

Public Document Pack



Dear Sir/Madam,

You are summoned to attend the meeting of the Borough Council of Newcastle-under-Lyme to be held in the **Council Chamber, Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG** on **Wednesday, 25th November, 2015**.

This meeting will commence as soon as the Special Meeting regarding the Electoral Cycle has concluded.

BUSINESS

1 Apologies

2 DECLARATIONS OF INTEREST

To receive declarations of interest from Members on items contained within this agenda.

3 MINUTES

(Pages 7 - 12)

To consider the minutes of the previous meeting(s)

4 Mayors Announcements

5 Review of Electoral Arrangements - Council Size

(Pages 13 - 36)

6 Localised Council Tax Reduction Scheme

(Pages 37 - 44)

7 Draft Licensing Policy 2015

(Pages 45 - 134)

8 Draft Gambling Policy 2015

(Pages 135 - 182)

**9 STATEMENT OF THE LEADER OF THE COUNCIL - REPORT
WILL BE SENT TO FOLLOW**

To receive a statement by the Leader of the Council on the activities and decisions of Cabinet and items included on the Forward Plan.

10 REPORTS OF THE CHAIRS OF THE SCRUTINY COMMITTEES

Chairs are requested to submit written reports to the Democratic Services Manager at least 2 clear days before the meeting.

- a) Finance, Resources and Partnerships Scrutiny Committee
- b) Active and Cohesive Communities Scrutiny Committee
- c) Cleaner, Greener and Safer Communities Scrutiny Committee
- d) Economic Development and Enterprise Scrutiny Committee
- e) Health and Wellbeing Scrutiny Committee

11 REPORTS OF THE CHAIRS OF THE REGULATORY COMMITTEES

(Pages 183 - 184)

Chairs are requested to submit written reports to the Democratic Services Manager at least 2 clear days before the meeting.

- a) Audit and Risk Committee
- b) Planning Committee
- c) Licensing Committee
- d) Public Protection Committee

12 QUESTIONS TO THE MAYOR, CABINET MEMBERS AND COMMITTEE CHAIRS

In accordance with Procedure Rule 11, questions must be submitted at least 24 hours in advance of the meeting. Any questions considered urgent will only be accepted with the agreement of the Mayor prior to the meeting.

13 MOTIONS OF MEMBERS

(Pages 185 - 186)

A notice of motion other than those listed in Appendix 7, Section 10 of the Council's Constitution must reach the Chief Executive ten clear days before the relevant Meeting of the Council.

14 RECEIPT OF PETITIONS

To receive from Members any petitions which they wish to present to the Council.

15 URGENT BUSINESS

To consider any communications which pursuant to Appendix 7, Section 7 of the Council's Constitution are, in the opinion of the Mayor, of an urgent nature and to pass thereon such resolutions as may be deemed necessary.

Yours faithfully

A handwritten signature in black ink, appearing to be 'S. M.', written over a horizontal line.

Chief Executive

NOTICE FOR COUNCILLORS

1. Fire/Bomb Alerts

In the event of the fire alarm sounding, leave the building immediately, following the fire exit signs. Do not stop to collect personal belongings, do not use the lifts.

Fire exits are to be found either side of the rear of the Council Chamber and at the rear of the Public Gallery.

On exiting the building Members, Officers and the Public must assemble at the car park at the rear of the Aspire Housing Office opposite to the Civic Offices. DO NOT re-enter the building until advised to by the Controlling Officer.

2. Attendance Record

Please sign the Attendance Record sheet, which will be circulating around the Council Chamber. Please ensure that the sheet is signed before leaving the meeting.

3. Mobile Phones

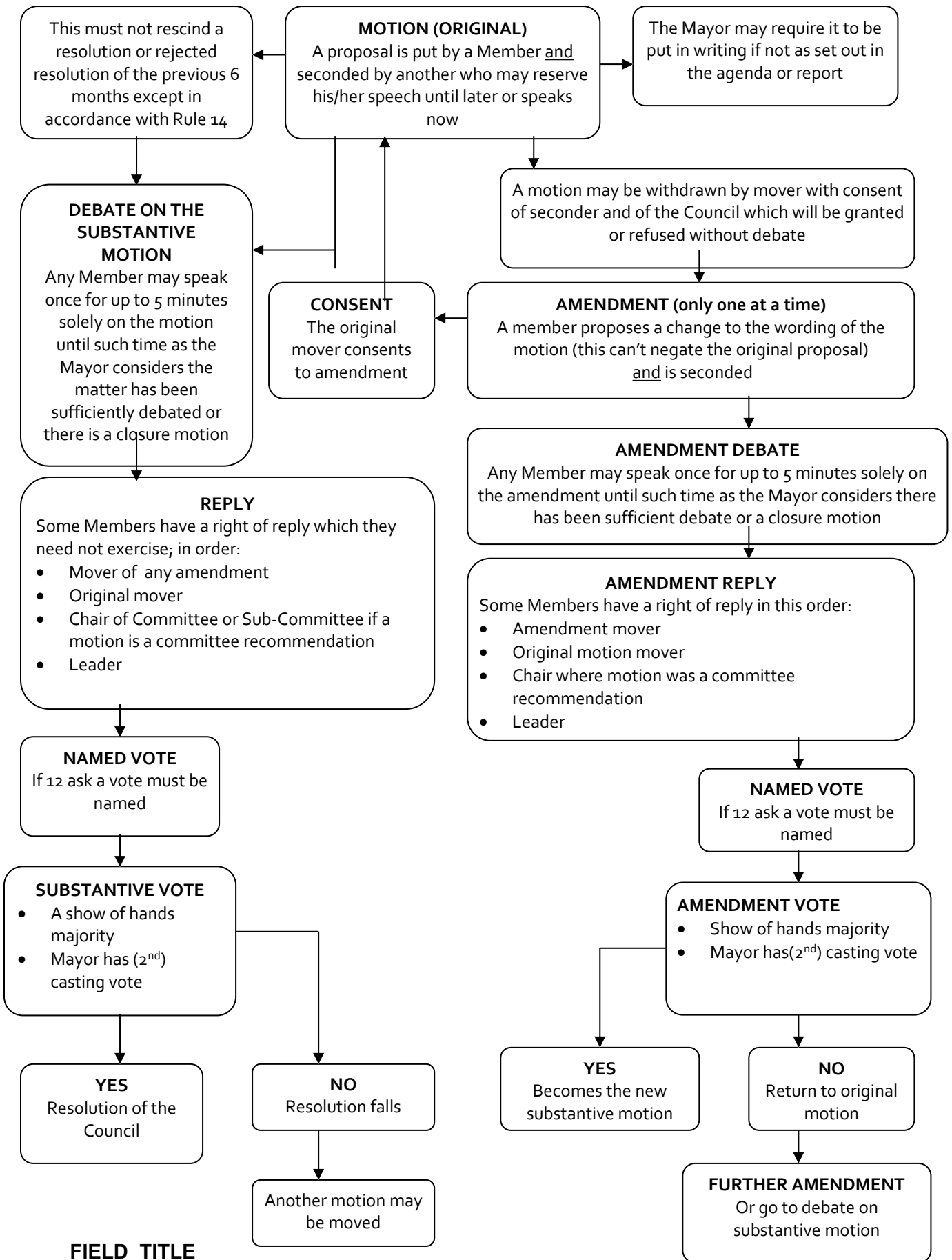
Please switch off all mobile phones before entering the Council Chamber.

4. Tea/Coffee

Refreshments will be available at the conclusion of the meeting, or in the event of a break occurring, during that break.

5. Notice of Motion

A Notice of Motion other than those listed in Standing Order 19 must reach the Chief Executive ten clear days before the relevant Meeting of the Council. Further information on Notices of Motion can be found in Section 5, Standing Order 20 of the Constitution of the Council.



FIELD_TITLE

COUNCIL

Wednesday, 23rd September, 2015

Present:- The Mayor. Councillor Sandra Hambleton – in the Chair
Councillors Allport, Bates, Beech, Burgess, Cooper, Cooper, Dymond, Eastwood, Fear, Frankish, Hambleton, Harper, Heesom, Holland, Johnson, Johnson, Kearon, Mancey, Matthews, Naylor, Owen, Parker, Pickup, Proctor, Reddish, Robinson, Rout, Shenton, Simpson, Snell, Stringer, Stubbs, Sweeney, Tagg, J Tagg, Turner, Walklate, Wallace, Waring, Wilkes, Williams, Williams, Winfield and Woolley

1. APOLOGIES

Apologies were received from Cllr Northcott, Cllr Mrs Astle, Cllr Wemyss, Cllr Eagles. Cllr Bailey, Cllr Mrs Hailstones, Cllr Hailstones and Cllr Loades.

2. DECLARATIONS OF INTEREST

There were no declarations of interest stated.

3. RECEIPT OF PETITIONS

A petition had been submitted by Cllr Simon Tagg which stated:

'We the undersigned, request that Newcastle Borough Council recognises the community use of the parkland by the junction of sandy Land and Brampton Road. We call on the Council to preserve it in its entirety as public open space.'

The petition was presented to Council by Mrs Janet Lee.

Members thanked the residents for the petition and Mrs Lee for her presentation and agreed that issues such as flooding and traffic were serious concerns that should be considered by the Cabinet. Members requested that Cabinet provide reasons should the request in the petition be rejected.

Resolved: That the petition be received.

4. QUESTIONS TO THE MAYOR, CABINET MEMBERS AND COMMITTEE CHAIRS

The following question had been submitted by Councillor Simon Tagg

Why is the Leader of the Council persisting in her attempt to sell relatively small green spaces that are valued by local people when it is clear that she is wasting taxpayer's money, damaging the reputation of the council and having difficulties getting associated planning applications approved by the planning committee?

The Leader stated that everything was being done to meet local needs and that the Council was looking to sell smaller sites first in order for the receipts from these to be used to employ a consultant. The Leader also confirmed that there was a Cabinet

Panel set up to look specifically at capital and requested that where applicable the groups provide members to sit on this panel and the other Cabinet Panels.

The following question had been submitted by Councillor Stephen Sweeney:

Why is the Leader of the Council not bringing larger unused sites owned by the Borough Council forward for disposal that could help to bring in capital receipts and also go a long way to helping the council with its housing requirements?

The Leader queried whether the Cllr had any specific sites in mind and stated that all members had been encouraged to identify sites for disposal but no suggestions had been received.

Cllr Sweeney questioned why there was no cross party working group to consider this issue.

The Leader reiterated her earlier statement rearing the Capital Cabinet Panel and requested that the opposition take up the seat on the Panel that were available to them.

5. RYECROFT DEVELOPMENT

A report was submitted to provide Council with updated information regarding HDD's planned Ryecroft redevelopment scheme in Newcastle Town Centre with a view to deciding whether to proceed to the next stage of the process.

Members considered that the proposals would bring better flexibility for small retailers and help to bring students into the town. Members thanked all of those who had been involved in the scheme and emphasised the need for good connectivity between this development and the rest of the town.

Some concerns were raised in relation to car parking as mentioned in section 10.2 of the report and it was stated that officers were currently carrying out a full review of all car parking in the town.

Resolved:

a) That Members authorise officers, in partnership with the County Council, to take the following steps:

1. To accept the gross capital offer for the overall Ryecroft site (as set out in Part 2 of the report);
2. To dispose of the site to HDD on the basis of the proposals referred to in the report;
3. To extend the period of the co-operation agreement up to the end of December 2015 and to exchange contracts with HDD at the earliest possible opportunity.

b) To note that the joint Councils' specialist retail advisor (Cushman and Wakefield) recommends the HDD offer for the Ryecroft site as this demonstrates best consideration (in compliance with S.123 of the Local Government Act 1972 (as amended));

c) To accept that the Authority's proportion of the Capital receipt is properly based upon a fair and independent valuation of the two parties' interests in the overall site thereby demonstrating achievement of best consideration (in compliance with S.123 of the Local Government Act 1972 (as amended));

d) To note that in order to bring forward the optimum scheme for this town centre location it has been considered both necessary and appropriate to assume clearance of the current Civic Offices site and to refer to the complementary report in this regard elsewhere on your agenda.

6. PROPOSED NEWCASTLE UNDER LYME PUBLIC SECTOR HUB

A report was submitted to provide the Council with the rationale as to why the provision of a Public Sector Hub (new offices and customer service point) was both necessary and appropriate.

The Leader presented the report and moved the recommendations.

Members welcomed and endorsed the report and thanked the County Council, the Police, Cabinet and the Leader for work on the project.

A request was made to take into consideration the closure of the Seabridge Centre and the dispersal of the many community groups that currently used it.

Members welcomed the recommendations linked with the Guidhall and stated that communications had to be clear that the project would save money (up to half a million pounds per year).

Resolved:

That Members accept the conclusions of the detailed business case exercise in respect of the partners' accommodation requirements and authorise officers to take the following steps in partnership with Staffordshire County Council (SCC) and the Police & Crime Commissioner's Office (PCC):

A. To proceed with the construction of a Public Sector Hub on the 'preferred site' of the former St. Giles and St. George's School, Barracks Road, Newcastle-under-Lyme on the basis set out in this report, which will require the following key actions:

(a) NBC (freeholder) to grant SCC a long term ground leasehold interest (or any other interest deemed appropriate, in consultation with the relevant Portfolio Holder) on the preferred site.

(b) SCC to take the lead (developer) role in commissioning the Hub and when completed, NBC and PCC to be granted long term occupational leases of agreed areas of accommodation by SCC on a "not for profit" (cost recovery only) basis (any variation in commissioning approach to be agreed with the relevant Cabinet Portfolio Holder(s)).

(c) That capital and revenue budgets as stated within the business case are made available for the development of the Hub and to prepare services for the transition into new ways of working.

(d) To formalise and implement an organisational cultural change programme on the basis described in the report.

(e) To establish robust project governance arrangements including reporting to relevant Cabinet Portfolio Holders.

B. That in addition to the Civic Offices site, the properties below be declared surplus to requirements once the Public Sector Hub is complete and approval is given to release them at the most appropriate time in consultation with the relevant Portfolio Holder:

a) Offices at Sidmouth Avenue, Newcastle (former SCC leasehold Registrars accommodation) – freehold disposal.

b) Offices at St. George's Chambers, Merrial Street, Newcastle – leasehold disposal on the basis described in this report.

C. Customer Service Centre, Guildhall, High Street, Newcastle – that officers be authorised to take all necessary steps to bring forward viable, detailed proposals for the use of The Guildhall for community and/or voluntary sector purposes, on a full-repairing leasehold basis, as summarised in the report.

7. STANDING ORDER 18 - URGENT BUSINESS

There was no urgent business.

