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Meeting	LICENSING COMMITTEE
Time/Day/Date	6.30 pm on Wednesday, 18 September 2024
Location	Abbey Room, Stenson House, London Road, Coalville, LE67 3FN
Officer to contact	Democratic Services (01530 454512)

AGENDA

Item	Pages
1. APOLOGIES FOR ABSENCE	
2. DECLARATIONS OF INTEREST	
Under the Code of Conduct members are reminded that in declaring interests you should make clear the nature of that interest and whether it is a disclosable pecuniary interest, registerable interest or other interest.	
3. MINUTES OF THE PREVIOUS MEETING	
To confirm the minutes of the meeting held on 13 September 2023.	3 - 4
4. LICENSING ACT 2003 AND GAMBLING ACT 2005 DELEGATIONS	
The report of the Environmental Health Team Manager	5 - 24
5. REVIEW OF GAMBLING ACT STATEMENT OF LICENSING POLICY	
The report of the Environmental Health Team Manager	25 - 56
6. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY EMISSIONS STANDARDS	
The report of the Environmental Health Team Manager	57 - 62

Circulation:

Councillor N Smith (Chair)
Councillor J G Simmons (Deputy Chair)
Councillor M Ball
Councillor A Barker
Councillor M Burke
Councillor M French
Councillor K Horn
Councillor R Johnson
Councillor P Lees
Councillor J Legrys
Councillor G Rogers
Councillor J Windram
Councillor A Wilson
Councillor C Beck
Councillor P Moulton

MINUTES of a meeting of the LICENSING COMMITTEE held in the Abbey Room, Stenson House, London Road, Coalville, LE67 3FN on WEDNESDAY, 13 SEPTEMBER 2023

Present: Councillor N Smith (Chair)

Councillors J G Simmons, A Barker, M Burke, D Cooper, D Everitt, M French, K Horn, P Lees, J Legrys, G Rogers, J Windram and A Wilson

Officers: Mr L Mansfield, Mr A Cooper and Mrs R Wallace

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M Ball and R Johnson.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF THE PREVIOUS MEETING

Consideration was given to the minutes of the meeting held on 15 February 2023.

It was moved by Councillor Simmons, seconded by Councillor French and

RESOLVED THAT:

The minutes of the meeting held on 15 February 2023 be approved as an accurate record of proceedings.

4. REVIEW OF LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY

The Environmental Health Team Manager presented the report to Members and highlighted the proposed changes to the policy following the consultation period, as detailed within the appendix.

In response to a question of clarity, the Environmental Health Team Manager provided further information regarding a Late Night Levy which could be used as a tool to deal with excessive public nuisance and, crime and disorder. A proportion of the levy is retained by the Licensing Authority with the majority being given to the police. The income from the levy must be used to mitigate the harms being caused, for example additional policing or street cleaning. It was noted that they were rarely used by Licensing Authorities with only a few in existence across the country. Any request to consider the introduction of a levy would require consultation and support from the police. Officers did not feel it was appropriate or proportionate to be introducing a late night levy in the district.

It was moved by Councillor J Legrys, seconded by Councillor Simmons and

RECOMMENDED THAT:

Council approves the Draft Statement of Licensing Policy at its meeting on 14 November 2023.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 6.42 pm

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING COMMITTEE – WEDNESDAY, 18 SEPTEMBER
2024

Title of Report	LICENSING ACT 2003 AND GAMBLING ACT 2005 DELEGATIONS	
Presented by	Lee Mansfield Environmental Health Team Manager	
Background Papers		Public Report: Yes
Financial Implications	There are no financial implications associated with this report.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	Section 10 of the Licensing Act 2003 permits the Licensing Committee to delegate functions under the Act to either a Sub Committee or to an Officer.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	There are no HR implications associated with this report	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To set out and seek approval for updated delegations under the Licensing Act 2003 and Gambling Act 2005	
Recommendations	To approve the delegations to the Licensing Sub-Committee and officers set out at Appendix A and Appendix B to this report.	

1.0 BACKGROUND

- 1.1 The purpose of this report is to allow the Committee to consider updated delegations for the purposes of the Licensing Act 2003 (LA03) and Gambling Act 2005 (GA05).
- 1.2 The proposed scheme of delegation for the LA03 can be found at Appendix A to this report and the proposed scheme of delegation for the GA05 can be found at Appendix B to this report.
- 1.3 These delegation schemes have been drafted taking account of the relevant legislation, statutory guidance, the Council's Licensing Act 2003 Statement of Licensing Policy Issue 8 approved by Council on 14 November 2023 and the Council's Statement of Licensing Policy under the Gambling Act 2005 approved by Council on 16 November 2021 and the Council's draft Statement of Licensing Policy under the Gambling Act 2005 considered by this Committee today (18 September 2024).

- 1.4 All fees, including licensing fees, are signed off by Cabinet as part of the final budget.
- 1.5 Should the Committee approve the LA03 delegations they will replace the delegations listed at Appendix 2 of the Licensing Act 2003 Statement of Licensing Policy Issue 8.
- 1.6 Should the Committee approve the GA05 delegations they will be inserted as an appendix within the Gambling Act 2005 Statement of Licensing Policy.

2.0 STATUTORY BASIS FOR LICENSING DELEGATIONS

The legal position regarding the delegation of licensing functions can be summarised as follows:

- Section 101(1) of the Local Government Act 1972 provides that (subject to any express statutory provision) a local authority may arrange for the discharge of any of its functions by a committee, sub-committee or one of its officers.
- Section 101(15), inserted by the LA03, states that section 101 does not apply to any function of a licensing authority under the LA03. This means that the usual mechanisms for delegation do not, and cannot apply to the LA03, and by extension the GA05.
- Under section 7 of the LA03, the functions of the licensing authority (Council) are expressly delegated to, and must and can only be discharged by, the licensing committee which must be established by the authority, subject to the exceptions contained in subsection (2) and the circumstances described in subsection (9).
- The exceptions contained in subsection (2) and the circumstances described in subsection (9) are the only functions that can be discharged by the licensing authority (full Council).
- Section 10 of the LA03 allows a licensing committee to sub-delegate any functions to sub-committees and some functions to officers.
- Section 154 of the GA05 applies section 10 of the LA03 to the discharge of functions by a licensing committee created under the GA05, that is the licensing committee can delegate functions to a sub-committee or to an officer, subject to three exceptions and amendment of the functions capable of delegation to officers.

3.0 STRUCTURE OF LICENSING DELEGATIONS

- 3.1 The proposed delegation of functions under the LA03 are listed in table form at Appendix 1. The proposed delegation of functions under the GA05 are listed in table form at Appendix 2. Identified are those matters that are matters for the Licensing Committee along with those that are matters for the Licensing Sub-Committee and those which are delegated to officers.
- 3.2 Primarily the delegations to officers are the administrative functions under both Acts and include the authority to approve full applications, variations, minor variations for premise licences as well as personal licences and temporary event notices (under the LA03). In some cases, these matters would automatically come before a sub-committee if objections are raised that cannot be mediated by officers. The occasions when matters will go before the Sub-Committee are set out in the relevant scheme and reflect both the law and adopted local policy framework.
- 3.3 It is important for both applicants, licence holders, responsible authorities and residents that the any scheme of delegation approved by this Committee is clear in its intent. These new proposed delegation schemes, laid out in table form, contain a

significant level of detail and provide absolute clarity about who is making decisions and on what legal basis.

- 3.4 Any functions delegated to an officer will be delegated by Licensing Committee to the Head of Community Services, who will further delegate as appropriate, this further delegation being recorded in the officers Specific Delegation document.

Policies and other considerations, as appropriate	
Council Priorities:	Communities and housing
Policy Considerations:	Licensing Act 2003 – Statement of Licensing Policy Gambling Act 2005 – Statement of Licensing Policy
Safeguarding:	Detail any safeguarding considerations made.
Equalities/Diversity:	Equalities issues are considered as part of the formulation of the Licensing and Gambling Policies. This report is seeking to ensure the appropriate governance arrangements are in place
Customer Impact:	Detail any impact the decision will have on customers
Economic and Social Impact:	Detail any economic or social impact as a result of the decision.
Environment, Climate Change and zero carbon:	It is not envisaged that the governance arrangements will have either a positive or negative impact on the environment
Consultation/Community Engagement:	No consultation has taken place.
Risks:	The only significant risk identified is not delegating functions in accordance with law. The legislation and thus the route to the Committee being able to consider / grant these delegations is set out in the legal implications section above
Officer Contact	Paul Sanders Head of Community Services paul.sanders@nwleicestershire.gov.uk

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Appendix 1 Delegation of Functions

Licensing Act 2003 & Regulations

Section 10 allows a Licensing Committee to delegate functions to a sub-committee or an officer. This scheme of delegations must be made by Licensing Committee, not Full Council. A Sub-Committee can also delegate its functions to an officer.

