaming machines on a premises which is licensed for betting but not to offer sufficient facilities for betting.

In deciding whether to restrict the number of betting machines, this Licensing Authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of betting machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.

8. Tracks

Tracks are defined in the Act as ‘a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place.’ Examples of a track are football, cricket and rugby grounds, a motor racing event and venues hosting darts, bowls, or snooker tournaments. This list is by no means exhaustive as betting could take place at any venue where a sporting or competitive event is occurring.

This Licensing Authority will 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 are allowed to attend premises such as greyhound tracks or racecourses on event days, and children are permitted into areas where betting facilities are provided, such as the betting ring, where betting takes place. However, they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

Factors which this Licensing Authority may consider include:

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

This list is not mandatory, nor exhaustive, and is merely indicative of factors that may be taken into consideration.

Applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, unless they are Category D machines, these machines are located in areas from which children are excluded.

This Licensing Authority will require detailed plans of the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”). In the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or

track operator, as well as any other proposed gambling facilities must be clearly indicated on the plans. The plans should also make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

9. Travelling Fairs

Where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair must be met.

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

A site may not be used for fairs on more than 27 days per calendar year. The 27-day maximum applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This Licensing Authority will monitor the use of land and maintain a record of the dates on which land is used.

10. Provisional Statements

Applicants for premises licences must fulfil certain criteria. They must hold or have applied for an operating licence from the Gambling Commission (except in the case of a track), and they must have a right to occupy the premises in respect of which their premises licence application is made. These restrictions do not apply in relation to an application for a provisional statement.

The application for a provisional statement must be accompanied by plans and the fee. Responsible authorities and interested parties may make representations.

Once the premises are constructed, altered, or acquired the holder of a provisional statement can return to this Licensing Authority and submit an application for the necessary premises licence.

11. Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities however, it is for this Licensing Authority to decide whether the review is to be allowed. An application for review may be rejected if the grounds of the review:

- are not relevant to the principles that must be applied by this Licensing Authority in accordance with the Act;
- are frivolous;
- are vexatious;
- 'will certainly not' cause this Licensing Authority to revoke or suspend a licence or to remove, amend or attach conditions to the premises licence;
- are substantially the same as grounds stated in a previous application relating to the same premises;
- are substantially the same as representations made at the time the application for a premises licence was considered.

The Act provides that Licensing Authorities may initiate a review in relation to a particular class of premises licence or in relation to particular premises.

In relation to a class of premises, this Licensing Authority may review the use made of premises and, in particular, the arrangements that premises licence holders have made to comply with licence conditions.

In relation to particular premises, this Licensing Authority may review any matter connected with the use made of the premises if it has reason to suspect that premises licence conditions are not being observed, or for any other reason (such as a complaint from a third party) which gives it cause to believe that a review may be appropriate. A formal review will normally be at the end of a process ensuring compliance by the operator. If the operator does not meet requirements then after a formal review this Licensing Authority may impose additional conditions or revoke the premises licence.

PART C

Permits, Temporary Use Notice & Occasional Use Notice

1. Unlicensed Family Entertainment Centre Gaming Machine Permits

The application will be in the form and manner specified by this Licensing Authority. The application form must be accompanied by a plan of the premises indicating the location of the gaming machines and the fee.

This Licensing Authority considers that the applicant should have policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The policies and procedures may include:

- appropriate measures / training for staff as regards suspected truant school children on the premises;
- a proof of age policy;
- 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.

2. (Alcohol) Licensed Premises Gaming Machine Permits

The application will be in the form and manner specified by this Licensing Authority. Applications will be required to state the premises to which it relates and the number and category of gaming machines sought. The application form must be accompanied by a plan of the premises and the fee.

This Licensing Authority will consider each application on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. The permit holder must be capable of demonstrating compliance with the conditions detailed in the Code of Practice issued by the Gambling Commission and this Licensing Authority would expect the permit holder to implement the best practice set out in the Code of Practice.

3. Prize Gaming Permits

The application will be in the form and manner specified by this Licensing Authority. The application form must specify the premises and be accompanied by a plan of the premises and the fee.

This Licensing Authority will require the applicant to set out the types of gaming that he/she is intending to offer and the applicant should be able to demonstrate:

- that they understand the limits on stakes and prizes that are set out in regulations; and
- that the gaming offered is within the law.

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

4. Club Gaming and Club Machines Permits

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 B3A (no more than one), B4, C or D), equal chance gaming and games of chance.

Members Clubs, Miners' welfare institutes and Commercial Clubs may apply for a Club Machine Permit. A Club Machine permit will only enable the premises to provide gaming machines (3 machines of categories B3A (no more than one), B4, C or D). Commercial clubs are not allowed to provide category B3A gaming machines.

This Licensing Authority may only refuse an application for either type of permit if:

- (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 person's;
- (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.

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

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

The permit holder must demonstrate compliance with the conditions detailed in the Code of Practice issued by the Gambling Commission and this Licensing Authority would expect the permit holder to implement the best practice set out in the Code of Practice.

5. Temporary Use Notices

Temporary Use Notices (TUN) can only be used to permit the provision of facilities for equal chance gaming where the gaming is intended to produce a single overall winner.

The holder of a relevant operating licence must give notice to this Licensing Authority on the prescribed form with the relevant fee.

This Licensing Authority will have regard to the licensing objectives when considering whether to object to any notice received.

6. Occasional Use Notices

A notice must be served by a person who is responsible for the administration of events on the track or by an occupier of the track. The notice must be served on this Licensing Authority and copied to the Chief Officer of Police for the area in which the track is located. The notice must specify the day on which it has effect. Notices may be given in relation to consecutive days, so long as the overall limit of eight days is not exceeded in the calendar year.

PART D **Lotteries**

This Licensing Authority is responsible for the registration of small society lotteries. These are non-commercial societies as defined in the Act as being established and conducted:

- for charitable purposes;
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity; or
- for any other non-commercial purpose other than that of private gain.

This Licensing Authority will exercise its functions under this Act in relation to lotteries in accordance with the principles contained in the guidance issued by the Gambling Commission. Any small society lottery promoter wishing to sell tickets on the highway shall do so in a way that is compliant with the Gambling Commission guidance.

FURTHER INFORMATION

Anybody wishing to contact the Licensing Authority with regard to this Statement of Licensing Policy, the Gambling Act 2005 or the application process can do so as follows:

In writing to

Licensing Team
Legal and Support Services
North West Leicestershire District Council
Council Offices
Whitwick Road
Coalville
Leicestershire
LE67 3FJ

By email to licensing@nwleicestershire.gov.uk
By fax to 01530 454574
By telephone on 01530 454545

Appendix A

Map of North West Leicestershire District



Appendix B
List of bodies consulted.

Leicestershire Constabulary
Association of British Bookmakers
British Amusement Catering Trades Association
Casino Operator Association
Bingo Association
British Horse Racing Board
Working Men's Club and Institute Union
British Beer & Pub Association
Gamcare
Salvation Army and other faith groups
Leicestershire Partnership NHS
Responsible Authorities named in the Act
Responsible Gambling Trust
Andy Peters Racing
Betfred
Coral Racing Limited
Gala Leisure
Flutter Leisure Limited
Gaming Centres Limited
Ladbrokes
Moto Donington
Playland
Quicksilver
Town and Parish Councils

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