THE MAYOR. COUNCILLOR SANDRA HAMBLETON
Chair

COUNCIL

Wednesday, 23rd September, 2015

Present:- The Mayor. Councillor Sandra Hambleton – in the Chair

Councillors Allport, Astle, Bates, Beech, Burgess, Cooper, Cooper, Dymond, Eastwood, Fear, Frankish, Hambleton, Harper, Heesom, Holland, Johnson, Johnson, Kearon, Mancey, Matthews, Naylor, Owen, Parker, Pickup, Proctor, Reddish, Robinson, Rout, Shenton, Simpson, Snell, Stringer, Stubbs, Sweeney, Tagg, J Tagg, Turner, Walklate, Wallace, Waring, Wilkes, Williams, Williams, Winfield and Woolley

1. **APOLOGIES**

Apologies were received from Cllr Northcott, Cllr Mrs Astle, Cllr Wemyss, Cllr Eagles. Cllr Bailey, Cllr Mrs Hailstones, Cllr Hailstones and Cllr Loades.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

3. **APPOINTMENT OF HONORARY ALDERMEN FOR NEWCASTLE UNDER LYME**

Members noted that Raymond Andre Slater had served on the Council until 2012 not 2011 as stated in the report.

The Leader moved the recommendations which were seconded by Cllr Reddish.

Resolved:

That the following be appointed as Honorary Aldermen for the Borough of Newcastle under Lyme:

David William Becket

Michael Gerald Brereton

Sylvia Teresa Butler

Elizabeth Caddy JP

Albert Arthur Clarke

David Clarke

Michael Ross Clarke

Barrie Critchlow

John Stanley Evans

Council - 23/09/15

William Nigel Jones

Bertram Cedric Lawton

Joseph Harry Matthews

Raymond Andre Slater

John Taylor

**THE MAYOR. COUNCILLOR SANDRA HAMBLETON
Chair**

1. **REPORT TITLE** **Review of Electoral Arrangements – Council Size**

Submitted by: **The Monitoring Officer**

Portfolio: **Policy, People & Partnerships**

Ward(s) affected: **All**

Purpose of the Report

Members are asked to consider reviewing the current Council size. The Local Government Boundary Commission for England (LGBCE) has acknowledged that currently this authority with 60 members is at the top of the range when compared to our 'CIPFA nearest neighbours group'.

Recommendations

- (a) That the Council resolves that the current council size of 60 members should be reduced.**
- (b) That the Council resolves that the number of elected Members should be in a range between 42 to 48.**

Reasons

Following the publication of the electoral register in March 2015 it was clear that the Council had met at least one of the criteria required to trigger a review by the Local Government Boundary Commission for England (LGBCE). Prior to the LGBCE commencing their review a decision needs to be made in terms of the Council size.

1. **Background**

- 1.1 Newcastle Borough Council has 60 Councillors representing 24 wards. Wards are represented by either two or three councillors; and elections take place by thirds i.e. elections are held three in every four years with each councillor being elected for a four year term of office. In the fourth year when the county council elections are held there are no Borough elections. Through this mechanism individual seats are elected on rotational basis for a four year term.
- 1.2 On the 26 November 2014 Full Council agreed to establish a Governance Sub Committee to look at the electoral arrangements of the Council. The Sub-committee comprises 7 members, 5 of whom are members of this Council with full voting rights, 2 will be independent with no voting rights.
- 1.3 The first meeting of the Sub-Committee took place on the 9 March 2015; the main focus of this meeting was to receive a presentation from the Local Government Boundary Commission for England (LGBCE) which was provided by Max Caller, Chairman of the LGCBE and Joylan Jackson, Chief Executive of the LGBCE.
- 1.4 Members from the Commission provided an overview of the options that were available to the authority in terms of an electoral review. The Commission acknowledged that currently this authority with 60 members was at the top of the range when compared to our 'CIPFA nearest neighbours group'. They reported that in relation to reviews recently undertaken with authorities within this family group, there had been a reduction in Council size of up to 10%.
- 1.5 Since March the Sub Committee has met on two occasions and has discussed a number of issues in relation to this review. The main issues that need to be considered and agreed upon are council size and the electoral cycle.

- 1.6 Consideration on changing Electoral Cycle have been dealt with under a report presented to Special Council on the 26 November 2015
- 1.7 In relation to determining council size the Sub Committee sanctioned a questionnaire that was sent to all Members just prior to the election in May 2015. The results of this questionnaire have been collated and will be used as part of any submission to the LGBCE. In addition various scenarios in relation to council size have been reviewed and costed, details of which are covered later in this report

2. Issues

- 2.1 Since the Governance Sub Committee commenced their work there have been further developments in that the Council has now hit the trigger points for the Local Government Boundary Commission for England (LGBCE) to automatically undertake an electoral review.
- 2.2 Contact has been made with the LGBCE to confirm timescales for a review and it is anticipated that they will address the Council in early 2016, with a view to work commencing in March 2016.
- 2.3 The question of Council size is the starting point in any electoral review, since it will determine the optimum councillor/elector ratio across all electoral areas, against which levels of electoral imbalance can be measured. The LGBCE is of the view that each Council area should be considered on its own merits and that there should be no attempt to aim at equality of council size between authorities of similar types and populations.
- 2.4 In coming to a view on council size, the LGBCE will consider the following;
- The governance arrangements of the council, how it takes decisions across the broad range of its responsibilities, and whether there are any planned changes to those arrangements;
 - The council's scrutiny functions relating to its own decision making and the council's responsibilities to outside bodies, and whether any changes to them are being considered, and
 - The representational role of councillors in the local community and how they engage with people, conduct casework and represent the council.

3 The considerations of the Governance Review Sub-Committee

- 3.1 The Sub-Committee has considered the level and nature of the workload of councillors serving on the Borough Council. To inform this work the Sub-Committee commissioned a survey of all councillors. A copy of this survey and the key findings are contained in Appendix 1 of this report.
- 3.2 The Sub-Committee has also had the benefit of an analysis of a Peer Review conducted by the Local Government Association (LGA) which reviewed the current pattern of member meetings. Copies of this report have already been circulated widely and it is therefore not attached with this report. The analysis undertaken as part of this Peer Review provided very useful commentary on the demands placed upon Members through the current governance arrangements. The findings of the Peer Review are currently being assessed through the Council's scrutiny process and it was not the role of the Sub-Committee or of this report to consider the recommendations of the Peer Review. However, the review report provided valuable evidence about the work demands on councillors and has therefore assisted the Sub-Committee in its consideration about the appropriate number of councillors required to perform the Council's functions.
- 3.3 Whilst it has not been a primary consideration, the Sub-Committee has considered the cost of Member allowances and has been mindful that a reduction in the number of councillors would produce cost savings on the assumption that the allowances paid were broadly in line with the

currently approved scheme. The potential cost reductions arising from savings in basic allowances by reducing the number councillors serving on the Council are given in the financial and resource implications section of this report.

- 3.4 There is a relationship between the number of councillors serving on the Council and the frequency of the electoral cycle. If the Council retains a pattern of election by thirds then it is a requirement that there shall be a pattern of three Member wards across the Borough. This is to ensure that electors in all parts of the Borough have an equivalent entitlement to vote for a candidate each time an election is held. In the case where the Council has a pattern of all out elections every four years this means that there can be a pattern of one, two or three Members for each ward. There is a report on the agenda of a Special meeting of the Council to be held on 25 November 2015 at which the Council is asked to consider the matter of the future election cycle. In its considerations the Sub-Committee has been mindful of the inter-relationship between these two matters.
- 3.5 The matter of the number of councillors serving on the Council has a direct bearing on the pattern of wards. In considering the warding of the Borough there is a range of considerations, but the two most significant are the electoral considerations and the community identity considerations. In drawing up a pattern of wards these need to reflect consistency in the size of electorate in each ward. The other key consideration when undertaking warding is to produce wards which reflect natural communities with particular care being given to avoiding creating ward boundaries which cut across communities.
- 3.6 In considering the issue of future council size, the Sub-Committee has looked at a wide range of comparator authorities, a table of councils within the council's comparator authority group is given in Appendix 2 of the report. The Sub-Committee noted that Newcastle is the largest of any of the comparator councils. The statistical average size of council for the comparator group is 47.
- 3.7 The Sub-Committee recognises that the matter of determining wards is a sensitive one and needs to be undertaken after full and careful consideration, indeed it is the major task which the LGBCE will undertake as part of any review process. The advice which the LGBCE has given is that the key to this task is to determine the appropriate number of councillors required to undertake the duties of the role. It is for this reason that the Sub-Committee has focussed its work on looking at the role and work of councillors and used this to inform its discussions about the appropriate number of councillors to represent the Borough.
- 3.8 After full and careful consideration the Sub-Committee considers that it may be more appropriate to leave the task of determining a pattern of wards to the LGBCE. Having weighed all of the factors and considered a range of options the Sub-Committee does not consider it appropriate to adopt a single preferred pattern of wards for the Council to approve at this time. Indeed, if the Council were to adopt a preferred ward pattern this would be subject to review by the LGBCE in any case.
- 3.9 The Sub-Committee has therefore focussed its efforts and consideration on the appropriate future size of the Council. After careful consideration, the Sub-Committee has not identified a single optimal number of councillors which it would wish to recommend to the Council. This is in part due to the fact that the matter of the electoral cycle is for consideration in parallel with the issue of future council size and also because there are strong arguments which can be made for a Council of a range of different sizes. It is for this reason that the Sub-Committee is putting forward range of size options which it is requesting the Council to endorse and for these to be put before the LGBCE as part of its review process.
- 3.10 The Sub-Committee is clear however that the current Council of sixty councillors is too large and that in view of the demands placed upon Members that in future the Council should be smaller in size. It is for this reason that the Sub-Committee is recommending and seeking a positive

endorsement by the Council of the principle that in any review process the current number of councillors should be reduced.

- 3.11 The Sub-Committee is therefore recommending and seeking Council approval that in future the size of the council should be in a range between 42 and 48 councillors and would wish to leave the LGBCE review to determine the appropriate size within this range and the corresponding warding pattern. The Sub-Committee thinks it both prudent and pragmatic to propose a range for the future council size ahead of the planned LGBCE review as by this means it enables a range of options to be considered through the review process and that by doing so there will be greater opportunity for the consultation process, which will form a part of the review process, to consider representations which will guide the final recommendation by the LGBCE.

4. **Views of the Independent Members**

- 4.1 *“We believe that at 60 the current council is too large. Moving to a size of council in line with similar authorities should be proposed by the Council at the start of any LGBCE review. We support the range of council size which has been recommended by the Sub-Committee but would urge you to a number at the lower end of this range. In suggesting this we are aware of the implications for the size of electorate within individual wards and in the context of the evidence we have heard consider a number in the low forties to be sound for the needs of the Council and the community.”*

5. **Reasons for Preferred Solution**

- 5.1 As the Council has already triggered the criteria for an electoral review it is considered vital that steps are taken as soon as possible to enable to the Council to prepare and submit a proposal to the LGBCE ahead of the review commencing.

- 5.2 The Sub-Committee has met with representatives of the LGBCE and they have advised that where a review has been triggered it is best practice for the council concerned to have considered the matter and to have formulated some comments to provide to the Commission at the start of the review process. They have specifically advised that one of the issues which it is helpful for the Council to have a view on is the appropriate council size. It is for this reason that the Sub-Committee has considered in some depth the work of councillors serving on the Borough Council and come to a view about the size of council it considers best suited to meet the future needs of the Council and its community. Indeed in its guidance document on electoral reviews the LGBCE specifically states that the preliminary stage of any review should be a submission by the council on the council size. Having undertaken this work in good time therefore places the council in a strong position to make representations to the Commission at the start of the review, which is currently understood to be in spring 2016.

- 4.3 It is therefore timely that the Council should consider and endorse the recommendations being made by the Sub-Committee as this addresses the key issue which will be raised by the LGBCE at the start of the review. Having determined a council size, further work can then be undertaken on the related matters, most significantly, the ward boundaries. Again, by determining the size of council in a timely manner this leaves a greater period for consideration of other issues in advance of the LGBCE starting its work. The advice which the Sub-Committee has received from the LGBCE is that having considered the issues in a timely manner means that the Council is in a stronger position to inform the Commission of its views. The LGBCE will seek the views of the Council at the outset of the review and based on the experience of other councils these early views have a significant bearing upon

the final recommendations made. The alternative is for the Council not to make any comments at the outset of the review therefore leaving the LGBCE to determine the parameters. The Sub-Committee is strongly of the view that making a submission to the Commission at the outset of the review is the prudent course of action and is therefore making the recommendations set out in the report accordingly.

5. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- creating a clean, safe and sustainable Borough
- creating a Borough of opportunity
- creating a healthy and active community
- creating a co-operative Council, delivering high-value, community-driven services

6. **Legal and Statutory Implications**

There is no fixed size for an electoral ward or local authority in England. The LGBCE is responsible for conducting reviews of local authority electoral arrangements. The objective of an electoral review is to ensure that, within each local authority area, the number of electors represented by each councillor is approximately the same.

7. **Financial and Resource Implications**

Reducing the Council size will help to deliver cost savings to this Council.

Cost savings from a reduction in Council Size

Council size = 60 Members

Basic Allowance = £3,365.04

Current Total Cost = **£201,902.40***

** Does not include special responsibility allowances (SRA)*

Council Size	Cost £	Savings £
36 Members	121,141.44	80,760.48
42 Members	141,331.68	60,570.72
45 Members	151,426.80	50,475.60
48 Members	161,521.92	40,380.48
54 Members	181,712.16	20,190.24

8. **Major Risks**

A full risk assessment will be completed prior to the report being submitted to Full Council in November 2015.

9. **Earlier Cabinet/Committee Resolutions**

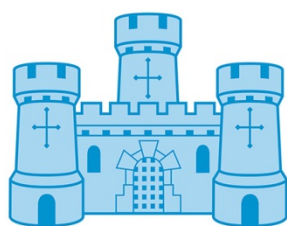
Report to Full Council on 26th November 2014
Report to Full Council on 9 September 2015

10. **Background Papers**

Report to Council 16 April 2014 'Proposed Changes to Electoral Arrangements'
Report to Council 9 September 2015 'Governance Review Sub Committee – Update'
LGBCE Guidance based on electoral reviews

11. **Appendices**

Appendix 1 – Copy of Member Survey & Electoral Survey Findings Report
Appendix 2 – Table of comparator authorities



NEWCASTLE·UNDER·LYME

BOROUGH COUNCIL

Governance Sub Committee Review of Electoral Arrangements – Council Size

Members will be aware that it was resolved by Full Council on the 26 November 2014 to establish a Governance Sub-Committee to consider the future governance arrangements of the Council.

One of the aspects of this review is to consider Council Size – the Local Government Boundary Commission for England defines Council Size as being the number of councillors who should represent the authority.

In order to assist in the determination of Council Size a short questionnaire has been designed to ascertain the workload and commitments of all Members in relation to the work you undertake in your capacity as a Newcastle under Lyme Borough Councillor. The Governance Sub-Committee would like to gather that information from you in advance of the forthcoming elections.

Please note your responses should relate to time spent on Newcastle Borough Council related matters only.