Where a function is delegated to an officer it will be delegated to the Head of Community Services. The Head of Community Services may then further delegate to other officers. Onward delegation will be documented in the officer's Specific Delegation document.

A dot in box indicates that the function in that row has been delegated to the entity in that column.

Licensing Act 2003	Functions	Delegation – Licensing Sub Committee	Delegation – Officer
Section 8(1)	Maintaining a register		•
Section 8(3)	Providing facilities for inspecting register		•
Section 8(4)	Providing copies of entries in register		•
Section 10	Delegation of functions by Licensing Committee *(2)	•	•
Various sections	Making representation as a responsible authority		•
Section 18(2)	Grant of premises licence where no representation		•
Section 18(3)	Determination of application for premises licence following representations	•	
Section 18(6)	Decision as to whether any representation in relation to a premises licence application is relevant		•
Section 18(7)	Decision as to whether any representation in relation to a premises licence application is frivolous, vexatious or repetitious		•
Section 18(8)	Notification of decision that a representation in relation to a premises licence application is frivolous, vexatious or repetitious		•
Section 23(1)(2)	Notification of grant of premises licence and issue of premises licence following representations		•
Section 23(3)	Notification of refusal of application (rejection) of premises licence		•
Section 25(3)	Issue of copy premises licence		•

Licensing Committee – 18 September 2024
Licensing Act 2003 and Gambling Act 2005 Delegation of Functions

Licensing Act 2003	Functions	Delegation – Licensing Sub Committee	Delegation – Officer
Section 31(2)	Grant of provisional statement where no representations		•
Section 31(3)	Determination of application for provisional statement following representations	•	
Section 31 (3c) (4)	Issue of provisional statement and copies following representations		•
Section 31(5)	Decision as to whether any representation in relation to a provisional statement is relevant		•
Section 31(7)	Decision as to whether any representation in relation to a provisional statement is frivolous, vexatious or repetitious / Notification of Decision		•
Section 35(2)	Grant of variation of premises licence where no representations		•
Section 35(3)	Determination of application for variation of premises licence following representations	•	
Section 35(5)	Decision as to whether any representation in relation to a variation of a premises licence is relevant		•
Section 35 (6 c)	Decision as to whether a representation in relation to a variation of a premises licence is frivolous, vexatious or repetitious		•
Section 36(1)	Notification of grant of variation of a premises licence and issue of premises licence following representations		•
Section 36(4)	Notification of refusal of application (rejection) for variation of a premises licence		•
Section 39(2)	Grant of a variation of premises licence to specify new DPS where no representations		•
Section 39(3)	Determination of application for variation of premises licence to specify new DPS following representations	•	
Section 39(4)	Notification of grant or refusal (rejection) of application for variation of a premises licence to specify new DPS		•
Section 41B(3)	Determination of application for minor variation of premises licence (whether or not representation)		•
Section 41C(1)	Notification of grant of minor variation of premises licence		•
Section 41C(4)	Notification of refusal of application (rejection) for minor variation of premises licence		•
Section 44(2)	Grant of transfer of premises licence where no representations		•

Licensing Act 2003	Functions	Delegation – Licensing	Delegation – Officer
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Licensing Committee – 18 September 2024
Licensing Act 2003 and Gambling Act 2005 Delegation of Functions

		Sub Committee	
Section 44(5)	Determination of application for transfer of premises licence following representations	•	
Section 44(6)	Determination to exempt applicant for transfer from obtaining existing licensees consent		•
Section 44(7)	Notification of refusal to exempt applicant for transfer from obtaining existing licensees consent		•
Section 45	Notification of grant or refusal (rejection) of application for transfer of a premises licence		•
Section 47(7A)	Sending copy of interim authority notice sent by electronic facility to the police		•
Section 48(3)	Determination of interim authority notice following representations	•	
Section 48(4)	Notification of cancellation of interim authority notice		•
Section 48(5)	Sending copy of notification of cancellation of interim authority notice to police		•
Section 49(1)	Issue of certified copy premises licence and summary giver of interim authority notice		•
Section 51(4)(a)	Rejection of application for review of premises licence		•
Section 51(4)(b)	Rejection of application for review of premises licence from a person because it is frivolous, vexatious or repetitious		•
Section 51(6)	Notification of decision to reject an application for review of premises licence from a person because it is frivolous, vexatious or repetitious		•
Section 52(2) & (3)	Determination of application for review of premises licence	•	
Section 52(7)	Decision as to whether any representation in relation to a review of a premises licence is relevant		•
Section 52(8)(c)	Decision as to whether any representation in relation to a review of a premises licence from a person is frivolous, vexatious or repetitious		•
Section 52(9)	Notification of decision to reject any representation in respect of a review of premises licence from a person because it is frivolous, vexatious or repetitious		•
Section 52(10)	Notification of determination of a review of a premises licence		•
Section 53(2)	Application for review of a premises licence by a licensing authority		•
Section 53A(2)	Determination of application for summary review of premises licence	•	
Section 53B(5)	Notification of imposition of interim steps		•
Licensing Act 2003	Functions	Delegation – Licensing Sub Committee	Delegation – Officer

Licensing Committee – 18 September 2024
Licensing Act 2003 and Gambling Act 2005 Delegation of Functions

53B(6)	Consideration of representations relating to interim steps	•	
Section 53B(7)	Notification of summary review hearing		•
Section 53C(2)	Determination of review of premises licence following summary review	•	
Section 53C(7)	Decision as to whether any representation in relation to a review of a premises licence following a summary review is relevant		•
Section 53C(8)(c)	Decision as to whether any representation in relation to a review of a premises licence following a summary review from a person is frivolous, vexatious or repetitious		•
Section 53C(9)	Notification of decision to reject any representation in respect of a review of premises licence following a summary review from a person because it is frivolous, vexatious or repetitious		•
Section 53C(10)	Notification of determination of review of a premises licence following a summary review		•
Section 55A(1) & (3)	Suspension of premises licence for failure to pay annual fee		•
Section 55A(5)	Issue of receipt for payment and lifting of suspension of premises licence following payment of annual fee		•
Section 56(1)	Amendments to premises licence and issue of revised summary		•
Section 56(2)	Requiring production of premises licence		•
Section 63(3)	Notice to club that it is no longer a qualifying club		•
Section 72(2)	Grant of club premises certificate where no representations		•
Section 72(7)	Decision as to whether any representation in relation to a club premises certificate application is relevant		•
Section 72(8)	Decision as to whether any representation in relation to a club premises certificate application from a person is frivolous, vexatious or repetitious		•
Section 72(9)	Notification of decision that a representation in relation to a club premises certificate application from a person is frivolous, vexatious or repetitious		•
Section 72(3)	Determination of application for club premises certificate following representations	•	
Licensing Act 2003	Functions	Delegation – Licensing Sub Committee	Delegation – Officer
Section 77(1)&(2)	Notification of grant of club premises certificate and issue of club		•

Licensing Committee – 18 September 2024
Licensing Act 2003 and Gambling Act 2005 Delegation of Functions

	premises certificate following representations		
Section 77(3)	Notification of refusal of application (rejection) of club premises certificate		•
Section 79(3)	Issue of copy club premises certificate		•
Section 82(4)	Amendment of club premises certificate		•
Section 83(5)	Amendment of club premises certificate following notification of change of premises		•
Section 85(2)	Grant of variation of club premises certificate where no representations		•
Section 85(3)	Determination of application for variation of club premises certificate following representations	•	
Section 85(5)	Decision as to whether any representation in relation to a variation of a club premises certificate is relevant		•
Section 85(6)(c)	Decision as to whether any representation in relation to a variation of a club premises certificate from a person is frivolous, vexatious or repetitious		•
Section 86(5)	Notification of decision that a representation in relation to a variation of a club premises certificate from a person is frivolous, vexatious or repetitious		•
Section 86(1)	Notification of grant of variation of a club premises certificate and issue of club premises certificate following representations		•
Section 86(4)	Notification of refusal of application (rejection) for variation of a club premises certificate		•
Section 86B(3)	Determination of application for minor variation of club premises certificate (whether or not representations)		•
Section 86C(1)	Notification of grant of minor variation of club premises certificate		•
Licensing Act 2003	Functions	Delegation – Licensing Sub Committee	Delegation – Officer
Section 86C(4)	Notification of refusal of application (rejection) for minor variation of club premises certificate		•
Section 87(4)(a)	Rejection of application for review of club premises certificate		•
Section	Rejection of application for review of club		•