No	Question	Response
1	How many committee meetings (each month) do you attend in your capacity as a Newcastle Borough Council Member?	
2	On average how long do you spend preparing for each of these meetings i.e. reading agendas, raising queries, research etc?	
3	How much time do you spend on average each week on casework and queries from constituents?	
4	Do you hold surgeries for your residents?	Yes / No
5	If YES to question 4 above; (a) How frequently do you hold them? (b) On average, how long do these surgeries last?	(a) (b)

No	Question	Response
6	Do you produce newsletters for residents (Not including election literature)?	YES/NO
7	If YES to question 6 above ; (a) How often are these newsletters produced? (b) How much of your time is taken to produce each edition?	(a) (b)
8	How much time on average do you spend on producing election literature?	
9	In the past year have you; (a) Held any public meetings for residents, (b) Conducted ward walkabouts, or (c) Met with residents in their own homes?	(a) Yes/No (b) Yes/No (c) Yes/No
10	If the answer to any of the above in Question 9 is YES then in the past year ; (a) How many public meetings for Residents have you held? (b) How long did these residents meetings last on average? (c) How many ward walkabouts have you held? (d) How long did these ward walkabouts last on average? (e) How many times have you met with residents in their own homes? (f) On average how long do these visits take?	(a) (b) (c) (d) (e) (f)
11	How much time on average per week do you spend on other council business such as attending Town and Parish Council meetings, Outside Bodies where you are appointed to represent the Borough Council or LAP meetings in your capacity as a	

No	Question	Response
	Borough Councillor	
12	Do you use social media to engage with your constituents? If so, how much extra time does this take per week, if any?	
13	Is there any additional information that you would like to add that you feel may be useful;	

Thank you for taking the time to complete this questionnaire. Please return all responses to Liz Dodd, Audit Manager & Monitoring Officer no later than 5th June 2015

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Electoral Arrangements survey 2015

Background

- Invitations were sent to all elected members in April 2015
- 27 responses were received though not all respondents answered each question.

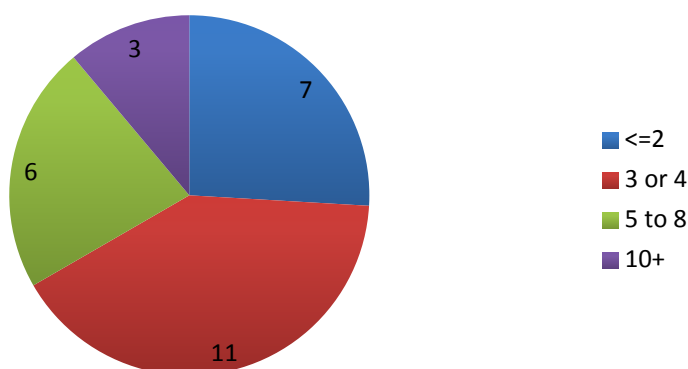
Analysis of data

Q1) How many committee meetings do you attend each month in your capacity as a Newcastle-under-Lyme Borough Council member?

Amongst the 27 respondents who answered this question, there was a range of answers.

- Seven attended no more than two meetings
- Eleven attended three or four meetings
- Six attended five to eight meetings
- Three attended at least 10 meetings.

Figure 1: How many committee meetings do you attend each month in your capacity as a Newcastle-under-Lyme Borough Council member? 27 responses

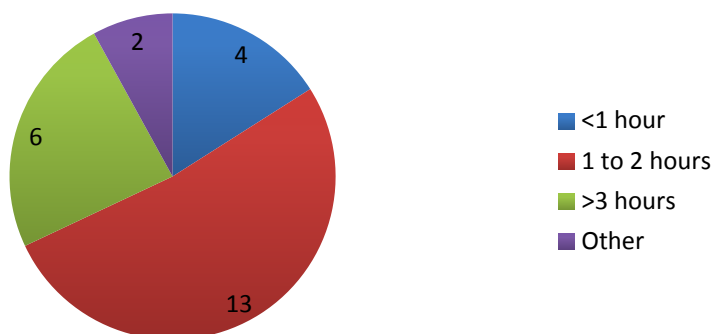


Q2) On average, how long do you spend preparing for each of these meetings, i.e. reading agendas, raising queries, research etc.?

Again, there was some variance amongst the 25 respondents' answers.

- Four spent up to one hour
- 13 spent between one and two hours
- Six spent at least three hours
- Two gave non-time specific responses.

Figure 2: On average, how long do you spend preparing for each of these meetings, i.e. reading agendas, raising queries, research etc.? 25 responses

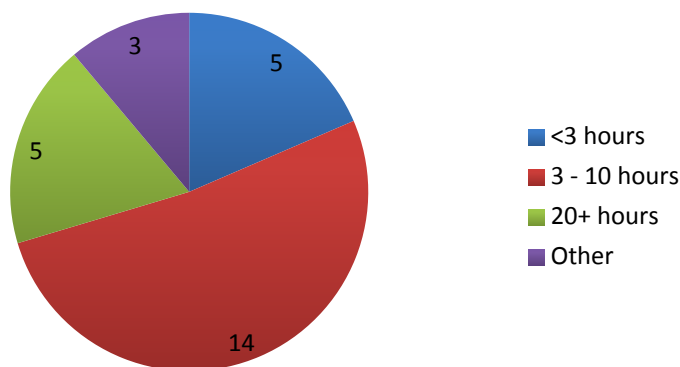


Q3) How much time do you spend on average each week on casework and queries from constituents?

All 27 respondents answered this question.

- Five spent up to three hours
- 14 spent three to ten hours
- Five spent at least 20 hours
- Three gave non-time specific responses.

Figure 3: How much time do you spend on average each week on casework and queries from constituents? 27 responses



Q4) Do you hold surgeries for your residents? If so, how regularly and how long do they last?

All 27 respondents answered this question.

- Two-thirds (18) do hold them
 - 11 held them monthly
 - Four held two each month
 - Two held them weekly
 - One held them as an when were needed
 - Two were for three hours
 - Ten had surgeries that lasted for two hours
 - Five were for one – two hours

- One was for 'as long as it takes'
- One-third (9) did not hold them.

Figure 4: Do you hold surgeries for your residents? 27 responses

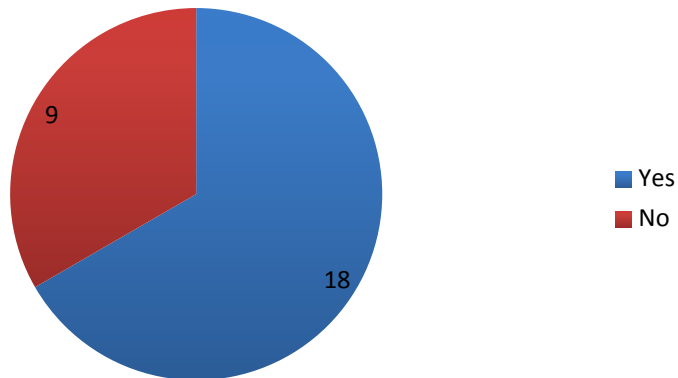


Figure 5: How often do you hold surgeries?

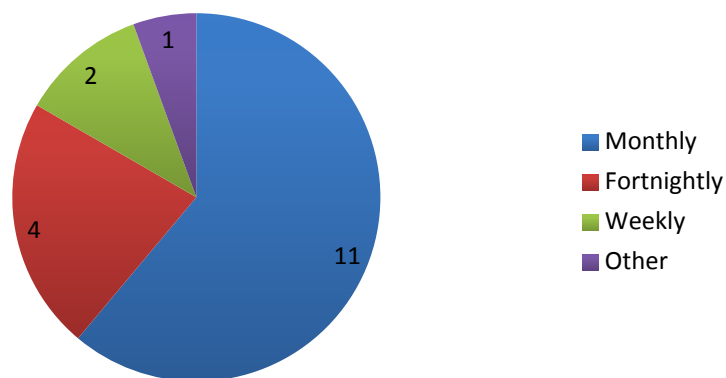
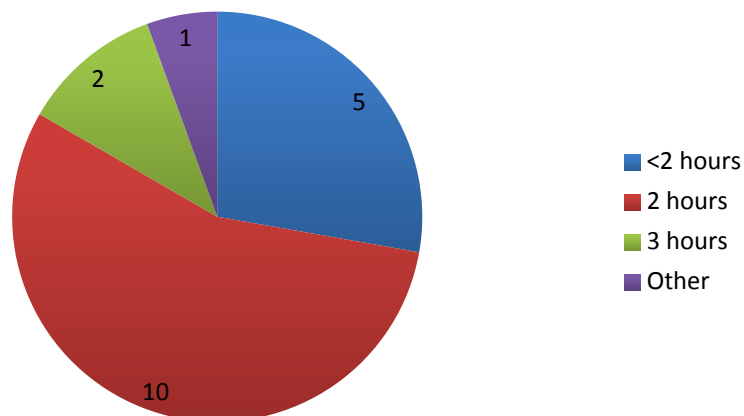


Figure 6: How long do the surgeries last? 18 responses



Q5) Do you produce newsletters for residents (not including election literature)?

All 27 respondents answered this question.

- 17 (63 per cent) did produce them with 16 answering the follow-up questions
 - Seven said twice a year
 - Four said quarterly
 - Three said every two months
 - Three said monthly
- 10 (37 per cent) did not produce them

Figure 7: Do you produce newsletters for residents? 27 responses

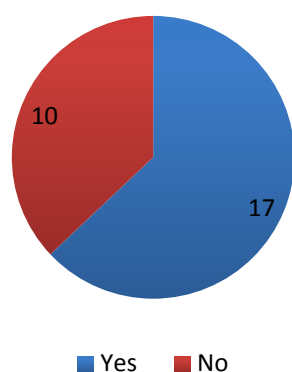
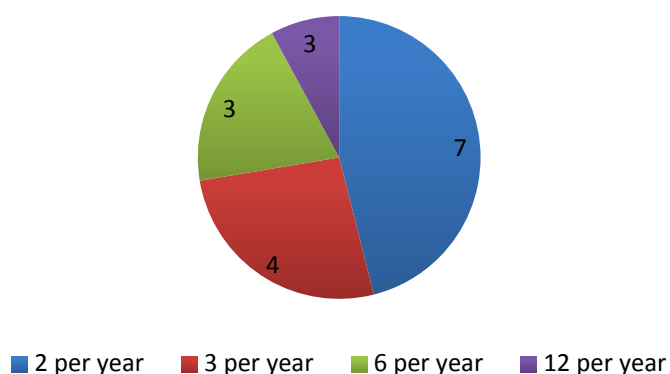


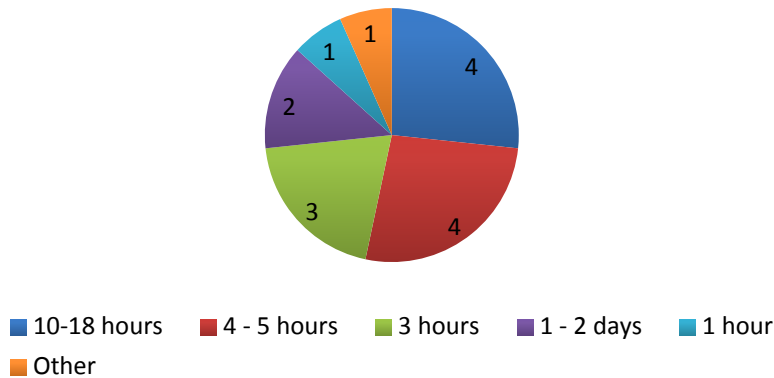
Figure 8: How often do you produce newsletters? 17 respondents



Q5b) How much of your time is taken to produce each edition?
There were 16 responses.

- Four said between 10 and 18 hours
- Four said around four to five hours
- Four said around three hours
- Two said between one and two days
- One said it depends on content
- One said around one hour

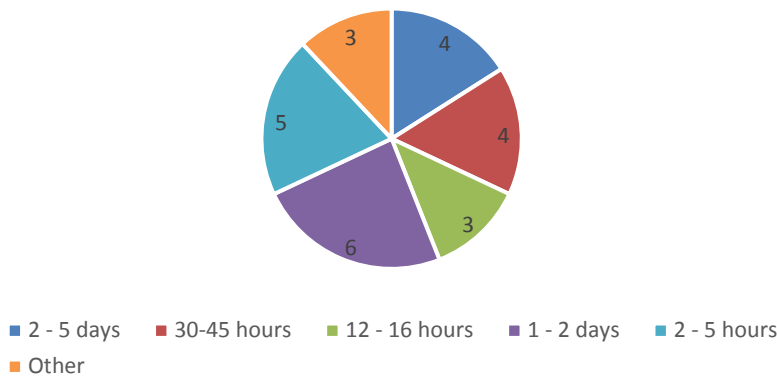
Figure 9: How much of your time is taken to produce each edition? 15 responses



Q6) How much time on average do you spend on producing election literature?
25 respondents answered this question.

- Four spent two to five days
- Four spent between 30 – 45 hours
- Three spent between 12 – 16 hours
- Six spent between two - five hours
- Five spent one to two days
- Three spent unspecified amounts

Figure 10: How much time on average do you spend on producing election literature? 25 responses



Q7) In the past year have you held any public meetings for residents?
All 27 respondents answered this question.

- 52 per cent (14) had held meetings
 - Two had held 12 meetings
 - One had held six meetings
 - Four had held four meetings
 - Three had held three meetings
 - Two had held two meetings
 - Two had held one meeting
- 48 per cent (13) had not held any meetings.

Figure 11: In the past year have you held any public meetings for residents? 27 responses

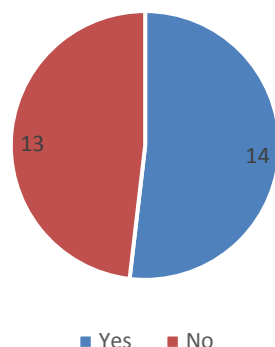
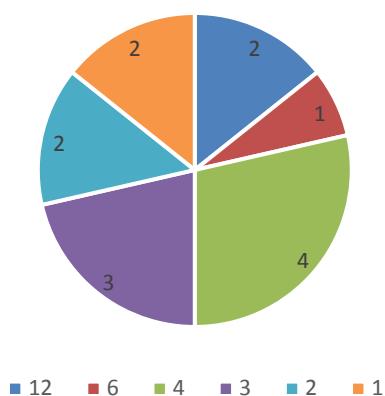


Figure 12: How many meetings have you held in the past year? 14 responses



Q7b) How long did the meetings last?

- One said between one and two hours
- 12 said between two and three hours
- One said between three and four hours

Q8) In the past year, have you conducted ward walkabouts?

- 23 (85 per cent) had conducted walkabouts, four (15 per cent) had not.
 - 11 had conducted two to four
 - Five had conducted five to ten
 - Five had conducted more than ten
 - Two gave non-specified answers
 - Six said they took up to one hour
 - Seven one to one and a half hours
 - Eight took two – three hours
 - One answered: 'Between 15 minutes and two hours'
 - One answered: 'One walkabout a total of 15 hours, another took 40 hours and the other two took about 3 hours each.'

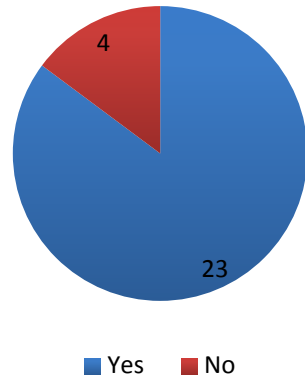


Figure 13: In the past year, how many ward walkabouts have you conducted? 23 responses

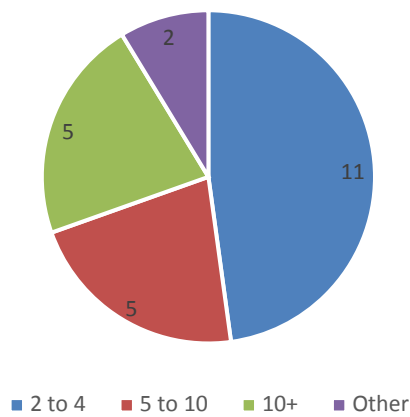
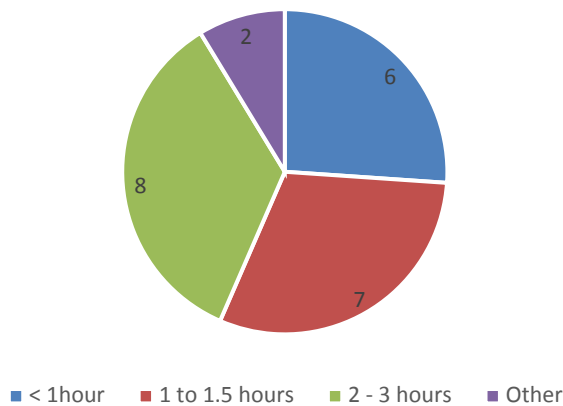


Figure 14: How long did the ward walkabouts take? 23 responses



Q9) In the past year, have you met with residents in their own homes?

27 respondents answered this question.

- 26 (96 per cent) had met with them and 24 answered the follow-up questions asking how many times and how long they had lasted
 - Six had met between one and four times
 - Four had met between six and ten times
 - Four had met between 12 and 14 times
 - Three had met between 15 and 25 times

- Five had met at least 30 times
- Two had met 'numerous times'
 - Five said their meetings lasted less than one hour
 - 11 lasted one hour
 - Seven lasted 1 ½ to two hours
 - One met for 'as long as necessary'

Figure 15: In the past year, how many times have you met with residents in their own home? 24 responses

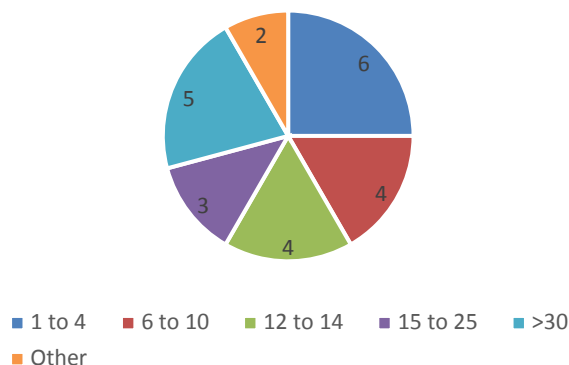
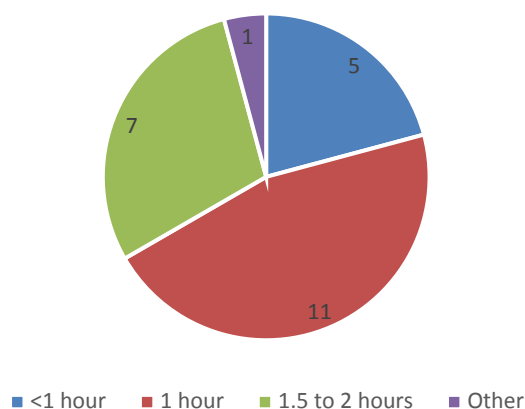


Figure 16: How long did the meeting last? 24 responses

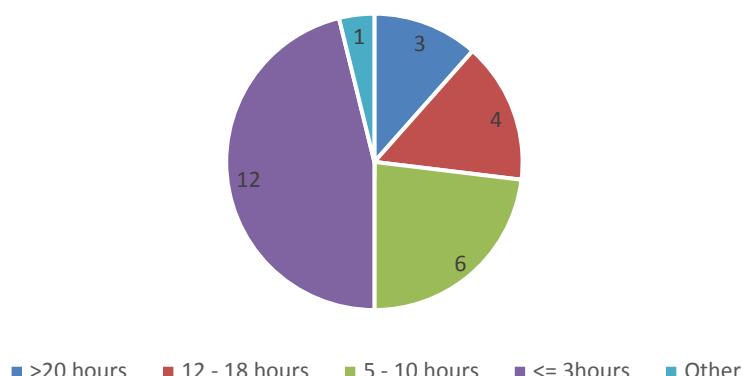


Q10) How much time on average per week do you spend on other council business, such as attending Town and Parish Council meetings, Outside Bodies, where you are appointed to represent the Borough Council or LAP meetings in your capacity as a Borough Councillor?

26 respondents answered this question.

- Three spent more than 20 hours
- Four spent between 12 and 18 hours
- Six spent five to ten hours
- 12 spent up to three hours
- One spent 'as much time as possible'.

Figure 17: How much time on average per week do you spend on other council business, such as attending Town and Parish Council meetings, Outside Bodies, where you are appointed to represent the Borough Council or LAP meetings as a councillor? 26 responses

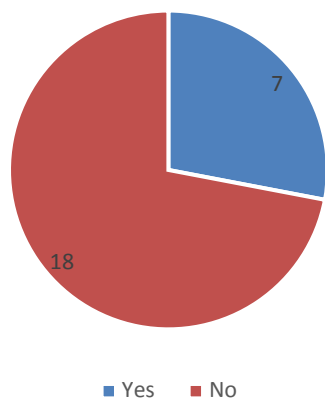


Q11) Do you use social media to engage with your constituents? If so, how much extra time does this take per week?

25 respondents answered this question.

- Seven respondents (28 per cent) said they did use social media
 - Three said they spent around two – three hours
 - Two said they spent one hour
 - Two gave non-time specific responses.
- 18 (72 per cent) said they did not use social media.

Figure 18: Do you use social media to engage with your constituents? 25 responses



Q12) If there is any additional information that you would like to add that you feel may be useful, please enter it here.

The following comments were made, included word for word as they were submitted:

I think these questions are hard to answer because the work levels are very variable with lots of peaks and troughs. Would it be useful to ask a sample of Councillors to keep a simple calendar for a month or two where they could record the type of work they do, the time taken and note it on the relevant day?

work load varies sometimes I feel I'm doing a full time job and couldn't do the work if I was working full time. Other times the work is less demanding but I'm always on duty.

The IT system for diary keeping needs to be updated for officers to populate our phone diary for those who are County members as well

In addition to attending committee meetings as a Vice Chair, I attend pre meeting briefings with officers of each group.

I go to every Residents Meeting, also LAP. I meet with Aspire Residents whenever.

As an elected member of NBC, I have always put my residents first. It is more important to be in constant touch with them and help to make their environment a better place to live in. After all, that is why I have been elected by my residents.

It is hard to specify time spent as Councillors. Your time is never your own. I look at it as full time work.

I am Vice Chair of a Community Centre, on the Committee of Residents also, attend LAP meetings and other forums.

In some past years, we have done a public meeting. I also attend many meetings with officers, averaging 1 per week, and neither have I included in the above the Full Council meetings and the group meetings. These also usually require much preparation. Also, much time reading cabinet papers (2+ hours per month).

At election time, we canvass the whole ward an average of 1 and a half hours per night to meet with residents, community centre management 6 times a year. 9 hours.

As my ward is rural and spread over a larger area than say, in the urban areas, more time is required to create time to meet with residents or be available for them outside planning surgeries, etc.. The workload can be quiet, but on the whole is very busy. I certainly would struggle to meet the demands of the Borough Councillor if this was not shared with fellow councillors in my ward, thus depriving residents of local service representation and advice.

I also spend on average 15 hours per month working in or with the community, sitting on resident's association committee, school governor, community centre management committee.

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Authority Name	Authority Type	County Area	Elec Cycle	Electorate at 1/12/2014	Number of Wards/ Division	Council Size	Electors per Councillor	Area (Hectares)	Density (Electors per Hectare)
Amber Valley	Two-Tier District	Derbyshire	Thirds	98,676	23	45	2,193	26,539	3.7
Bassetlaw	Two-Tier District	Nottinghamshire	Thirds	84,465	25	48	1,760	63,786	1.3
Broxtowe	Two-Tier District	Nottinghamshire	Whole	81,994	20	44	1,864	8,010	10.2
Carlisle	Two-Tier District	Cumbria	Thirds	83,309	22	52	1,602	103,997	0.8
Chorley	Two-Tier District	Lancashire	Thirds	81,418	20	47	1,732	20,280	4
Erewash	Two-Tier District	Derbyshire	Whole	85,895	19	47	1,828	10,963	7.8
High Peak	Two-Tier District	Derbyshire	Whole	71,790	28	43	1,670	53,915	1.3
Kettering	Two-Tier District	Northamptonshire	Whole	71,812	17	36	1,995	23,349	3.1
Newark and Sherwood	Two-Tier District	Nottinghamshire	Whole	85,188	21	39	2,184	65,132	1.3
Newcastle-under-Lyme	Two-Tier District	Staffordshire	Thirds	94,457	24	60	1,574	21,096	4.5
North East Derbyshire	Two-Tier District	Derbyshire	Whole	77,977	25	53	1,471	27,561	2.8
South Kesteven	Two-Tier District	Lincolnshire	Whole	105,504	30	56	1,884	94,259	1.1
St. Edmundsbury	Two-Tier District	Suffolk	Whole	81,783	31	45	1,817	65,696	1.2
West Lancashire	Two-Tier District	Lancashire	Thirds	83,072	25	54	1,538	34,679	2.4
Wyre Forest	Two-Tier District	Hereford & Worcester	Thirds	78,159	12	33	2,368	19,541	4

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COUNCIL 25 NOVEMBER 2015

1. LOCALISED COUNCIL TAX REDUCTION SCHEME

Submitted by: Benefits Manager

Portfolio: Finance, IT and Customer

Ward(s) affected: All

Purpose of the Report

To approve a Local Council Tax Reduction Scheme for the borough area for the financial year 2016/17.

Recommendations

That the Local Council Tax Reduction Scheme for the Newcastle-under-Lyme Borough Council area as detailed is adopted for the financial year 2016/17.

Reasons

The Welfare Reform agenda replaced Council Tax Benefit with Localised Council Tax Reduction with effect from 1 April 2013. Localised schemes need to be approved by the 31 January before the start of the new financial year to which the scheme applies.

1. Background

- 1.1 Section 13A of the Local Government Finance Act 1992, substituted by section 10 of the Local Government Finance Act 2012 requires each billing authority in England to make a Localised Council Tax Reduction scheme, specifying the reductions which are to apply to amounts of Council Tax payable by persons or classes of person whom the authority consider are in financial need.
- 1.2 Any scheme needs to be approved by the 31 January before the start of a new financial year or a default scheme prescribed by regulations will be imposed by the Secretary of State for Communities and Local Government. A default scheme would involve expenditure at a higher level than the available central government funding.

2. Issues

- 2.1 Payments made by local authorities under Council Tax Benefit regulations were fully funded by central government and paid via the Department of Work and Pensions to local authorities. Localised Council Tax Reduction has been the responsibility of the Department for Communities and Local Government since April 2013 when funding for localised schemes was cut by approximately 10% of the previous amounts available. Funding levels are set centrally for Council Tax Reduction, so there is no increase in 2016/17 for inflationary factors over and above 2015/16.
- 2.2 In 2011/12, the last full year for which figures were available to make the calculation for the first year of a Localised Council Tax Reduction Scheme, £8,348,768, was paid in Council Tax Benefit to residents of the borough, the cost of which was attributed proportionately as follows:

• Staffordshire County Council	70.5%
• Staffordshire Police Authority	12.2%
• Newcastle-under-Lyme Borough Council	12.1%
• S-o-T & Staffordshire Fire Authority	4.6%
• Parish Councils	0.6%

The value of Council Tax Benefit paid in respect of Newcastle-under-Lyme Borough Council in 2011/12 was therefore £1,010,201. The proposed 10% reduction in funding would therefore cost this Council in the region of £100,000. The other bodies will be affected in proportion as shown above. Overall, a 10% reduction for all these organisations equates to approximately £835,000.

- 2.3 Although termed a 'localised scheme', central government still stipulate in respect of certain classes of claimant the level of entitlement they should receive. For example, claimants of pension age must continue to receive assistance at the same level under the Localised Council Tax Reduction Scheme to that which they received under the previous Council Tax Benefit scheme. Newcastle has a 51% pensioner caseload meaning the cost of any reductions made within the local scheme will fall on the remaining none protected claimants.
- 2.4 To avoid making cuts in other service provisions to finance the budget shortfall between the old Council Tax Benefit scheme and the proposed local scheme, savings were made in the amounts of help some claimants received in 2013/14, 2014/15 and 2015/16 and this will need to be continued in 2016/17.
- 2.5 Before establishing a local scheme, billing authorities were required to consult with major precepting bodies and other interested organisations and individuals. If any fundamental changes were to be considered in year three of the local scheme compared to year two, there would be the need for further consultation, either on the change if it were fairly minor or on any proposed new scheme if the changes were complex or wide ranging.
- 2.6 This Council meeting is the last scheduled meeting to obtain approval for a local scheme for 2016/17. Should there be any material announcements around this subject area following this meeting, in consultation with the Mayor and the portfolio holder, there would be the opportunity to convene a further special meeting prior to the 31 January deadline if required to further review the position.

3. **Options Considered**

- 3.1 You will recall that as far as possible the original intention had been to introduce a common reduction scheme across the whole of Staffordshire including Stoke-on-Trent. Unfortunately, the different demographics of the various city and district councils meant this was not achieved. However, a framework of options for individual authorities to choose those areas best suited to their own requirements was devised.
- 3.2 From this framework, officers considered the impact of each option for claimants within the borough area and a scheme was established that offered a package of measures that generated the required budgetary savings whilst impacting as little as possible on claimants and offering the necessary incentives to encourage claimants back into work.
- 3.3 In considering a scheme for the 2016/17 financial year the Council is able to continue with a similar scheme to 2015/16, to modify it by either relaxing some of the qualifying criteria or introducing further restrictions on entitlement. Finally, the Council could consider adopting the central government default scheme but this option would be at significant extra cost because it would not recoup any of the 10% cut in central government funding.

4. **Proposal**

- 4.1 The scheme approved for the last three financial years were based on sound principles following analysis of previously held Council Tax Benefit data and an extensive consultation exercise around exactly what was possible within the financial limits available.
- 4.2 Elements of assessment criteria are based around central government applicable amounts. Applicable amounts are elements of benefit entitlement to cover various specific claimant circumstances based on essential core needs. These are normally linked to increases in the Consumer Price Index but are currently limited to 1%.
- 4.3 The proposal for 2016/17 would therefore be to continue with the previous years' scheme with the updated applicable amounts. The outline of the proposed 2016/17 scheme is shown at Appendix A to this report.