Licensing Committee – 18 September 2024
Licensing Act 2003 and Gambling Act 2005 Delegation of Functions

87(4)(b)	premises certificate from a person because it is frivolous, vexatious or repetitious		
Section 87(6)	Notification of decision to reject an application for review of premises licence club premises certificate from a person because it is frivolous, vexatious or repetitious		•
Section 88(2) & (3)	Determination of application for review of club premises certificate	•	
Section 88(7)	Decision as to whether any representation in relation to a review of a club premises certificate is relevant		•
Section 88(8)(c)	Decision as to whether any representation in relation to a review of a club premises certificate from a person is frivolous, vexatious or repetitious		•
Section 88(9)	Notification of decision to reject any representation in respect of a review of club premises certificate from a person because it is frivolous, vexatious or repetitious		•
Section 88(10)	Notification of determination of a review of a club premises certificate		•
Section 89(2)	Application for review of club premises certificate by a licensing authority		•
Section 90(1)	Giving notice that club is no longer a qualifying club		•
Section 92A(1) & (3)	Suspension of club premises certificate for failure to pay annual fee		•
Section 92A(5)	Issue of receipt for payment and lifting of suspension of club premises certificate following payment of annual fee		•
Section 93(1)	Amendments to club premises certificate and issue of revised summary		•
Section 93(2)	Requiring production of club premises certificate		•
Section 100A(4)	Sending copy of temporary event notice sent by electronic facility to the police and environmental health		•
Section 102	Acknowledgement of temporary event notice		•
Section 104A	Issue of Counter notice		•
Licensing Act 2003	Functions	Delegation – Licensing Sub Committee	Delegation – Officer
Section 105(2) & 106A(2)	Consideration of objection to temporary event notice and imposition of conditions (if possible under s106A)	•	
Section 105(3)(a)	Notice of decision following consideration of objection to temporary event notice where no		•

Licensing Committee – 18 September 2024
Licensing Act 2003 and Gambling Act 2005 Delegation of Functions

	counter notice issued		
Section 105(3)(b)	Issue of counter notice following consideration of objection to temporary event notice		•
Section 106A(3)(b)	Issue of notice detailing conditions following consideration of objection to temporary event notice		•
Section 107(1)	Issue of counter notice where temporary event notice limits exceeded		•
Section 107(11)	Issue of copy counter notice where temporary event notice limits exceeded to relevant persons		•
Section 110(4)	Issue of copy temporary event notice		•
Section 120(2) & (6)	Grant of personal licence where no representations		•
Section 120(3)	Refusal of application for personal licence where grant criteria not met		•
Section 120(4)	Giving notice to the police where applicant for personal licence has unspent relevant previous convictions		•
Section 120(7)	Determination of application for personal licence following police objections	•	
Section 121(2)	Giving notice to the police where applicant for renewal of personal licence has unspent relevant convictions since last grant or renewal		•
Section 121(6)	Determination of application for renewal of personal licence following police objections	•	
Section 122(1) & (2)	Notification of grant or refusal (rejection) of personal licence		•
Section 124(2)	Giving notice to the police where applicant for personal licence (or renewal) has obtained a relevant conviction during the application process		•
Section 124(4)	Consideration of revocation of personal licence following notice from the police where applicant personal licensee has obtained a relevant conviction during the application process	•	
Section 124(5)	Notification of decision to revoke or not following police notice where conviction during application process for personal licence		•
Section 125(1)	Issue personal licence		•
Section 126(3)	Issue of duplicate personal licence		•
Section 132A(4) & (5)	Giving notice to personal licensee that licensing authority is considering whether to suspend or revoke the personal licence		•
Licensing Act 2003	Functions	Delegation – Licensing Sub Committee	Delegation – Officer
Section 132A(8)	Decision to suspend or revoke personal licence	•	
Section 132A(10)	Giving notice to the police of decision not to revoke a personal licence and inviting representations as to whether the licence should be suspended or revoked		•

Licensing Committee – 18 September 2024
Licensing Act 2003 and Gambling Act 2005 Delegation of Functions

Section 132A(12)	Decision to suspend or revoke personal licence following police representations	•	
Section 132(13)	Notification of decision in relation to action against a personal licence		•
Section 134(2)	Endorsing personal licence following certain events		•
Section 134(4)	Requiring production of personal licence		•
Section 167(5)	Determination of review of premises licence following closure order	•	
Section 167(9)	Decision as to whether any representation in relation to a review of a premises licence following closure order is relevant or, if made by a person from a person is frivolous, vexatious or repetitious		•
Section 167(11)	Notification of decision to reject any representation in respect of a review of premises licence following closure order because it is not relevant, or if made by a person because it is frivolous, vexatious or repetitious		•
Section 167(12)	Notification of determination of a review of a premises licence following closure order		•
Section 172B(1)(a)	Advertising a proposal to introduce an Early Morning Alcohol Restriction Order (EM(A)RO)		•

Licensing Committee – 18 September 2024
 Licensing Act 2003 and Gambling Act 2005 Delegation of Functions

Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005	Functions	Delegation – Licensing Sub Committee	Delegation – Officer
Regs 26B & 26C	Advertising various applications on Council Website Policy		•
Reg 27(1)	Copying various electronic applications to responsible authorities		•
Reg 28(1)	Copying various electronic applications to police		•
Reg 36A	Notification of summary review of premises licence		•
Reg 37	Notification of review of premises licence following closure order		•
Reg 38	Advertising review of premises licence or club premises certificate		•
Reg 40	Provision of application etc forms		•
Licensing Act 2003 (Personal Licences) Regulations 2005			
Licensing Act 2003 (Personal Licences) Regulations 2005	Functions	Delegation – Licensing Sub Committee	Delegation – Officer
Reg 10	Provision of application etc forms		•

Licensing Act 2003 (Hearings) Regulations 2005	Functions	Delegation – Licensing Sub Committee	Delegation – Officer
Reg 4	Arranging hearings		•
Reg 6	Giving notice of hearings		•
Reg 7	Provision of information accompanying notice of hearing		•
Reg 6	Power to dispense with a hearing		•
Reg 11(1)	Power to extend time limits for hearings	•	
Reg 11(2)	Notification of extension of period		•
Reg 12	Power to adjourn a hearing	•	
Reg 12(2)	Notification of adjournment		•
Reg 14	Power to exclude the public from a hearing	•	
Reg 20	Power to adjourn or continue a hearing in the absence of a party	•	

Licensing Committee – 18 September 2024
Licensing Act 2003 and Gambling Act 2005 Delegation of Functions

Reg 20(4)	Notification of adjournment of hearing in the absence of a party		•
Reg 21	Determination of proceedings for hearings		
Reg 22	Explanation of proceedings for hearings and determination of request for another person to appear	•	
Reg 24	Allowing parties an equal period of time at a hearing	•	
Reg 25	Requiring a party to leave a hearing	•	
Reg 28	Notification of determination of hearing when not specified elsewhere		•
Reg 29	Details of rights of appeal to accompany notification of determination of hearing		•
Reg 30	Keeping record of hearings		•
Reg 32	Curing irregularities	•	
Licensing Act 2003 (Early Morning Alcohol Restriction Orders) Regulations 2012	Functions	Delegation – Licensing Sub Committee	Delegation – Officer
Reg 4	Advertising proposed Early Morning Alcohol Restriction Order (EM(A)RO)		•
Reg 14	Publication of EM(A)RO		•

Licensing Committee – 18 September 2024
 Licensing Act 2003 and Gambling Act 2005 Delegation of Functions

Police reform and Social Responsibility Act 2011	Functions	Delegation – Licensing Sub Committee	Delegation – Officer
Section 130(5) & (6)	Publication of statements of deductions and net levy		•
Section 131(2)	Payment of specified proportion of levy to police		•
The Late Night Levy (Application and Administration) Regulations 2012			
The Late Night Levy (Application and Administration) Regulations 2012	Functions	Delegation – Licensing Sub Committee	Delegation – Officer
Reg 8(1)	Payment of specified proportion of levy to police		•

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Appendix 2 Delegation of Functions

Gambling Act 2005 & Regulations

All but three functions under the Gambling Act 2005 are delegated to the licensing committee (s.154(2) Gambling Act 2005). Functions delegated to the licensing committee can be sub-delegated to a sub-committee or an officer (s.154(3) which applies s.10 of the Licensing Act 2003).

Where a function is delegated to an officer it will be delegated to the Head of Community Services. The Head of Community Services may then further delegate to other officers. Onward delegation will be documented in the officer's Specific Delegation document.

Gambling Act 2005	Functions	Delegation – Licensing Sub Committee	Delegation – Officer
Section 163	Determination of application for Premises Licence in respect of which representations have been made (and not withdrawn)	•	
Section 163	Determination of application for Premises Licence where no relevant representations received		•
Section 162	Attachment of condition to Premises Licence or exclusion of default condition	•	
Section 162	Decision as to whether representation is vexatious, frivolous, or would certainly not influence the authority's determination of application		•
Section 187	Determination of application to vary Premises Licence in respect of which representations have been made (and not withdrawn)	•	
Section 187	Determination of application to vary Premises Licence in respect of which no representation received		•
Section 188	Determination of application for transfer of Premises Licence in respect of which representations have been made (not withdrawn)	•	
Section 188	Determination of application for transfer of Premises Licence where no representations received		•
Section 193	Revocation of Premises Licence for failure to pay annual fee		•
Section 194	Determination that a premise Licence has Lapsed		•

Licensing Committee – 18 September 2024
Licensing Act 2003 and Gambling Act 2005 Delegation of Functions

Gambling Act 2005	Functions	Delegation – Licensing Sub Committee	Delegation – Officer
Section 195	Reinstatement of lapsed Premises Licence in respect of which representations have been made (and not withdrawn)	•	
Section 195	Reinstatement of lapsed Premises Licence where no representation is received		•
Section 198	Rejection of application for review of Premises Licence on various grounds		•
Section 200	Initiation of review of Premises Licence		•
Section 201	Determination that representation about review of Premises Licence is frivolous, vexatious or will certainly not influence a review of a Premises Licence		•
Section 202	Determination of action following review of Premises Licence	•	
Section 204	Determination of application for provisional statement in respect of Premises Licence where representations have been made (and not withdrawn)	•	
Section 204	Determination of application for provisional statement in respect of which no representations received		•
Section 205	Decision to disregard representations made in respect of application for a Premises Licence after issue of provisional statement		•
Section 218	Issue of counter notice to Temporary Use Notice where number of permitted days are exceeded		•
Section 221	Objection to Temporary Use Notice		•
Section 224	Issue of counter notice in response to Temporary Use Notice	•	
Section 284	Making of Order to remove exemptions from specified premises	•	
Section 346	Institution of criminal proceedings in respect of an offence under the provisions of the Act		•
Schedule 10 Paragraph 8	Determination of application for Family Entertainment Centre Gaming Machine Permit		•
Schedule 10 Paragraphs 14 and 15	Notification of lapse of Family Entertainment Centre Gaming Permit		•

Licensing Committee – 18 September 2024
Licensing Act 2003 and Gambling Act 2005 Delegation of Functions

Gambling Act 2005	Functions	Delegation – Licensing Sub Committee	Delegation – Officer
Schedule 11 Paragraph 44	Registration of society for small society lottery		•
Schedule 11 Paragraph 48	Refusal of application for registration of society for small society lottery		•
Schedule 11 Paragraph 50	Revocation of registration of society for small society lottery		•
Schedule 11 Paragraph 54	Cancellation of registration of society for small society lottery for non-payment of annual fee		•
Schedule 12 Paragraphs 5, 10 and 24	Determination of application for Club Gaming Permit and Club Registration Permit and for renewal of permit in respect of which representations have been made (and not withdrawn)	•	
Schedule 12 Paragraphs 5, 10 and 24	Determination of application for Club Gaming Permit and Club Registration Permit and for renewal of permit where no representations received		•
Schedule 12 Paragraph 15	Determination of application for variation of Club Gaming Permit and in respect of which Club Registration Permit and cancellation of permit representations have been made (and not withdrawn)	•	
Schedule 12 Paragraph 15	Determination of application for variation of Club Gaming Permit and Club Registration Permit and cancellation of permit where no representations received		•
Schedule 12 Paragraph 21	Cancellation of Club Gaming Permit and Club Registration Permit	•	
Schedule 12 Paragraph 22	Cancellation of Club Gaming Permit and Club Registration Permit for failure to pay annual fee		•
Schedule 13 Paragraphs 4, 15 and 19	Determination of application for grant, variation or transfer of Licensed Premises Gaming Machine Permit		•
Schedule 13 Paragraph 16	Cancellation of Licensed Premises Gaming Machine Permit or variation of number or category of machines in respect of which representations received (and not withdrawn)	•	
Schedule 13 Paragraph 16	Cancellation of Licensing Premises Gaming Machine Permit and variation of number or category of machine where no representations received		•

Licensing Committee – 18 September 2024
 Licensing Act 2003 and Gambling Act 2005 Delegation of Functions

Gambling Act 2005	Functions	Delegation – Licensing Sub Committee	Delegation – Officer
Schedule 13 Paragraph 17	Cancellation of Licensed Premises Gaming Machine Permit for failure to pay annual fee		•
Schedule 14 Paragraphs 9 and 18	Determination of application for Prize Gaming Permit and application for renewal of Permit		•
Schedule 14 Paragraph 15	Determination that Prize Gaming Permit has lapsed		•

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING COMMITTEE – WEDNESDAY 18 SEPTEMBER
2024

Title of Report	REVIW OF GAMBLING ACT STATEMENT OF LICENSING POLICY	
Presented by	Andrew Cooper Licensing Team Leader	
Background Papers	Gambling Commission – Guidance to Licensing Authorities 5 th Edition. https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities North West Leicestershire District Council Gambling Statement of Licensing Policy 2022-2025	Public Report: Yes
Financial Implications	The risk of incurring costs arising from any challenge against the policy.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	There is a risk that the Council’s Gambling Act Statement of Licensing Policy is challenged. Legal advice has been secured in its preparation to mitigate the risk of challenge.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	The workload associated with the review of the policy shall be undertaken within existing resources.	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	For members to consider the draft Gambling Act 2005 Statement of Licensing Policy 2025 – 2028 following the consultation period.	
Recommendations	THAT LICENSING COMMITTEE: 1. CONSIDERS THE PROPOSED STATEMENT OF LICENSING POLICY ATTACHED AT APPENDIX 1 AND RECOMMENDS APPROVAL OF THE POLICY TO COUNCIL AT ITS MEETING ON 5 NOVEMBER 2024. 2. RECOMMENDS TO FULL COUNCIL THE CONTINUATION OF THE DELEGATION TO THE HEAD OF COMMUNITY SERVICES IN CONSULTATION WITH PORTFOLIO HOLDER FOR THE UPDATING OF THE LOCAL AREA PROFILE.	

1.0 BACKGROUND

- 1.1 Under section 349 of the Gambling Act 2005 (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 (the 'Policy').
- 1.2 Following consultation with a wide range of bodies and agencies, the last review of this Council's Policy was approved by Full Council on 16 November 2021 and came into effect on 31 January 2022.
- 1.3 The Council's Policy is a policy statement that guides decision making with regards to all applications received under the Act.
- 1.4 Section 349 also requires licensing authorities to review their Policy every three years. The revised Policy must be in place on or before 31 January 2025.

2.0 REVIEW OF STATEMENT OF LICENSING POLICY

- 2.1 The current Policy has been reviewed in accordance with the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 and national statutory guidance issued to licensing authorities by the Gambling Commission. The draft statement of licensing policy is attached as Appendix 1.
- 2.2 The revised Policy remains broadly unchanged from the previously adopted Policy. The main areas of change within the draft Policy relate to the updating of the local area profiles and updating of information showing the prevalence of problem gambling severity and reported demand for treatment and support for gambling harms. The local area profiles have been moved out of the main body of the policy into Appendix C.