5. **Reasons for the Preferred Solution**

- 5.1 To make fundamental changes to the scheme would entail further consultation. The extent of any further consultation would be a judgement call based to the level of change anticipated.
- 5.2 Based on information currently available, the modest increase in applicable amounts would still be affordable within the financial constraints of reduced central government funding and current claimant levels.
- 5.3 Whilst representing a significant change for many claimants, the introduction of Council Tax Reduction has not seen the widespread challenges to its introduction that were anticipated. Many claimants have pro-actively adjusted their circumstances by entering in payment arrangements to cover any shortfall in assistance to that previously given. Obviously, there have been increases in claimant contact to facilitate this but with sympathetic treatment, the majority of people are aware of the wider welfare reform agenda and are attempting to adapt. For those who have some underlying grievance, there are two appeal routes available, these are by the Tribunal Service where a claimant thinks an assessment has been made contrary to the adopted scheme regulations and through the courts by means of judicial review where a claimant believes the scheme is incorrect in some material way. So far, only one claimant has challenged the current scheme and this was via the Tribunal Service route. This appeal was heard at a hearing on 23 January 2014 and found in favour of Newcastle-under-Lyme Borough Council. This is in line with previous appeals traffic considered under Council Tax Benefit regulations which would indicate there are no major points of concern with the current scheme within the environment claimants now find themselves.
- 5.4 The statistical information available to date does not indicate the need to make any significant alterations to the current scheme. The scheme is within budget and is running at a capacity that still provides a small margin of resilience.
- 5.5 Continuing with a basically unaltered local Council Tax Reduction Scheme for 2016/17 enables a degree of stability for claimants in what is very much a changing environment for the wider welfare reform agenda. Even though there are changes to the Welfare Benefit system that will affect Housing Benefit entitlement for claimants with effect from 1 April 2016, the Council Tax scheme for Newcastle will remain unaltered for these minor changes. However, with further changes to the welfare system to follow in 2017/18, for example, reforms to Tax Credits, a freeze in working age benefits for four years, scrapping the automatic entitlement to housing benefit for 18-21 year olds, it is a probability that the Council Tax Reduction scheme will need to be reconsidered to reflect these changes. This

will mean a consultation period will be required before the revised scheme can be implemented.

- 5.6 Central government funding constraints do not allow for any relaxation in the sums available for Council Tax Reduction for 2016/17. The funding situation for 2017/18 is currently unknown. When these details do become known, a better picture will emerge on any changes that will then be required. It is worth noting that future funding is unlikely to become more generous than that currently available. This may mean further constraints on entitlement levels.

6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- 6.1 A Localised Council Tax Support Scheme contributes towards creating a healthy and active community.

7. **Legal and Statutory Implications**

- 7.1 Section 13A of the Local Government Finance Act 1992, substituted by section 10 of the Local Government Finance Act 2012 requires each billing authority in England to make a Localised Council Tax Support scheme.

8. **Equality Impact Assessment**

- 8.1 In designing our Council Tax Support scheme, consideration was given to the implications for vulnerable people, with particular attention to

- Equality and Diversity
- Child poverty
- Homelessness
- Disability

- 8.2 A detailed Equality Impact Needs Assessment identified any adverse implications for particular groups. It was recognised that the introduction of the Council Tax Reduction Scheme would have an impact on some of the most vulnerable households in the district. This impact continues to be monitored.

9. **Financial and Resource Implications**

- 9.1 Localised Council Tax Support is treated as a discount on the Council Tax bill, much like Single Persons Discounts. This means that the Council Tax base will be smaller than would otherwise be the case. In order to avoid significant increases in the Band D figure arising from having a smaller tax base, the government funding will be treated as income that reduces the amount to be raised from Council Tax. However, this government funding is 10% lower than the equivalent amount received under previous Council Tax Benefit regulations.

- 9.2 Recouping amounts outstanding generated by the lower funding levels in the design of a local scheme is likely to impact on Council Tax collection rates and costs, with more small value bills needing to be administered, resulting in additional pressures on the Revenues and Benefits Section. So far, this has manifested itself by way of increased claimant contact.

10. **Major Risks**

- 10.1 Any scheme which does not fully pass on the loss of government grant to claimants will require the Council to identify alternative funding. The choice of scheme could, therefore, impact on the Council's future budget plans.
- 10.2 Council Tax payers could see their bills increase if the funding loss is not passed on to claimants.
- 10.3 Any increase in the number of Council Tax accounts to be administered could result in additional administrative costs, particularly in relation to debt recovery. This could have a knock on effect on the overall Council Tax collection rate.
- 10.4 Failure to adopt a Localised Council Tax Support scheme by the 31 January 2016 will result in the default scheme being imposed, resulting in financial loss to the Council and all its precepting bodies.

11. **Key Decision Information**

- 11.1 Not applicable.

12. **Earlier Cabinet/Committee Resolutions**

12.1 Cabinet 19 September 2012:

(a) That the draft Newcastle-under-Lyme Council Tax Support Scheme be approved for consultation purposes.

(b) That the Executive Director – Resources and Support Services be authorised to initiate the statutory consultation process.

12.2 Cabinet 12 December 2012:

(a) That the consultation results be noted and used to help formulate the Localised Council Tax Support scheme for the borough area.

(b) That it be recommended that protection be drawn into the final scheme regarding protection for recipients of War Disablement Pensions, War Widows Pensions and Armed Forces Compensation Scheme payments.

12.3 Council 23 January 2013:

That the Local Council Tax Support Scheme for the Newcastle-under-Lyme Borough Council area as detailed is adopted for the financial year 2013/14.

12.4 Council 27 November 2013:

That the Local Council Tax Support Scheme for the Newcastle-under-Lyme Borough Council area as detailed is adopted for the financial year 2014/15.

12.5 Council 26 November 2014:

That the Local Council Tax Support Scheme for the Newcastle-under-Lyme Borough Council area as detailed is adopted for the financial year 2015/16.

12 **Recommendations**

13.1 That the Local Council Tax Support Scheme for the Newcastle-under-Lyme Borough Council area as detailed is adopted for the financial year 2016/17.

14 **List of Appendices**

14.1 Appendix A – Newcastle-under-Lyme Borough Council Tax Reduction Scheme Summary

15. **Previous Reports**

15.1 Cabinet 19 September 2012 – Localised Council Tax Support

15.2 Cabinet 12 December 2012 - Localised Council Tax Support Consultation

15.3 Council 23 January 2013 – Localised Council Tax Reduction Scheme

15.4 Council 27 November 2013 – Localised Council Tax Reduction Scheme

15.5 Council 26 November 2014 – Localised Council Tax Reduction Scheme

Appendix A

Newcastle-under-Lyme Borough Council

Local Council Tax Reduction Scheme for 2016/17

Claim Type	Council Tax Support Scheme
Pensioner Claimants	
No scope for changes within LCTS	Up to 100% of Council Tax Bill
Working Age Claimants	
Claims will be based on a max of 80% Council Tax Liability (unless in a protected group)	Up to 80% of Council Tax Bill
Properties in bands higher than Band D will be based on 80% Band D Council Tax	Up to 80% of band D rate
Second Adult Rebate will not be retained in the Local Scheme	Nil
Capital Cut off at £6K (non-passported)	No Council Tax Support if capital exceeds £6K
Earnings Disregards	Flat rate of £25 if claimant working.
Claimants who are eligible to Severe Disability Premium (SDP)	
May allow up to 100% LCTS as protected group	Up to 100% of Council Tax Bill
Claimants who are eligible to receive War Disablement Pensions, War Widow's Pensions and Armed Forces Compensation Scheme Payments	
May allow up to 100% LCTS as protected group	Up to 100% of Council Tax Bill

Discretionary Payments

The Council has discretion to award Council Tax Support, in excess of the amounts determined by this framework, where it is satisfied that exceptional circumstances exist.

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Licensing Act 2003 – STATEMENT OF LICENSING POLICY

Submitted by: Democratic Services Manager

Portfolio: Safer Communities

Ward(s) affected: All

Purpose of the Report

To advise Members of the updated draft Licensing Policy as agreed by the Licensing Committee on 22nd October 2015.

Recommendations

- 1. That the updated Licensing Policy be adopted.**

Reasons

Section 5 of the 2003 Act requires a licensing authority to determine and publish a statement of its licensing policy at least once every five years. The policy must be published before it carries out any licensing functions under the 2003 Act.

1. Background

Before determining its policy, the licensing authority must consult the persons listed in section 5(3) of the 2003 Act. These are:

- the chief officer of police for the area;
- the fire and rescue authority for the area;
- each local authority's Director of Public Health in England or Local Health Board in Wales for an area any part of which is in the licensing authority's area,
- persons/bodies representative of local premises licence holders;
- persons/bodies representative of local club premises certificate holders;
- persons/bodies representative of local personal licence holders; and
- persons/bodies representative of businesses and residents in its area.

2. Issues

- The consultation concluded on 25th September 2015 and 3 responses were received (attached). The responses were considered by the Licensing Committee on 22nd October 2015 and the Policy has been updated accordingly.

4. Legal and Statutory Implications

Section 5 of the 2003 Act requires a licensing authority to determine and publish a statement of its licensing policy at least once every five years. The policy must be published before it carries out any licensing functions under the 2003 Act.

5. List of Appendices

Appendix A: Draft Licensing Policy 2015
Appendix B: Consultation Responses.

6. Background Papers

Newcastle under Lyme Licensing Policy 2011



STATEMENT OF LICENSING POLICY

DRAFT

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STATEMENT OF LICENSING POLICY 2011 - 2015

1. INTRODUCTION

1.1 Introduction

Under the provisions of the Licensing Act 2003, the Borough Council of Newcastle-under-Lyme (the Licensing Authority) is the licensing authority for the administration and enforcement of the above Act and associated orders and regulations within its area. The legislation regulates the operation of:

- The sale of alcohol by retail;
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- The provision of regulated entertainment;
- The provision of late night refreshment.

1.2 Statement of Licensing Policy

Section 5 of the Act requires that the Licensing Authority prepares and publishes a Statement of its Licensing Policy every five years. The Statement of Licensing Policy must be published before the Licensing Authority carries out any function in respect of individual applications made under the terms of the Act.

1.3 Statutory Consultees

Before determining its Policy for any five year period, the Licensing Authority is required to consult with the persons specified in Section 5(3) of the Act. These are:

- (a) The Chief Officer of Police for the area
- (b) The Fire Authority
- (c) Bodies representing local holders of premises licences
- (d) Bodies representing local holders of club premises certificates
- (e) Bodies representing local holders of personal licences
- (f) Bodies representing business and residents in its area.

1.4 Consultation with Representatives of Existing Licensees

This Statement of Licensing Policy is the second such statement adopted under the provisions of the Licensing Act 2003 and the Licensing Authority will consult with organisations representative of current licence holders.

1.5 Other Consultees

The Licensing Authority is empowered to consult with other bodies as it deems appropriate and this policy has been prepared after consultation with the following additional bodies:

The Local Strategic Partnership
Town and Parish Councils
Staffordshire Parish Councils Association
North Staffs. Chamber of Trade
North Staffs. Law Society
The Private Hire Association
The Hackney Carriage Association
Newcastle Civic Society
Stoke City Council
Staffordshire Moorlands District Council
North Staffordshire PCT
Local businesses
Hot food takeaways
British Beer and Pub Association
Bar Entertainment and Dancing Association
Association of Licensed Multiple Retailers
Campaign for Real Ale
Staffordshire Probation Service
Staffordshire Trading Standards
Staffordshire Social Services
Vulnerable Children Division, Lifelong Learning Directorate,
Staffordshire County Council
Solicitors acting for various licensed multiple retailers
Solicitors acting for various brewery companies.
National Pub Watch

1.6 Regard to Guidance

The Licensing Authority must have regard to the guidance issued by the Home Office in discharging its functions under the Act and this Statement of Licensing Policy has been prepared taking into account that guidance. The views of all consultees have been given proper weight in the preparation of this policy document.

1.7 Period of Licensing Policy

The Statement of Licensing Policy will be used by the Licensing Authority in the administration and enforcement of its duties under the Act. It will remain in force for a period of three years and will be reviewed and subject to further consultation before the end of the three year period. A new Statement of Licensing Policy will be adopted to come into operation at the expiry of the current Licensing Policy.

1.8 Review of Licensing Policy

During the currency of any Statement of Licensing Policy, the Licensing Authority will keep the operation of the Policy under review and make appropriate revisions to ensure the effectiveness of the Policy subject to appropriate consultation.

2. AIMS AND OBJECTIVES

2.1 Exercise of Responsibilities

In exercising its duties and responsibilities under the terms of the Licensing Act 2003, the Licensing Authority will have regard to this Statement of Licensing Policy and to the guidance issued by the Secretary of State. Subject to this, all applications will be treated on their merits and judged accordingly.

2.2 The Licensing Objectives

The Licensing Authority will exercise its duties in such a way as to promote the licensing objectives set out below:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance; and
- The protection of children from harm.

The Licensing Authority confirms that each objective has equal importance and that the licensing objectives will be the only considerations to be taken into account in determining applications.

2.3 Other Local Strategies

The administration and enforcement of the Act will also take into account other appropriate local strategies. The Licensing Authority has formulated its policies and procedures detailed in this Statement of Licensing Policy, taking into account the current policies incorporated into the locally adopted strategies on the following matters:

- Community Safety
- Planning
- Economic Regeneration
- Transportation
- Tourism and culture.

2.4 Facilitation of Well Run Premises

The legislative powers provide for the carrying on of retail sales of alcohol, the supply of alcohol by qualifying clubs, the provision of

regulated entertainment and late night refreshment in a way which ensures public safety, the prevention of crime and disorder, the protection of children from harm and which is neither detrimental to members of the public in the vicinity nor gives rise to loss of amenity. It is the Licensing Authority's intention to ensure well run and managed premises and that licence holders take positive action with regard to their responsibility to promote the licensing objectives.

2.5 Contribution to Local Economy

The Licensing Committee will be informed of the local employment situation and the need for new investment and employment where appropriate. Additionally, they will also receive from time to time reports on the needs of the local tourist economy and the cultural strategy for the area and will take such information into account in determining the overall policies. The Licensing Authority recognises that the entertainment industry is a major contributor to the local economy. There are currently some 650 premises which will fall to be licensed under the Act and these premises provide valuable employment opportunities as well as supporting other sectors of the economy such as shops, cultural activities and tourist attractions. The industry attracts visitors from outside the area as well as local residents and helps to create vibrant towns and communities within the Borough. However, when considering the promotion of vibrant localities, the Licensing Authority must take account of its duty to safeguard all of the community. This duty will be a major consideration in the granting or reviewing of all licences as judged against the four licensing objectives.

2.6 Promotion of Cultural Activities

In relation to the promotion of cultural activities, the Licensing Authority recognises the need to encourage and promote live music, dancing and theatre, circus and street arts for the wider cultural benefit of the local community generally.

2.7 Local Transport Policy

In relation to local transport policy, there will be appropriate liaison between the licensing, Police and transport authorities on all matters in relation to dispersal of people from areas where there is a concentration of entertainment premises. Such liaison is intended to ensure that the local transport plan is informed of the current needs of

such areas so that the local transport strategy can be contemporaneously adapted to ensure that people are moved from such areas swiftly and safely to avoid concentrations of people which produce disorder and disturbance.