3.0 CONSULTATION

- 3.1 The Gambling Act 2005 requires that all local authorities must widely consult when reviewing their Policy.
- 3.2 The consultation which commenced on 29 May 2024, was a targeted consultation with relevant businesses, agencies, organisations, authorities and councillors, seeking comments on the whole draft Policy. The consultation closed on 11 August 2024.
- 3.3 A consultee response was received from GambleAware. GambleAware work in partnership with the Gambling Commission and the Responsible Gambling Strategy Board. Their response is as follows:

"GambleAware's recently published [interactive maps](#), which have been designed for use by local authorities. The maps show the prevalence of problem gambling severity in each local authority and ward area as well as usage of, and reported demand for, treatment and support for gambling harms.

GambleAware also strongly commends two publications by the Local Government Association which set out the range of options available to local authorities to deal with gambling-related harms using existing powers:

<https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach>

<https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales>

GambleAware is also fully supportive of local authorities which conduct an analysis to identify areas with increased levels of risk for any reason. In particular we support those who also include additional licence requirements to mitigate the increased level of risk. Areas where there are higher than average resident or visiting populations from groups, we know to be vulnerable to gambling harms include children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services.”

3.4 A consultation response has been received from Leicestershire County Council Public Health. The consultation response details the harms associated with gambling and its impact across Leicestershire. The detailed response has been incorporated within the local area profile at Appendix 1 of the draft Policy.

4.0 DELEGATION

4.1 The profile of North West Leicestershire will continue to change throughout the life of this Policy. To ensure that any such changes are reflected within the Policy without unnecessary reference to Licensing Committee or Council, it is recommended that any such changes be delegated to the Head of Service in consultation with the Portfolio Holder. A delegation was put in place in 2018, and a continuation was also approved in 2021.

5.0 APPROVAL PROCESS

5.1 The draft Policy will be taken to Full Council on 5 November 2024 for approval. Once the draft Policy has been approved, it must be published four weeks prior to it coming in effect on 31 January 2025.

Policies and other considerations, as appropriate	
Council Priorities:	Communities and housing – looking after our tenants and keeping our communities safe
Policy Considerations:	North West Leicestershire District Council Gambling Statement of Licensing Policy 2022-2025
Safeguarding:	Licensed premises are required to risk assess gambling activity associated with their premises
Equalities/Diversity:	Equality Impact Assessment already undertaken, issues identified actioned
Customer Impact:	Businesses may be impacted by any decision made
Economic and Social Impact:	The Policy may reduce the risk of harm from gambling activity by influencing the content of the risk assessments carried out by licensed premises

Environment and Climate Change:	Not applicable
Consultation/Community Engagement:	Consultation with Leicestershire Police, Gambling Commission, 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 and Pub Association, Gamcare, Salvation Army, Leicestershire Partnership Trust CAMHS, Leicestershire and Rutland Safeguarding Children Board, Leicestershire County Council Public Health, Vital Health Group, Betfred, Gala Leisure, Flutter Leisure Ltd, Ladbrokes, Moto Donington, Quicksilver, GambleAware, Leicestershire Fire Service, 2 Fat Ladies Leisure Limited, Members, Responsible Authorities, Town and Parish Councils, South Derbyshire District Council, Charnwood Borough Council, local secondary schools / colleges, licensing agents / solicitors.
Risks:	There is a risk that the Council's Gambling Act 2005 Statement of Licensing Policy is challenged. Legal advice sought in its preparation to mitigate the risk of challenge.
Officer Contact	<p>Andrew Cooper Licensing Team Leader andy.cooper@nwleicestershire.gov.uk</p> <p>Lee Mansfield Environmental Health Team Manager lee.mansfield@nwleicestershire.gov.uk</p>



GAMBLING ACT 2005 STATEMENT OF LICENSING POLICY 2025 - 2028

Item	Details
Reference:	Gambling Act 2005 Statement of Licensing Policy 2025 - 2028
Status:	Draft
Originator:	Environmental Health
Owner:	Environmental Health
Version No:	7
Date:	5 November 2024

Key policy details

Approvals

Item	Date of Approval	Version No.
Consulted with - See appendix B of policy		7
Reviewed by Licensing Committee	18 September 2024	7
Approved by Council	5 November 2024	7

Policy Location

This policy can be found at NWLDC website www.nwleics.gov.uk

Revision history

Version Control	Revision Date	Summary of Changes
6	16 November 2021	Statutory Review – amended statutory guidance
5	13 November 2018	Statutory Review – amended statutory guidance
4	17 November 2015	Statutory Review – amended statutory guidance

Policy Review Plans

This policy is subject to a scheduled review once every three years or earlier if there is a change in legislation or local policy that requires it.

Distribution

Title	Date of Issue	Version No.
[Insert e.g. distributed to Cabinet, on Website etc].		

EXECUTIVE SUMMARY

Under the Gambling Act 2005 (the “Act”), a Licensing Authority is required to prepare and publish a Statement of Licensing Policy. This document is the seventh Statement of Licensing Policy issued by North West Leicestershire District Council. Since the introduction of the Act, the Statement of Licensing 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.

North West Leicestershire District Council 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 of Licensing Policy.

The Statement of Licensing Policy forms the mandate for managing gambling provision within North West Leicestershire and sets out how North West Leicestershire District Council views the local risk environment and therefore its expectations in relation to operators with premises within the district.

A map of the geographical area of North West Leicestershire is at Appendix A of this policy. The local area profile is detailed within Appendix C and contains a link to interactive maps showing the prevalence of problem gambling severity in each local authority area and ward area, as well as usage of, and reported demand for, treatment and support for gambling harms. Operators must have regard to the content of the local area profile when producing their risk assessments.

The number of licensed premises has largely remained stable over the last 15 years however there has been a small reduction in the number of licensed premises since 2019.

A list of the persons North West Leicestershire District Council consulted in preparing this Statement of Licensing Policy is at Appendix B.

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INTRODUCTION

Policy Development

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.

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.

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

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.

District of North West Leicestershire

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. The main towns are Coalville, a former mining town and Ashby de la Zouch, a traditional market town. Other settlements include Castle Donington, Ibstock, Kegworth and Measham. 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.

The population is 104,700 (source ONS 2021). The proportion of young people (0-15 years) is 17.7% per cent and is close to regional and national averages. The District has 20.1% of the population aged over 65, slightly over the regional and national averages (ONS 2021). The minority ethnic population is 4.1%; this compares with 14.3% for East Midlands and 19% for England (source 2021 Census).

Consultation

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

PART A

1. The Licensing Objectives

In exercising most of its 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.

2. 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 and Rutland Safeguarding Children Board for this purpose.

3. 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.

4. 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 2018 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.

Should any protocols be established pursuant to section 350 of the Act concerning information exchange with other bodies as listed in schedule 6(1) of the Act then these will be made available.

5. Inspection and 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 will include targeting high-risk premises which require greater attention, whilst operating a lighter touch in respect of low-risk premises, so that resources are more effectively concentrated on problem premises. The local area profile will inform the approach to identifying high risk premises.

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

This Licensing Authority will also have regard to the North West Leicestershire District Council General Enforcement Policy.

6. 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.

7. 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.

8. Local Area Profile – North West Leicestershire

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. Such risk assessments can make reference to the council's area profile which may be compiled with respect to reported gambling-related problems in an area.

The detailed local area Profile can be found at Appendix C.

9. Registers

The Licensing Authority keeps registers of the premises licences it has issued. They can be viewed online on the Council's web site at

https://www.nwleics.gov.uk/pages/view_comment_on_licensing_applications or at the Council's offices during normal office hours. Copies of the register can be requested but a charge will be made.

10. 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. Each application or review will be decided on its merits and will depend to a large extent on the type of gambling that is proposed for the premises.

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
Community Services
North West Leicestershire District Council
PO Box 11051
LE67 0FW

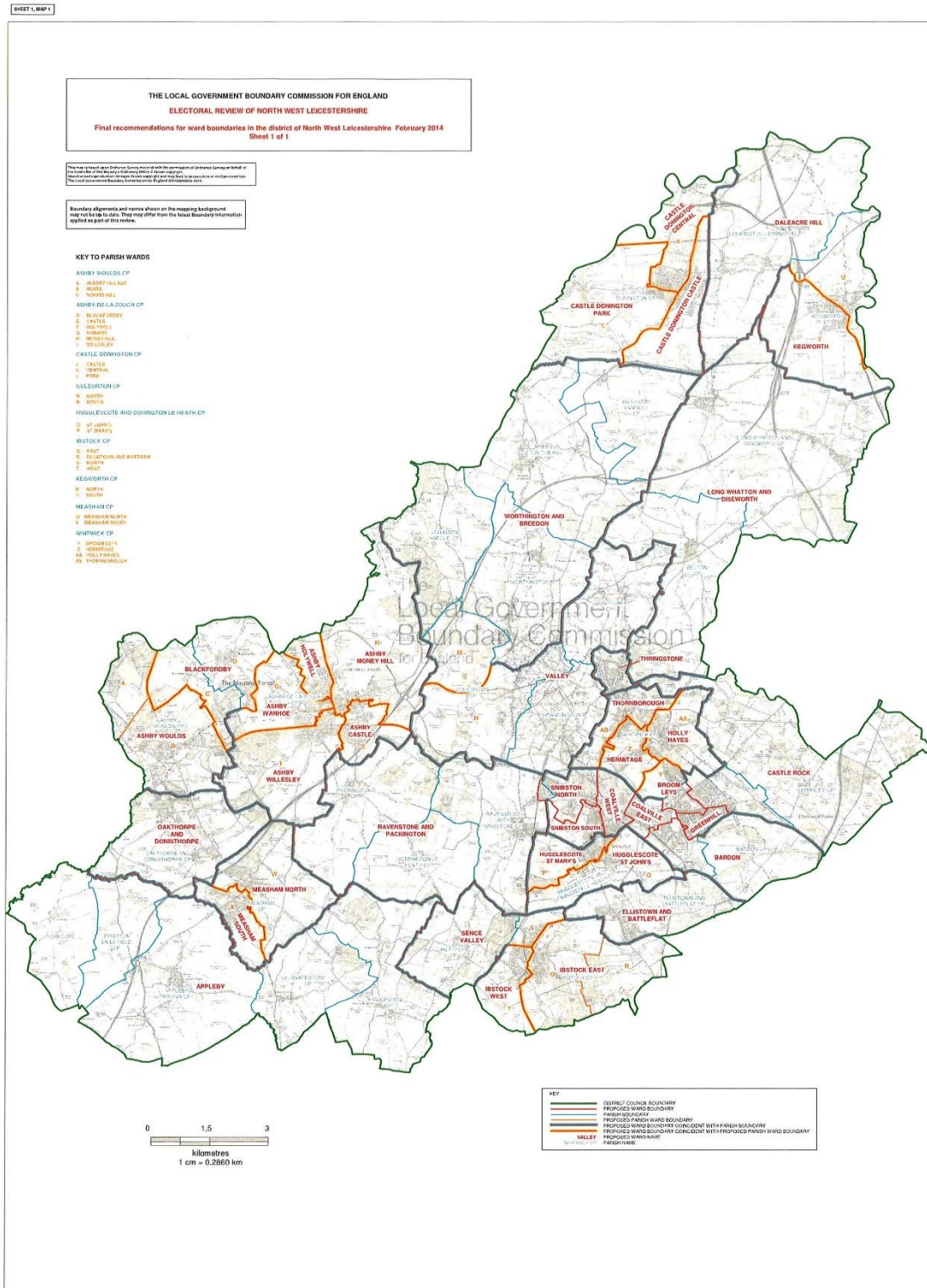
By email to

licensing@nwleicestershire.gov.uk

By telephone on

01530 454545

Appendix A - Area Map



Appendix B – List of Consultees

Leicestershire Police
Leicestershire Fire Service
Gambling Commission
Association of British Bookmakers
British Amusement Catering Trades 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 Trust CAMHS
Leicestershire and Rutland Safeguarding Children Board
Leicestershire County Council Public Health
Betfred
Gala Leisure
Ladbrokes
Moto Donington
Quicksilver
GambleAware
2 Fat Ladies Leisure Limited
Betbre, Ashby De La Zouch
Town and Parish Councils
South Derbyshire District Council
Charnwood Borough Council
Local secondary schools / colleges
Other teams within North West Leicestershire District Council (Community Safety, Community Focus, Strategic Housing)
Vital Health Group
Licensing agents and solicitors

Appendix C – Local Area Profile

The link below takes you to interactive maps showing the prevalence of problem gambling severity in each local authority and ward area as well as usage of, and reported demand for, treatment and support for gambling harms.

Interactive Maps

The published data and maps relate to the findings of the Annual GB Treatments and Support Survey 2022 which can be found at the following link: [Annual GB Treatment and Support Survey 2022](#)

The Problem Gambling Severity Index (PGSI) measures levels of gambling behaviour which may cause harm to an individual from low risk gambling (score 1-2), to moderate risk gambling (3-7), and problem gambling (8+). A summary understanding of gambling harms in North West Leicestershire details the following:

- It is estimated 1 in 8 people in North West Leicestershire have a PGSI score of 1 or more (12.6%), this compares to 13.4% across Great Britain.
- 1 in 20 people (4.9%) in North West Leicestershire have a PGSI score of 3 or more, compared to 5.9% across Great Britain.
- 1 in 47 people (2.1%) in North West Leicestershire have a PGSI score of 8 or more, compared to 2.9% across Great Britain.
- £1.6 million is the estimated fiscal cost of 'problem gambling' in North West Leicestershire.
- 11.4% of those who have a score of PGSI 1+ would like treatment, support or advice to deal with their gambling. This rises to 62.1% among PGSI 8+ in North West Leicestershire.
- 11.7% of those in North West Leicestershire who have a score of PGSI 1+ have accessed treatment, support or advice, compared to 14.8% across Great Britain.
- 28.2% of those in North West Leicestershire who have a score of PGSI 3+ have accessed treatment, support or advice, compared to 32.1% across Great Britain.
- 62.6% of those with in North West Leicestershire who have a score of PGSI 8+ have accessed treatment, support or advice, compared to 65.5% across Great Britain.

(Source GambleAware Annual GB Treatment and Support Survey 2022).

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. The information detailed below was correct at the time of publishing. Applicants are advised to contact the licensing team to seek the current local area profile.

Population

North West Leicestershire has a population of 104,700 (source: [North West Leicestershire Census 2021](#).) 12.0% higher than 10 years previously. The population growth was higher than the East Midlands region (7.7%) and England (6.6%). The proportion of young people (0-14 years) in North West Leicestershire is 17.1% and is slightly below the regional and national averages. The District has 20.1% of the population above pension age, slightly higher than for the East Midlands or England. The percentage of people from minority ethnic groups within the population of North West Leicestershire is 4.1%(source: 2021 Census); this compares with 14.3% for the East Midlands and 19.0% for England respectively.

Economy and skills

Between January and December 2023, 81.0% of North West Leicestershire's 16-64 year olds were economically active, compared to 78.8% in Great Britain as a whole (source: ONS Annual Population Survey). The District's economy is dynamic, with a higher job density average than the East Midlands or Great Britain of 1.17, and many people commute into the District to work for North west Leicestershire businesses.

The proportion of residents aged 16-64 years claiming financial support in North West Leicestershire was 3.8% in April 2024. The highest claimant rate in North West Leicestershire was Greenhill (Coalville) with a rate of 6.1%. (Source: Nomis June 2021).

0.4% of the resident population aged 16-64 in North West Leicestershire claim Jobseekers' Allowance (source Nomis: April 2024).

Educational attainment

In 2021/22, the percentage of pupils achieving 5+ GCSEs in English and Maths was 50.8% in Leicestershire compared to an England average of 50% (source: Department for Education).

In 2023, the percentage of residents aged over 16 with at least NVQ Level 1 or equivalent qualifications in North West Leicestershire was 96.6%, above the Great Britain average of 89.0% (source: ONS Annual Population Survey Jan – Dec 2023). 46.7% of the District's population had an NVQ4 or above – higher than the East Midland's 40.2% but slightly below Great Britain's 47.3%.

Housing

The average household size in North West Leicestershire is 2.3 people, the England average is 2.4 people (source: Census, 2021).