2.8 Protection of Residential Amenity

The Borough has a substantial residential population, whose amenity the Licensing Authority has a duty to protect. In some areas, local residents are adversely affected by entertainment activities. Commercial occupiers of premises also have a legitimate expectation of an environment that is attractive and sustainable for their businesses. The Licensing Authority also has wider considerations in relation to the amenity of the area including littering and the fouling of public places. The Licensing Authority will determine its policies and conditions in such a way as to ensure that the Licensing objectives are actively promoted.

2.9 Trading Hours

Licensed premises will be expected to conduct their business in such a manner as not to cause any nuisance or disturbance to those living or working in the vicinity. Trading hours will not be regulated by geographical areas or zones, but due regard will be given to the potential for any nuisance or disturbance to be caused to those living or working nearby. In particular, where appropriate, and following relevant representation, conditions may be attached to address issues of noise, litter and light pollution, or to restrict trading hours where the premises being licensed are in the vicinity of residential accommodation.

2.10 Protection of Children from Harm

The licensing authority is committed to protecting children from harm and views this as an important licensing objective. The Council's licensing team works with Children's Services during the development of licensing policy where the protection of children is concerned. Intelligence sharing and the exchange of current strategy developed by Staffordshire and Stoke on Trent Safeguarding Children's Boards ensure that the protection of children from harm remains key.

The Licensing Authority is aware that alcohol use, misuse and abuse is one of the recurring key 'parental factors' in child protection and safeguarding, often contributing to parental neglect of children and domestic abuse and violence within families.

Alcohol is also often a factor in child sexual exploitation, where young people may be encouraged or coerced to drink, or alcohol may be a factor in risk taking behaviour by young people who drink irresponsibly and then get involved in activities that otherwise they would not. Nationally, evidence has been found of the sexual exploitation of children taking place on licensed premises, or licensed premises being used for the purposes of grooming and enticement.

Staffordshire and Stoke on Trent Safeguarding Children Board's work with other statutory authorities and will engage with the licensing trade to promote risk management in relation to child sexual exploitation. The Children's Board can provide advice to assist licensees to identify risk and report concerns at different types of licensed premises so that children remain safe and businesses operate responsibly.

The Licensing Authority encourages license holders and operators of licensed premises:

- To ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime and

- To raise the awareness of their staff about child sexual exploitation and provide intelligence to the appropriate authorities about concerns and about perpetrators who may be operating in their areas.

Staffordshire and Stoke on Trent Safeguarding Children Board's provide local information about child safety, child sexual exploitation, policies and procedures including risk factors and signs and symptoms:

<http://www.safeguardingchildren.stoke.gov.uk/ccm/portal/>

<http://www.youthbox.info/HelpAdvice/StaySafe/Stay-Safe.aspx>

Applicants will demonstrate through their operating schedules the measures they intend to take to keep children from harm. In particular, premises where the principal licensed activity is the sale or supply of alcohol will demonstrate how they will ensure that unaccompanied children are excluded from the premises (e.g. by the requirement of proof of age cards as a condition of entry).

Human Trafficking / Modern Slavery

Human trafficking is the movement of a person from one place to another into conditions of exploitation, using deception, coercion, the abuse of power or the abuse of someone's vulnerability. It is possible to be a victim of trafficking even if your consent has been given to being moved. Although human trafficking often involves an international cross-border element, it is also possible to be a victim of human trafficking within your own country.

Victims are often trafficked for sexual exploitation, forced labour or domestic servitude. Victims of Human Trafficking could be used to work in restaurants, fast food establishments and other licensed establishments.

The licensing authority is committed to deterring and combatting such criminal activity. The licensing authority will work with Staffordshire Police and other partner agencies to gather and share intelligence to identify, tackle and deter such activity.

2.11 Illegal Sales of Age Restricted Goods

The Licensing Authority takes a very serious view of the illegal sale of alcohol and other age-restricted goods to minors and will continue to work with Staffordshire Trading Standards to advise both the off-licence and on-licence trade on how to set up systems to avoid such sales taking place.

The Licensing Authority will expect applicants for licences to demonstrate how they will ensure that all their frontline staff have received adequate training on the law with regard to age restricted sales. They will also be expected to demonstrate in their operating schedules the measures they will take to ensure that illegal sales to children under 18 do not take place such as the checking of identification for proof of age through a secure system. (Ideally, identification should be a photo driving licence or passport, or a PASS

approved 'proof of age' card. Other cards must be treated with caution because some have been shown to be insecure).

Additionally, the Licensing Authority encourages premises to include a Challenge 25 policy in their operating schedule, to ensure anyone who appears to be under the age of 21 provides a proof of age card (as above).

The Licensing Authority considers it good management practice that licensees keep registers of refused sales (refusals books) where sales of alcohol and any other age-restricted goods have been refused for any reason. Keeping such records helps to demonstrate that the responsibilities for checking the ages of purchasers are being taken seriously. Refusals books should be kept on the licensed premises and be made available for inspection by the Licensing Officer, Trading Standards or the Police.

In premises where alcohol is not the main product sold – for example, in food retailers and corner shops – the Licensing Authority will actively encourage the use of warning messages where an electronic point of sale system (EPOS) is in use. Such a warning system can help employees as it prompts them to check the age of purchasers of alcohol or other age restricted products when they are presented at the check-out.

In relation to pubs, restaurants and clubs, the Licensing Authority will actively encourage licensees to have due regard to the guidelines issued by the National Association of Cigarette Machine Operators (NACMO). Cigarette machines should be sited in a position where they are clearly visible to members of staff so that attempted purchases by young people can be challenged.

2.12 The Prevention of Crime and Disorder

The Licensing Authority expects licensed premises to be managed in a manner so as not to contribute to problems of crime, disorder or anti-social behaviour in the vicinity. Licensees will be expected to actively co-operate with initiatives to enhance community safety particularly those promoted by the Newcastle Partnership.

2.13 Irresponsible Drinks Promotions

The Licensing Authority commends the Portman Group's Code of Practice on the naming, packaging and promotion of alcoholic drinks. The Code seeks to ensure that drinks are purchased and promoted in a socially responsible manner and only to those who are aged 18 or over.

2.14 Drugs Policies

The Licensing Authority has adopted the strategies set out in the Government's 'Safer Clubbing' initiative and considers it good practice for all applicants for premises and club licences to demonstrate through their operating schedules the measures they will take to address the incidence of illegal substances on their premises and to keep customers from harm.

The Licensing Authority considers it good practice for all applications for premises licences or club premises certificates for premises where alcohol will be consumed on the premises to be accompanied by a Drugs Policy which should address all the factors set out in Appendix A of this Policy and include provisions in relation to:

- Addressing the incidence, supply and consumption of drugs on the premises
- Arrangements, facilities and procedures to minimise the harmful effects of drugs
- Search procedures and procedures for detecting drugs on the premises
- Procedures for dealing with drugs found on the premises
- Procedures for dealing with those suspected of being in possession of illegal substances.

2.15 Public Safety

The Licensing Authority is concerned to protect the physical safety of people using licensed premises and will expect applicants to demonstrate in their operating schedules the measures they will take to promote the public safety licensing objective.

2.16 Duty to Promote Good Race Relations

The Licensing Authority is mindful of its duties under the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000 and will exercise its functions under the Licensing Act 2003 in such a way as to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups.

2.17 Duty Towards People with a Disability

The Licensing Authority reminds those operating regulated businesses of their obligations under the Disability Discrimination Act 1995 and the need to ensure that their services are made fully accessible to people with a disability.

2.18 Application Procedure

The Licensing Authority points out that if no representations are received, the application will be granted in the terms sought and no additional conditions imposed other than those which are consistent with the operating schedule.

3. THE APPLICATION PROCESS

3.1 Applications to be made in Prescribed Form

The Licensing Authority requires that all applications for the grant, variation or transfer of any premises licence, the grant of a club certificate or a personal licence detailed in the Act, are made in accordance with the statutory requirements and any guidance issued from time to time by the Licensing Authority.

All such applications must be made in the prescribed form and accompanied by the appropriate fee, where applicable, to be accepted as valid. Where such applications are statutorily required to be advertised or notified to other specified persons, the application must confirm that such advertisement or notification has been properly made and be accompanied by supporting evidence.

3.2 Delegations

Upon receipt of a valid application, the Licensing Authority will consider the matter and determine it in accordance with this Licensing Policy, the statutory requirements and the guidance from the Secretary of State. To assist in the speed, efficiency and cost effectiveness of the administration of the licensing process, the application will be determined in accordance with the following delegation criteria:

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Application for personal licence		If a Police representation made	If no representation made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no representation made

Application for provisional statement		If a relevant representation made	If no representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no representation made
Application to vary designated personal licence holder		If a Police representation	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a Police representation	All other cases
Applications for Interim Authorities		If a Police representation	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the lead authority		All cases	
Determination of a police representation to a temporary event notice		All cases	

3.3 Operating Schedules

All applications for premises licences and club premises certificates must be accompanied by an operating schedule. This should be

drawn up following a full risk assessment of the activities to be undertaken and contain the information requested in the application form to include a floor plan, details of the licensable activities proposed, opening hours and operating arrangements. This could include for example:

- Drinks promotion proposals
- Seating arrangements
- Drugs policy
- Security arrangements
- Safety arrangements
- Maximum occupancy figure (based on risk assessment)
- CCTV arrangements inside and outside
- Staffing arrangements
- Staff training plan
- A fire risk assessment.

3.4 Use of Conditions

Where an application is received by the Licensing Authority it will be granted subject to any such conditions as are consistent with the operating schedule submitted by the applicant. This does not mean that the Authority will automatically reproduce the contents of the applicant's operating schedule. Certain conditions may be amended, if deemed appropriate by the Licensing Authority, following consultation with the applicant, so as to make the conditions meaningful and enforceable whilst at the same time ensuring the conditions are consistent with the operating schedule.

As an example the following condition, taken from an applicant's operating schedule, "CCTV at premises" may be amended to read:

- i) CCTV shall be installed at the premises;
- ii) The CCTV system shall be maintained and fully operational during the hours of licensable activity;
- iii) All recordings shall be available for inspection by an authorised officer.

In order to avoid such problems of interpretation it is expected that applicants will consult with Responsible Authorities prior to application or during the application process. This would also have the effect of minimising the necessity for hearings and allow for proper liaison.

An example of best practice is contained within the conditions (page 42) regarding CCTV provision at the Premises.

A list of conditions is attached at appendices A, B, C and D governing the four licensing objectives and specific situations. Applicants are encouraged to study these conditions and enter into consultation with Responsible Authorities with a view to reaching agreement on necessary and proportionate conditions.

3.5 Indoor Fireworks, Hypnotism and Laser Shows

There shall be no indoor fireworks, hypnotism or laser shows without prior notification to the local authority.

In granting the consent to such activity the consent may itself be subject to conditions regulating the entertainment provided under separate legislation.

Prior consent will be required for performance of stage hypnotism, fireworks and lasers. Applications should contain details prescribed by the local authority. Conditions may be applied to any consent.

3.6 Limitation on Conditions

Conditions will only be imposed to regulate matters which can be controlled by the licence holder. Such measures may be used to control the impact of the licensed activity on members of the public living, working or engaged in normal activities in the vicinity of the licensed premises. General anti-social behaviour of patrons in the vicinity of the licensed premises may not be able to be controlled by the licence holder.

However, there is an expectation that the licence holder will do all within their power and work with other agencies to address anti-social behaviour or other problems within the vicinity of the premises.

3.7 Cumulative Impact

'Cumulative impact' refers to the potential impact on the promotion of the licensing objectives of the concentration of a significant number of licensed premises on one area.

The Licensing Authority will not normally refuse applications simply because there are already a number of other licensed premises in the vicinity. Such regulatory action is not a matter for the Licensing Authority. However, the cumulative effect of the impact of licensed premises on an area is a matter for consideration by the Licensing Authority. It may be regulated by the adoption of a special policy for determining applications for new premises licences or club premises certificates because the area is already saturated.

Where a special policy as outlined in this document is adopted in any area there will be a presumption against the grant of new licences and material variations unless the applicant can satisfy the Authority that the application will not adversely affect the achievement of any of the licensing objectives.

3.8 Special Policies relating to Cumulative Impact

In deciding whether appropriate action to be taken in any area is the adoption of such a special policy, the Licensing Authority will take the following steps:

- (a) the identification of serious and chronic concern from a responsible authority or representatives of residents about crime and disorder or nuisance
- (b) an assessment of the causes
- (c) consideration of whether it can be demonstrated that crime and disorder and nuisance is caused by customers of licensed premises and, if so, identifying the area from which the problems are arising and the boundaries of that area
- (d) the adoption of a policy about future licence applications from that area within the terms of the guidance issued by the Secretary of State.

Notwithstanding the adoption of a special policy relating to cumulative impact, all applications for a premises licence or a club premises certificate within the designated area will be considered on merit and judged on their effect on the cumulative impact of premises in the area.

3.9 Evidentiary Basis

In relation to paragraph 3.8(a) above, the Licensing Authority would require that the objector provides an evidentiary basis for the assertion that the addition of the premises in question would produce the cumulative impact claimed. The differing characteristics of different types of licensed premises have a different impact on the local community and these factors will be taken into account in judging whether or not to adopt a special policy relating to cumulative impact.

3.10 Other Control Mechanisms

In considering whether or not to adopt a special policy relating to cumulative impact, the Licensing Authority will take into account its responsibilities and duties under Section 17 of the Crime and Disorder Act 1998 and the licensing objectives of the Licensing Act 2003. However, the Licensing Authority recognises that there are other mechanisms available for addressing problems of disorder associated with customers in the vicinity of licensed premises. Such matters would include:

- Planning controls
- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council
- The provision of CCTV surveillance in the town centre, taxi ranks, street cleaning and litter patrols
- Powers available to the Licensing Authority to designate parts of the area as places where alcohol may not be consumed publicly
- Police enforcement of general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
- The prosecution of personal licence holders or members of staff at such premises who sell alcohol to people who are drunk
- The confiscation of alcohol from adults and children in designated areas

- The use of Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises
- The power of the Police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question
- Other local initiatives that similarly address these problems.

These matters may be supplemented by other local initiatives that similarly address these problems.

3.11 Planning /Building Control

The use of any licensed premises or places (including outside areas) are subject to planning controls. This would equally affect licensable activities held under a premises licence or temporary event notice. There are several key differences between licensing and planning control. The most significant is that planning is concerned with how land is used, whereas licensing is concerned with ensuring that public safety in its widest sense is protected.

It is recommended that issues concerning planning permission be resolved before a licence application is made. The Planning Authority may make representations in respect of licensing applications particularly where the activity to be authorised would amount to a contravention of the existing planning permissions and/or conditions imposed on planning permissions for the premises or the hours being sought exceed those authorised by any relevant planning permission.

Planning, Building Control and Licensing applications and conditions are separate. Licensing applications should not be a re-run of a planning application. Internal and external alterations to licensed premises must have building regulation approval where such approval is required under the Building Acts etc.

Where premises are being or are about to be constructed, extended or otherwise altered for the purpose of being used for licensable activities, an application may be made to the Licensing Authority for a provisional

statement. The Licensing Authority will determine the application in the same way as an application for a premises licence.