Between 2011 and 2021, the number of households in North West Leicestershire increased by 12%, compared to an England and Wales average of 6.6% (source: Census 2021).

Between October and December 2023, the rate of homelessness in North West Leicestershire was 0.78 per 1,000, compared to an England average of 1.87 per 1,000 (source: Department for Levelling up Housing and Communities April 2024).

Schools – for academic years 2023/2024

Ashby School, Nottingham Road, Ashby de la Zouch LE65 1DT – Age range 11-19 – 1,623 pupils

Ivanhoe, North Street, Ashby De La Zouch, LE65 1HX - Age range 11-16 - 899 pupils

Castle Rock School (inc King Edward VII), Meadow Lane, Coalville, LE67 4BR – Age range 11-18 - 1221 pupils

Stephenson Studio School, Thornborough Road Coalville, LE67 3TN – Age range 14-19 – 79 pupils

Ibstock Community College, Central Avenue, Ibstock, LE67 6NE - Age range 11-16 - 709 Pupils

Newbridge School, Forest Road, Coalville, LE67 3SJ - Age range 11-16 – 798 pupils

Forest Way School, Warren Hills Road Coalville LE67 4UU – Age range 3-19 - 271 pupils

Castle Donington College, Mount Pleasant, Castle Donington DE74 2LN – Age range 11-16 – 639 pupils

Breakdown of gambling premises by type and location is given below

Premises Type	
Betting	6
Adult Gaming Centres (AGCs)	5
Bingo	1
Location	
Coalville town centre	4 (2 betting, 1 bingo and 1 AGC)
Coalville suburbs (Greenhill)	1 betting
Ashby de la Zouch	2 betting
East Midlands Airport	2 AGCs
Motorway service	2 AGCs
Measham	1 betting

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In addition to the 2 main town centres, betting premises can also be found in some of the smaller communities of Greenhill and Measham.

The 2 Adult Gaming Centres at East Midlands Airport are both situated airside (beyond passport control). Due to the complexities of gaining access to 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 is situated in Coalville, housed in a 1930's design building previously used as a cinema .

North West Leicestershire is earmarked for a large house building programme over the next 15 years. However there is no intelligence to suggest that the extra population will alter the demographic of those people that live and spend time in the district.

Enquiries with local betting premises in relation to use of B2 or fixed odds betting terminals (FOBT) indicates that there is no excessive use of the machines and that 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 number of complaints received about individual premises. This Authority will continue to monitor to ensure high compliance levels are maintained.

Leicestershire County Council Public Health Team July 2024

Gambling Harms

Gambling and the harms associated with it are increasingly considered a public health issue¹, not least due to the negative impact harmful gambling products can have on the individual's health, relationships, and their financial and social circumstances². Gambling at a harmful level is defined by the adverse consequences on the individual, families and communities³ and is considered a comorbidity with substance dependencies, such as alcohol and drug misuse⁴. The [National Suicide Prevention Strategy](#) acknowledges harmful gambling as a risk factor for suicide, and includes an ambition to improve data and evidence on people experiencing harmful gambling⁵.

Impact across Leicestershire

Anyone exposed to gambling products is at risk of experiencing harms⁶, however data suggests that there are some communities which are more vulnerable than others, and the harm is not distributed equally. There is a strong correlation to communities already experiencing health inequalities, including deprivation and poor mental health⁷, and across Leicestershire the most gambling premises are in the most deprived areas.

Nationally, evidence suggests that males, 16-24 year olds, individuals from ethnic minority groups, those unemployed and those with poor mental health are more likely to experience gambling harms. Research has found that veterans are 10 times more likely to experience harms from gambling than non-veterans⁸, and the homeless population are identified as a vulnerable group who are also at risk of co-morbid health issues such as mental health and substance addictions^{9,10}.

[2023 Gambling Commission survey data](#) suggests nationally that 0.3% of adults experience harmful gambling. When applied to the Census 2021 population estimates, this equates to 1,762 people in Leicestershire. For every individual experiencing harms, six to ten other people are impacted, which amounts to between 10,572 to 17,620 Leicestershire residents being affected by someone else's gambling. The [Office for Health Improvement and Disparities \(2023\)](#) also estimate that over 9,500 children live in the same household as an adult who might benefit from gambling treatment and support.

Children are also considered vulnerable due to their age. The [Gambling Commission's children survey \(2023\)](#) highlights nationally, 0.7% of children are 'problem gamblers', equating to 395 children in Leicestershire. Gambling harms have a broad impact on families when considering housing, finances, family breakdowns and the impact of suicide, with further local research required into the links with gaming/gambling and young people.

There is a national issue with local data for a number of reasons including lack of services available to record, and secretive nature and stigma attached to the behaviour preventing access to services. As a result, often national data is aligned with our census populations and is considered an underestimate.

Public Health

Although not a responsible authority, Leicestershire Public Health is a consultee, to assist the District Council in addressing gambling related harms across North West Leicestershire. The Local Government Association and Public Health England in 2018 produced [Tackling gambling related harm: A whole council approach](#), recommending that Public Health contribute to licensing statements of policy along with a wider approach to understanding the scale of harmful gambling locally. Accessing data at District level is a challenge, recognised in the Draft Leicestershire Gambling Related Harms Joint Strategic Needs Assessment, with the intention to increase screening and data collection and build our understanding of local prevalence.

Public health also work closely with District Licensing teams regarding other licensed establishments, local plan and planning colleagues, to promote variety in the high street offer and consider the impact of a concentration of licensed premises. This is particularly relevant with vulnerable populations or in areas of high levels of deprivation. The Town and Country Planning Association (TCPA) recommend promoting a variety in the High Street offer, to create vibrant, diverse and sustainable town centres through encouraging a diverse mix of uses.

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING COMMITTEE – WEDNESDAY 18 SEPTEMBER
2024

Title of Report	REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY EMISSIONS STANDARDS	
Presented by	Tonya Cooper Licensing Enforcement Officer	
Background Papers	Hackney Carriage and Private Hire Licensing Policy Agenda for Licensing Committee on Wednesday, 19th February, 2020, https://www.atmos-clear.com/	Public Report: YES
Financial Implications	Any policy changes will be implemented within existing budgeted resources.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	Legal Services have reviewed the report.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	The workload associated with the review of the policy shall be undertaken within existing resources.	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To consider a change to the implementation of Hackney Carriage and Private Hire Vehicle Emissions Policy	
Recommendations	THAT LICENSING COMMITTEE DELAYS THE IMPLEMENTATION OF THE COUNCIL'S HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY EURO EMISSIONS STANDARD BY TWELVE MONTHS TO 1 JANUARY 2026.	

1.0 Background

- 1.1 The current Hackney Carriage and Private Hire licensing policy was approved at Licensing Committee in November 2022 and commenced in January 2023.
- 1.2 The current emission standards within the Hackney Carriage and Private Hire licensing policy states the following:

“It is important that emissions from taxis are reduced as far as possible and a reduction will be made to the licensing fee for licensed vehicles that are fuelled by Electricity (Ultra-low emission vehicle).

The reduction will be 15% off the current fee to actively encourage the use of these vehicles for hackney carriage or private hire.

All hackney carriage and private hire vehicles must be fitted with at least a Euro 5 compliant engine or equivalent using retrofit technology (registered since September 2009). Euro 4 compliant engines or older without retrofit technology will not be permitted.

From 1 January 2025, all hackney carriage and private hire vehicles must be fitted with at least a Euro 6 compliant engine or equivalent using retrofit technology (registered since September 2014). Euro 5 compliant engines or older will not be permitted. Any vehicle with a Euro 5 compliant engine or older will not be licensed at the time of renewal.

Applicants will be required to prove that the engine is suitable. Any vehicle with an engine older than the required euro emissions standard will not be licensed at the time.”

- 1.3 At a meeting of the Licensing Committee in February 2020, Members agreed to bring forward the implementation date for the policy requiring all vehicles to be fitted with at least a Euro 6 compliant engine from 1 January 2026 to 1 January 2025. The trade was consulted at the time with ten organisations being supportive and eight being against. A link to the 2020 Licensing committee report can be found at [Agenda for Licensing Committee on Wednesday, 19th February, 2020](#).