3.12 Operating Hours Conditions

Where relevant representations are received, the Licensing Authority will consider restricting the hours of the licensable activity on the individual merits of the application. The Licensing Authority will take into account the overall impact the licensed premises has on the local amenity and any proposals the applicant might submit to mitigate such impact. Uniform or standardised hours of operation for premises, areas or classes of activity will not be set so that the orderly departure of customers can be aided. However, the Licensing Authority would consider the imposition of appropriate conditions to require the holders of premises licences and club premises certificates to ensure the orderly departure of their customers, particularly in noise sensitive areas. Where it is likely that significant nuisance will be caused to local residents by late night activity, a restriction on operating hours must be considered.

3.13 Sales from General Retail Premises

In relation to premises selling alcohol for consumption off the premises as part of general retail sales, there will be a presumption that that activity will be licensed to operate at all the times that the premises are open for their normal business. However, where relevant representations are received, the Licensing Authority will consider the imposition of more restrictive hours for the sale of alcohol at those premises where, for example, that activity creates a focus for disorder and disturbance.

3.14 Film Exhibitions

Where premises are licensed for the giving of film exhibitions, the Licensing Authority will impose conditions requiring that children only be admitted to such exhibitions in accordance with the film classification as recommended by the British Board of Film Classification (BBFC). The conditions will include the requirement that the licence holder complies with the requirements of the BBFC in relation to the giving of information to the public and advertising that information. Where the Licensing Authority specifically determine that a specific film shall be granted a film classification different to that determined by the BBFC, the licence holder will be required to comply

with any additional conditions imposed by the Licensing Authority for the exhibition of that film.

3.15 Adult Entertainment

Normally adult entertainment will not be granted in proximity to residential accommodation, schools, places of worship or community facilities/public buildings.

The licensing authority will have regard to any cumulative effect of the number of such premises in proximity to each other and in the vicinity.

Where applications are granted they will normally be subject to appropriate conditions which promote the licensing objectives including:

- Control of access for children. There is no reason for proof of identity to be confined to those who appear to be under age 18. The Authority may require proof of identity, if necessary, for anyone appearing under 21
- Exterior advertising/visibility
- Contact, including a 'one metre' rule
- Performances confined to stage or other means of segregation
- Performances in place giving direct access to dressing room without passing through audience
- Style of dancing, e.g. no audience participation, physical contact between performers, simulated sex acts etc.
- Management standards, including CCTV inside and out, levels of door and floor supervision, waitress service only
- Rules of club conveyed to performers and audience
- Applicants should state clearly whether their application involves nudity, striptease, sex related or adult entertainment.

3.16 Personal Licences

Personal licences will be granted in accordance with the statutory provisions contained in Schedule 8 of the Act for current licence holders and the provisions contained in Part 6 of the Act for other applicants. All applications must be made in the prescribed form and be accompanied by:

- (a) two photographs duly endorsed as a true likeness by a solicitor, notary, teacher, lecturer or other professional person
- (b) a Basic Disclosure DBS disclosure form
- (c) copies of licensing qualifications
- (d) the prescribed fee.

4. MEASURES TO PROMOTE THE LICENSING OBJECTIVES

4.1 Public Safety

Conditions will be imposed in accordance with operating schedules and any relevant representations to protect public safety including where justified measures to address the following:

- Provision of escape routes and access for emergency vehicles to include adequate signage and emergency lighting
- Safety checks
- Provision of CCTV and panic buttons
- Use of shatterproof drinking vessels and bottles requiring use of toughened glass or plastic
- Use of security personnel, such as door supervisors, licensed by the Security Industry Authority
- Requirement of a minimum of a licensed door supervisor for every 100 customers in night clubs and large town centre pubs or as indicated by risk assessment
- Occupant capacity conditions will be applied where appropriate
- Provision of fire retardant hangings, decorations and upholstery
- Fire action notices and procedures to be followed in the event of fire
- The provision of First Aid equipment and suitably trained First Aiders.

4.2 Prevention of Public Nuisance

In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, or as

a result of people entering or leaving the premises, or by reason of smell, vibration or light pollution.

Where relevant representations are received, a condition may be imposed on new licences that entertainment noise shall be inaudible in any residence.

Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises.

4.3 The Protection of Children from Harm

Premises licences are granted to a wide variety of establishments for a wide variety of activities regulated under the Act. For the majority of these activities, the presence of children either on their own or accompanied by a responsible adult is not unlawful. The Licensing Authority will not therefore impose a condition requiring that children not be admitted to licensed premises. Such a matter will generally be at the discretion of the licence holder. However, in some instances the licence holder will need to restrict the access of children to the premises or parts of the premises at certain times when specific activities are taking place. The applicant is required to detail in the operating schedule the measures they intend to take to meet the licensing objective of 'protecting children from harm'.

Where relevant representations are received, the conditions that may be attached to a licence to protect children from harm include the following:

- Limitations on the hours when children may be present
- Limitations on or the exclusion of the presence of children under certain ages when particular specified activities are taking place
- Limitations on the parts of premises to which children may be given access
- Age restrictions (below 18)
- Requirements for children to be accompanied by an adult (including, for example, a combination of requirements which

provide that children under a particular age must be accompanied by an adult)

- Full exclusion of people under 18 from the premises when any licensable activities are taking place
- Provision of adult staff to supervise children and to ensure their safety
- Special requirements relating to children in performances
- The Challenge 25 policy
- To be an active member of “Off Licence Watch” where such a scheme exists
- Protection of children from access to cigarette vending machines.

Activities Giving Rise to Concern

The activities which would give rise to concern by the Licensing Authority in relation to potential harm for children include:

- Where entertainment or services of an adult or sexual nature are commonly provided
- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for under-age drinking
- Where there is a known association with drug taking or dealing
- Where there is a strong element of gambling on the premises (excluding a small number of cash prize gaming machines)
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

4.4 Prevention of Crime and Disorder

Conditions will be imposed in accordance with operating schedules and any relevant representations to address the following:

- Text pagers/radio links
- Door supervision
- The provision of CCTV
- Adherence to Exclusion Orders
- Maximum permitted numbers
- Irresponsible drinks promotions
- Bottle bans and use of plastic containers/toughened glass
- Restriction of drinking areas/removal of open containers
- Proof of age cards
- Drugs policies
- Signage
- Crime prevention notices
- Adoption of a dispersal policy
- Search on entry
- Overcrowding
- Chill-out facilities
- Pub Watch/Off Licence Watch where such a scheme exists.

5. SPECIAL POLICY RELATING TO CUMULATIVE IMPACT

Newcastle Town Centre and adjacent areas

Having considered representations together with supporting evidence received from Staffordshire Police, the Council considers that within Newcastle Town Centre as defined by the inner ring road and areas adjacent to the Town Centre and to the east thereof bounded by lengths of the A52 Brunswick Street/George Street, York Street, Castle Street, Marsh Parade, Hassell Street, Hanover Street, West Street, Garden Street, Bankside, Grosvenor Road, London Road and Barracks Road as shown edged in black on the plan (Appendix B of this Policy).

There are currently a number of licensed premises concentrated together in one area that together have a detrimental impact on levels of crime and disorder and public nuisance and in particular violent crime in the Town Centre. This being the case, the Council is satisfied that it is appropriate and necessary to include in this Licensing Policy a special policy. The Council is therefore adopting a special policy of refusing new licences whenever it receives relevant representations about the cumulative impact on the licensing objectives which can be substantiated by evidence. Where such representations are received, applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact, including applications for later hours, will normally be refused unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced. Where representations are supported by evidence, applicants will need to clearly demonstrate in their operating schedule measures to address the identified problem of drink-related violence in the Town Centre and in particular will need to demonstrate measures to prevent binge drinking on the premises. Where no relevant representations are received, the application will be granted.

6. OBJECTIONS AND REVIEWS

6.1 Determination of Objections

Where an objection is received in relation to the grant or renewal of a licence for any purpose regulated by the Act, the matter will be determined in accordance with the terms of this Statement of Licensing Policy. The objection will normally be considered in accordance with the delegation criteria.

6.2 Irrelevant, Frivolous, or Vexatious or Repetitious Objections

Where the complaint or objection has been judged to be irrelevant, frivolous, or vexatious or repetitious, the matter will not proceed any further and the complainant will be advised in writing of this fact.

6.3 Procedure to be Followed

Where there is a prima facie case for an objection to the grant of a licence to be progressed, the application will be referred to a Licensing Sub-Committee.

6.4 Application for Review

Where an application is made for the review of a premises licence or club premises certificate, the matter will be determined in accordance with the terms of this Statement of Licensing Policy. The application for review will normally be considered in accordance with the delegation criteria.

6.5 Review of Applications which are Irrelevant, Frivolous, or Vexatious or Repetitious

Where an application for review has been judged to be irrelevant, frivolous, or vexatious or repetitious, the matter will not proceed any further and the complainant will be advised in writing of this fact.

6.6 Determination following Objection

When an objection to the grant of a licence or club premises certificate has been determined in accordance with the procedures mentioned above, the licence or certificate will be refused or granted with or without conditions and the applicant and objector advised accordingly.

In relation to a refusal to grant a licence or club premises certificate, the notification will detail the grounds for the refusal and specify the process for the applicant to appeal against the Licensing Authority's decision.

6.7 Determination following Review

When an application to review a premises licence or club premises certificate has been determined in accordance with the procedures mentioned above, the licence or certificate will either continue in operation unaltered, be modified and the terms and conditions changed in accordance with the Licensing Authority's decision, or be cancelled. The Licensing Authority will determine the date upon which the decision will take effect and the licence holder and applicant for review will be advised accordingly. The notification will set out the reasons for the decision and specify the process for an appeal.

6.8 Variation or Cancellation

In relation to a variation or the cancellation of a licence or club premises certificate, the notification will detail the grounds for the variation or cancellation and specify the process for the applicant to appeal against the Licensing Authority's decision.

6.9 Right of Appeal

There is a statutory right of appeal within 21 days to the Magistrates' Court from any decision of the Licensing Authority:

- (a) to impose conditions
- (b) to refuse a premises licence, club premises certificate or personal licence
- (c) to refuse to vary a licence
- (d) to refuse the transfer of a licence
- (e) to suspend or revoke a licence following a review.

A person who has made a relevant representation or objection has a statutory right of appeal within 21 days to the Magistrates' Court against a decision of the Licensing Authority to:

- (a) grant a licence or certificate
- (b) not impose requested conditions
- (c) not to suspend or revoke a licence following a review.

7. ENFORCEMENT

7.1 Enforcement Concordat

The Licensing Authority recognises that efficient and effective enforcement is of paramount importance in ensuring that the objectives of the Act are met. The Licensing Authority is a signatory to the Enforcement Concordat and the enforcement of the provisions of the Act will follow the existing principles specified in that agreement.

7.2 Protocols with other Agencies

The Licensing Authority also recognises that there are other enforcement and regulatory agencies who have a direct involvement with the matters detailed in the Act. Protocols and understandings have been agreed with those agencies and they will be reviewed in the light of experience to ensure that transparent and effective enforcement procedures are operated in relation to the legislative requirements.

7.3 Duty to Promote the Licensing Objectives

Where anti-social behaviour or other public disturbance occurs in connection with or in the vicinity of licensed premises, the Licensing Authority will work with other enforcement agencies and other bodies to identify the causes of such events and identify any possible remedies. It is recognised that it is the Licensing Authority's duty to promote the licensing objectives in the interests of the wider community, and to work with the Police and other law enforcement agencies to deter criminal activities and to take appropriate enforcement action. There will therefore be a sharp and proactive focus on premises failing in terms of the licensing objectives.

8. PERMITTED TEMPORARY ACTIVITIES

8.1 Temporary Event Notices

Anyone wishing to hold an event at which any licensable activity will take place may give notice of the event (a temporary event notice) to the Licensing Authority not less than 10 working days before the holding of the event. A copy of the notice must also be given to the Police at the same time.

A late temporary event can be given up to 5 working days but no later than 9 working days before an event is due to take place.

A “working day” is any day other than a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday.

8.2 Limitations

The following limitations apply:

- An individual (other than a personal licence holder) may give a temporary event notice 5 times a year
- A personal licence holder may give a temporary event notice 50 times a year
- A notice may be given 12 times per year in relation to any premises (increase to 15 from 1st January 2016)
- A temporary event may last up to 168 hours
- There must be a minimum of 24 hours between events
- The maximum duration of all temporary events at any individual premises in one year is 21 days
- The maximum number of people attending a temporary event at any one time is 499.

In any other circumstances, premises licence or club premises certificate will be required.

Where a temporary event notice has been given, no authorisation is required for the temporary carrying on of the sale or supply of alcohol, the provision of regulated entertainment or the provision of late night refreshment at premises where there is no premises licence or club premises certificate.

The Police have the right to object to a temporary event notice within 2 working days of receiving the notice. Where the premises user gives a counter notice the Licensing Authority will hold a hearing to consider the Police objection and decide whether or not to issue a counter notice setting out conditions which must be met if the event is to be held, at least 24 hours before the beginning of the event.

8.3 Public Safety

Those holding permitted temporary activities are reminded of the need to have proper regard for the safety of those attending the event, to have respect for the concerns of local residents and the need to prevent crime and disorder and anti-social behaviour by those attending.

9. CONTACT DETAILS

Further details for applicants about the licensing and application process, including application forms, can be found by contacting the Licensing Section at Civic Offices, Merrial Street, Newcastle, Staffordshire, ST5 2AG.

Telephone: 01782 742227
Fax: 01782 711032
Email: licensing@newcastle-staffs.gov.uk

Advice and guidance to applicants may also be sought from the Police and Fire Authority at:

- **Northern Licensing Unit**, Stoke Police Station, Boothan Road, Stoke-on-Trent, Staffordshire, ST4 4AH.
E-Mail: northern.licensing@staffordshire.pnn.police.uk
Tel: 01785 232840

- **Staffordshire Fire & Rescue Service,**
Mr K Chell, Fire & Rescue Service, Hanley Community Fire Station, Lower Bethesda Street, Hanley, Stoke-on-Trent. Staffordshire. ST1 3RP.
E-Mail: k.chell@staffordshirefire.gov.uk
Tel: 01785 898546
- **Staffordshire County Council Trading Standards,**
Public Protection, 20 Sidmouth Avenue, Newcastle under Lyme, Staffordshire, ST5 1QN
E-Mail: licensing@staffordshire.gov.uk
Tel: 01782 297004
- **Environmental Health Services,** Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG.
E-Mail: nigel.gardner@newcastle-staffs.gov.uk
Tel: 01782 742520
- **Regeneration and Development,** Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG
E-Mail: planningapplications@newcastle-staffs.gov.uk
Tel: 01782 717 717
- **District Public Health Lead (Newcastle)**
Staffordshire Public Health
Staffordshire County Council and Staffordshire NHS,
Wedgewood Building, Tipping Street, Stafford, ST16 2DH
E-Mail anthony.bullock@staffordshire.gov.uk
Tel: 01785 276649
- **Community Safety**
Civic Offices, Merrial Street, Newcastle-under-Lyme' Staffordshire, ST5 2AG
E-Mail: trevor.smith@newcastle-staffs.gov.uk
Tel: 01782 717 717
- **The Staffordshire Safeguarding Children's Board**
Staffordshire County Council, Wedgewood Building, Tipping Street, Stafford, ST16 2DH
E-Mail: sscb.admin@staffordshire.gov.uk

Further information in relation to the Licensing Act 2003 can also be obtained from the Home Office

Other useful information sources:

Institute of Licensing – www.instituteoflicensing.org

APPENDIX A

Licence Conditions

The Licensing Authority notes that where "relevant representation" is made by responsible authorities or interested parties, the Act makes provision for the attachment of conditions to licences granted under its scope. Conditions may include limitations or restrictions to be applied to the use of the licence, or licensed premises.