2.0 Rationale / Reason for Delay

- 2.1 A representation from the taxi and private hire trade has been received requesting a delay to the implementation of the Council’s Euro emissions standards for licensed vehicles from 1 January 2025.

- 2.2 The rationale is summarised as:

- The taxi trade was hit hard by the Covid pandemic and is still recovering.
- The largest taxi company in Coalville would need to replace seventeen vehicles to comply with the policy scheduled for introduction on 1 January 2025.
- The cost of replacing those seventeen vehicles is estimated at £150,000.
- If the taxi company is not able to replace the vehicles, the consequence will be a loss of drivers and reduction in availability of taxi for the public.

- 2.3 Officers support a delay to the implementation of the vehicle emissions policy. Officers recommend a delay of 12 months, effectively returning to the initial policy implementation date of 1 January 2026.

3.0 Benchmarking

- 3.1 Officers have carried out a benchmarking exercise with other licensing authorities to understand comparable age limits and emission standards.

3.2 An overview of the benchmarking is as follows;

- Blaby District Council

Requires Euro 6 engines only from 1 September 2025. New vehicles no older than five years old. Maximum of ten years old for renewals. Applications to renew vehicles that are ten years old or over will no longer be granted. This replaces the previous age limit of twelve years old, and fifteen years old for wheelchair accessible vehicles.

- Charnwood Borough Council

No Euro emissions standards listed within their policy. Any vehicle over six years old (from the date of first registration) which is presented for a certificate of compliance test, and fails that test, will not be allowed to be re-submitted for a second test, which means that the vehicle will have to be taken off the road.

- Harborough District Council

No Euro emissions standards listed within their policy. Saloon vehicles shall be no more than six years old when first licensed and have not undertaken more than 60,000 miles. London type taxis shall be no more than ten years old when first licensed. Transit vehicles and People Carriers shall be no more than eight years old when first licensed.

- Hinckley and Bosworth Borough Council

All existing or replacement wheelchair accessible hackney carriage vehicles must be an ultra-low emission vehicle or zero emission vehicle by December 2030. A ULEV will be defined as a vehicle emitting less than 50gCO₂/km and capable of travelling at least 70 miles with zero emissions. All existing licensed vehicles must be an ultra-low emission vehicle or zero emission vehicle by December 2030. A ULEV will be defined as a vehicle emitting less than 50gCO₂/km and capable of travelling at least 70 miles with zero emissions.

Any new application for a hackney carriage vehicle plate which is to be licensed for the first time must be less than six years old per the DVLA registration document and comply with one of the following vehicle emission standards:

- Euro 6 petrol or Euro 6 diesel
- Ultra-low emissions vehicle (ULEV)
- Zero emissions vehicle (ZEV)

- Melton Borough Council

No Euro emissions standards listed within their policy. On the date of application for the first licence with the Council vehicles must be less than six years old unless they meet the specifications as a vintage/prestige vehicle. Vehicles can continue to be relicensed up to but not including the date when they are ten years old provided that they meet the vehicle specifications. The only exceptions to this are purpose built vehicles and conversions approved by the Public Carriage Office and vehicles which have been specially manufactured or professionally adapted to carry a wheelchair. Subject to approval by an Authorised Officer, and that these vehicles continue to

meet the vehicle licensing specification, these vehicles can be registered for the first time and continue to be licensed until they are fifteen years old.

- Oadby and Wigston Borough Council

From 1 January 2026, all hackney carriage and private hire vehicles must be fitted with at least a Euro 6 compliant engine (registered since September 2014) Euro 5 compliant engines or older will not be permitted.

Vehicles to be licensed for the first time must be under five years of age. A Vehicle over the age of ten years will not be licensed unless it meets the requirements of the exception to age limits.

- Leicester City Council

Engine emissions must meet a minimum of Euro 4 standard.

At the time a vehicle is first presented for licensing by Leicester City Council, it must be no more than five years old, based on the date it was first registered. The maximum age for re-licensing a currently licensed vehicle is twelve years.

- South Derbyshire District Council

No Euro emissions standards listed within their policy. On the initial grant of a private hire vehicle licence, all vehicles must be less than eight years old from the date of first registration and less than fifteen years if wheelchair accessible vehicle. Once a licensed vehicle reaches ten years old, the licence will not be renewed.

- Wolverhampton City Council

No Euro emissions standards listed within their policy. The vehicle must be no older than eleven years and six months (vehicles are not plated past twelve years).

- Ashfield District Council

All vehicles being licensed for the first time must be under twelve years of age as stated in the V5 log book. However, if a vehicle is aged five years old or more, then additional requirements must be undertaken in order to accept such a vehicle application.

Any vehicle put forward for a new Hackney Carriage Vehicle licence must be a wheelchair accessible vehicle. This means that the vehicle must be able to carry the passenger whilst they remain seated in the wheelchair. Vehicles put forward for a new Private Hire Vehicle licence do not need to be wheelchair accessible vehicles if under five years of age, but if five years old or more, the following criteria is applicable: it must be either a fully wheelchair accessible vehicle, or be a low emission vehicle (this means that if its date of first registration is before 01/04/2017, it must not have CO2 emissions higher than 120; and if its date of first registration is 01/04/2017 or newer (but still aged five years old or more), then it must not have CO2 emissions higher than 75. You can find the date of first registration and the CO2 emissions information on the V5 log book).

Having undertaken the benchmarking exercise, the overall general consensus from neighbouring authorities is that they seem to rely on the age of vehicles more heavily

than their emissions. It should be noted that when relying on the age of vehicles, Euro 6 standards will apply to vehicles registered after 1 September 2015.

It should also be noted that there has been significant growth in both Wolverhampton and Ashfield for licenced drivers and vehicles.

4.0 Retrofit Emission Reducing Systems

- 4.1 Retrofit emission reducing systems are available to the trade and acceptable within our current policy. After making enquiries, with the Taxi and Private Hire trade association, Atmos Clear can provide these systems with prices in the region of £459 including installation. Further information on retrofit systems can be found at <https://www.atmos-clear.com/>

5.0 Implications

- 5.1 North West Leicestershire District Council currently has 209 licensed vehicles at the time of writing this report. Of these vehicles, it has been identified that 42 currently licensed vehicles will not meet the policy requirements and will either need to be replaced or retro fitted.
- 5.2 A breakdown by month of the vehicles that will not be renewed, should the current policy not be delayed, are as follows:

Month/year	Number of vehicles
January 25	4
February 25	3
March 25	3
April 25	3
May 25	3
June 25	1
July 25	2
August 25	9
September 25	5
October 25	8
November 25	0
December 25	1
TOTAL	42

- 5.3 Current legislation for the licensing of taxi and private hire vehicles (PHVs) is inadequate and outdated. The licensing framework has not kept pace with developments in technology and the need to ensure passengers are protected. 'Out of area' drivers operating within other licensing authority areas (cross-border activity) has significantly increased in recent years, a result of the Deregulation Act.

The Deregulation Act has created a trend with licence holders effectively "licence shopping" where they will become licensed with authorities that often offer lesser standards and lower fees. Therefore, there is a risk that licence holders could become licensed by another licensing authority and continue to operate within North West Leicestershire district. Should this happen, NWLDC Licensing Officers would have no control over vehicles and drivers operating within the NWL district area.

6.0 Recommendation

- 6.1 To delay implementation of the Councils Hackney Carriage and Private Hire Licensing Policy Euro emissions 6 standard by 12 months to 1 January 2026.

Policies and other considerations, as appropriate	
Council Priorities:	<ul style="list-style-type: none"> - Planning and regeneration. Economic growth and the physical development of the district. - Communities and housing. Looking after our tenants and keeping our communities safe. - Clean, green and zero carbon. Looking after the environment we live in. - A well-run council.
Policy Considerations:	Detailed within the body of the report
Safeguarding:	No negative impact.
Equalities/Diversity:	No negative impact.
Customer Impact:	Applicants and licence holders may be impacted by policy changes.
Economic and Social Impact:	No negative impact.
Environment and Climate Change:	Potential delay to reduced emission standards
Consultation/Community Engagement:	Head of Community Services, Environmental Health Team Manager.
Risks:	<ul style="list-style-type: none"> - Loss of licensed drivers and vehicles within the district. - Vehicles become licensed with a different authority. - Licensed drivers who have already replaced vehicles prior to any decision being made may be aggrieved by any decision made.
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