It is not, however, intended that conditions should be used to restrict licences unnecessarily and conditions will only therefore be imposed where it is considered necessary in the public interest to promote the licensing objectives.

Conditions will be tailored to fit the individual application having regard to any representations received. To this end, the Licensing Authority will work closely with other agencies to focus licence conditions to ensure that expected standards are met and that risks to amenity and public order are kept to a minimum.

This will ensure that those voluntarily exercising the highest levels of management over licensable activities will be afforded sufficient flexibility to maximise business interest and provide a lead on standards of excellence within the industry with the prospect of increasing public access to well regulated entertainment.

A pool of conditions and the circumstances in which these may be used are listed below. Specific conditions may be drawn from these and tailored to the circumstances of a licence. This is not an exhaustive list and the Licensing Authority may apply other conditions not included in this pool if it is considered that these would be more appropriate in the granting of a licence.

POOL OF CONDITIONS FOR LICENCES

Conditions Relating to the Prevention of Crime and Disorder:

It should be noted in particular that it is unlawful under the 2003 Act:

- to sell or supply alcohol to a person who is drunk
- to knowingly allow disorderly conduct on licensed premises
- for the holder of a premises licence or a designated premises supervisor to knowingly keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported
- to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

Conditions enforcing these arrangements are therefore unnecessary.

General:

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, when responsible authorities are considering such applications and when licensing authorities are considering applications following the receipt of any relevant representations from a responsible authority or interested party, the following options should be considered as measures which, if necessary, would promote the prevention of crime and disorder.

Whether or not conditions are necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved. It should also be borne in mind that

club premises are expected to operate under codes of discipline to ensure the good order and behaviour of members.

Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.

Any individual preparing an operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

Text Pagers/Radio Links:

Text pagers and radio links connecting premises licence holders, designated premises supervisors and managers of premises/clubs to the local Police can provide for rapid response by the Police to situations of disorder which may be endangering the customers and staff on the premises.

Such systems can provide two-way communication, both enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and enabling the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour who are about in a particular area. These systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

An example of conditions that may be applied include:

Designated premises will install and use appropriate radio links and shall ensure:

- that systems are fully operational and switched on
- that two way radios are monitored by a responsible member of staff
- that all instances of crime and disorder are reported without delay via the 999 system if applicable and the nite-net radio system and Police instructions acted upon

- that text pagers and radio links are maintained between premises and to the Police or other agencies as appropriate.

Where appropriate, conditions requiring the use of text pagers/radio links may be applied.

Door Supervisors:

Conditions relating to the provision of door supervisors and security teams are valuable in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside of venues prone to such queuing.

Where door supervisors conducting security activities are to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with the number of such supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches).

Door supervisors also have a role to play in ensuring public safety. Examples of the type of conditions that may be applied include:

The Licensee must ensure that a written log is kept that:

- details persons working as door supervisors
- details dates, times when supervisors are on/off duty
- records the full name and SIA registration of the supervisor

- records the address and telephone number of the supervisors working at the premises
- covers a period of a minimum of two years and is available for inspection by the Police or relevant enforcement agency.

In respect of commercial premises with a capacity of 200 or more:

- there must be at least two door staff at each point of entry into the premises and one on each exit point (except emergency exits)
- staff must be in place by 8pm at the latest
- all door supervisors must display their SIA ID card
- all door staff must have ready access to details of local hackney carriage/private hire companies, including telephone numbers, on a leaflet/card or similar that is available to customers on request
- consideration be given whether at least one female door supervisor should be available (for example if female customers are to be the subject of body searches).

Where appropriate, conditions relating to the use of door supervisors may be applied.

Any person employed as a door supervisor or engaged as a door supervisor must be registered and licensed by the Security Industry Authority.

Bottle bans:

Bottles may be used as weapons inflicting serious harm during incidents of disorder. A condition can prevent sales of drinks in their bottles for consumption on the premises. However, many women consider drinking from bottles to be safer as it is easier for them to prevent the spiking of drinks with drugs in bottles, the openings of which may be readily covered. It should also be noted that it is perfectly legitimate for couples, etc. to order a bottle of wine as their drink of choice without food being ordered with this. These issues therefore need to be carefully balanced, and will be considered in

assessment of whether and what conditions relating to bottles should be applied.

Examples of conditions that may be applied include:

- No person carrying open bottles or other drinking vessels will be allowed admission to the premises
- No persons carrying closed bottles will be allowed access to the premises where there is a realistic likelihood of the contents being consumed on the premises
- To utilise glass collectors within the premises on a timed rota, eg glasses and bottles to be collected routinely at 30 minute intervals
- No drink will be supplied in a glass bottle for consumption on the premises
- No person shall be allowed to leave the licensed area of the premises with open containers of alcohol.

Separate conditions may be applied to differing parts of premises e.g. where food is served.

In particular areas during specific events, for example live sporting events being broadcast from a premises, or where intelligence exists with regard to the likelihood of crime and disorder within an area, then bottle bans will be imposed and the use of plastic or toughened glass containers required.

Where appropriate, conditions relating to the use of bottle bans may be applied.

Plastic containers and toughened glass:

Glasses containing drinks may be used as weapons during incidents of disorder and in normal form can cause very serious injuries. Consideration will therefore be given to conditions requiring either the use of plastic containers or toughened glass that inflicts less severe injuries. Location and style of the venue and the activities carried on there would be particularly important in accessing whether a condition is necessary. For example, the use of glass containers on the terraces of outdoor sports grounds may obviously be of concern, but similar concerns may also apply to indoor sports events such as boxing

matches. Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition.

An example of such a condition would be:

- For the period a premises is open to the public on a day that a live sporting event is broadcast in the premises, all drinking vessels supplied for use must be plastic or of toughened glass composition

In particular areas during specific events, for example live sporting events being broadcast from a premises, or where intelligence exists with regard to the likelihood of crime and disorder within an area, then bottle bans will be imposed and the use of plastic or toughened glass containers required.

It should be noted that the use of plastic or paper drinks containers and toughened glass might also be relevant as measures to promote public safety.

Where appropriate, conditions relating to plastic containers and toughened glass may be applied.

CCTV:

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

The Police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

Where CCTV is required as a necessity on one of the four licensing objectives, following a relevant representation made by a relevant body, then an example of the protocol conditions that may be applied include:

- i. There shall be CCTV installed at the premises

- ii. The CCTV system shall be maintained and fully operational during the hours of licensable activity and when premises are open to the public
- iii. There shall be at least one camera situated internally at the premises and at least one camera situated externally showing the main entrance/exit of the premises.
- iv. The premises licence holder shall liaise with Staffordshire Police Service's Architectural Liaison Officer concerning any changes to the siting and viewable areas of the CCTV cameras
- v. Where this premises licence authorises the sale of alcohol after 00.00 hours, the external camera shall be in operation during the hours of licensable activity and for the period when the premises are open to the public
- vi. The CCTV system shall be capable of producing and storing recordings for a minimum period of 31 days on a rolling basis
- vii. The recordings produced shall be made available in a removable format for inspection/retention by any police constable and Authorised Officers of the local authority
- viii. Upon written request for such recordings, the licensee and Licensing Authority shall keep a copy of the recording for a period of 6 months
- ix. The premises licence holder shall ensure that any CCTV system installed at the premises meets the required standards as advised by Staffordshire Police's Architectural Liaison Officer ("the Officer"). Such standards shall include:
 - a. That colour images are produced
 - b. That stills can be taken from the footage and stored for inspection by authorised officers
 - c. That the resolution of the images record/produced meets the minimum standard as set by the Officer from time to time.

Home Office approved CCTV systems to be installed and registered in accordance with guidelines laid down by the Information Commissioner.

Open containers not to be taken from the premises:

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises then this is entirely lawful. However, consideration should be given to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles). This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Where appropriate, conditions relating to these matters may be applied.

Restrictions on drinking areas:

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the Police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such conditions should not only specify these areas, but also indicate the circumstances in which the ban would apply and times at which it should be enforced.

Where appropriate, conditions relating to these matters may be applied.

Capacity limits:

It is expected that a safe capacity limit for each licensed premises will be submitted by the applicant as part of their operating schedule and licence application. It will be the responsibility of the applicant to state how they have arrived at this number, and how they will satisfy the licensing objectives at this limit.

In determining the extent to which capacity limits are appropriate to a premises the Licensing Authority will have reference to appropriate partner agencies, particularly the Police, Fire Service and Environmental Health Services.

A suggested condition is:

The maximum number of persons permitted within the premises shall be determined by reference to the lower figure of surface area of the premises, CCTV provision and size of escape routes as notified by the Fire Safety Officer.

Surface Area

The surface area of the premises shall be taken to **exclude** the following areas:

- i. Escape routes
- ii. Circulation spaces not used for general entertainment (eg stairs, foyers and exits)
- iii. Staff areas including the area behind the bar, any staff rooms or staff sanitary accommodation.

In determining the maximum number of persons allowed at a premises, the premises shall use the following table taken from the District Surveyors’ Association Model “Technical Standards for Places of Public Entertainment”

Type of Accommodation	Area allowed per person
Individual Seating	Where the layout is known, count the number of seats
Bench Seating	Divide the total length of the bench by 450mm
Standing Area for Spectators	0.3m ²
Dance Area	0.5m ²
Restaurant Table and Chair Seating	1.0 – 1.5m ²
Bar Area 1m distance from Frontage	0.3m ²

Where there is no CCTV provision there shall be a capacity of no more than 200 persons.

To facilitate the monitoring of compliance with this and linked requirements e.g. conditions relating to door supervisors, premises will be expected to display clearly its capacity limit, and where this is not observed conditions requiring this may be applied.

Proof of age cards:

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, it may be necessary to require a policy to be applied at certain licensed

premises requiring the production of "proof of age" before such sales are made. This should not be limited to recognised "proof of age" cards, but allow for the production of other proof, such as photo-driving licences or passports.

To assist in ensuring that only persons over the age of 18 are able to purchase alcohol, then the Challenge 25 Scheme may be applied.

An example of such conditions would be:

- Where any person appears to be under 21 they must be asked to prove they are 18 or over
- The premises will make available leaflets/application forms explaining how appropriate proof of age ID may be obtained.

Where appropriate, conditions relating to proof of age may be applied.

Crime prevention notices:

It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime, which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate may require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns. Similarly, notices requesting that customers leave quietly and in an orderly manner may be appropriate.

Where appropriate, conditions relating to these matters may be applied.

Signage:

In order to assist in appropriate enforcement and regulation of the Act the Licensing Authority will expect the signage at all licensed premises to prominently display licence details, licensable activity, hours of licensable operation, the names of the licence holder and designated premises supervisor for the premises, capacity limits and other

relevant matters such as the policy relating to the admission of children. Such signage should also be visible to the public before they enter the premises.

Conditions may be applied requiring observation of this expectation.

Drinks promotions:

Standardised conditions will not be attached to premises licences or club premises certificates that promote fixed prices for alcoholic drinks. Conditions tailored to the individual circumstances of particular premises that address irresponsible drinks promotions may be appropriate and necessary for the promotion of the licensing objectives. Similarly it may be appropriate to require that adequate notice of the nature and duration of drinks promotions is made available to the Police in advance of the promotions being run.

Such matters will be considered objectively in the context of the licensing objectives and with the benefit of expert legal advice.

Where appropriate, conditions relating to these matters may be applied.

Drugs Policy:

The control of the use of illegal drugs by persons attending licensed premises is an important factor in the prevention of crime and disorder. It would be desirable for applicants to demonstrate in their operating schedules how they will address the incidence of drugs on their premises by the inclusion of a drugs policy which should include:

- Search as a condition of entry
- Search on entry policy
- Arrangements for detecting drugs on the premises
- The provision of drugs awareness information
- The provision of free drinking water
- Measures to prevent overcrowding
- Measures to create a safe environment, e.g. chill-out facilities

- Drugs awareness training for staff
- First Aid training for staff in dealing with those suffering from the ill-effects of drug use
- Door supervision.

Drugs policies will be expected to be tailored to the nature of the premises and the types of activities undertaken.

Conditions Relating to Public Safety (including Fire Safety)

It should be noted that conditions relating to public safety should be those which are necessary, in the particular circumstances of any individual premises or club premises, and should not duplicate other requirements of the law. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc. Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999 and the Regulatory Reform (Fire Safety) Order 2005 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control these risks.

Conditions enforcing those requirements will therefore be unnecessary.

General:

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and the Licensing Authority is considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options will be considered as measures that, if necessary, would promote public safety. It should also be recognised that special issues may arise in connection with outdoor and large scale events.

Whether or not any risk assessment shows any of the measures to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Those preparing operating schedules or club operating schedules, Licensing Authorities and responsible authorities should consider:

- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications)

- Small and Medium Places of Assembly ISBN 13-9781851128204
- Large Places of Assembly ISBN 1397818511282211
- Theatres, Cinemas and Similar Premises ISBN 139781851128228
- Open Air Events and Venues ISBN 1397818511282235
- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999)("The Purple Book") ISBN 0 7176 2453 6
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- Five Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) ("The Green Guide") ISBN 0 11 300095 2
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network.

However, in consulting these texts, which were prepared prior to the coming into force of the Licensing Act 2003, those creating operating schedules or club operating schedules, the Licensing Authority and responsible authorities should again note that under no circumstances should any conditions be regarded as standard for all premises. Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

The following are examples of conditions that may be applied:

Disabled people:

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration may be given to conditions that ensure that:

- When disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and
- Disabled people on the premises are made aware of those arrangements.

Safety checks:

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Safety checks are carried out before the admission of the public; and
- Details of such checks are kept in a logbook.

Accommodation limits:

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate are not exceeded; and
- The licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person on request.

First Aid:

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Adequate and appropriate supply of First Aid equipment and materials is available on the premises

- If necessary, at least one suitably trained First-Aider shall be on duty when the public are present, and if more than one suitably trained First-Aider that their respective duties are clearly defined.

Lighting:

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present
- Emergency lighting is not to be altered without the consent of the Licensing Authority
- Emergency lighting batteries are fully charged before the admission of the public, members or guests
- In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

Temporary electrical installations:

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Temporary electrical wiring and distribution systems are not provided without notification to the Licensing Authority at least ten days before commencement of the work
- Temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909

- Temporary electrical wiring and distribution systems are inspected and certified by a competent qualified person before they are put to use.

Ventilation:

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- The premises are effectively ventilated
- Where the ventilation system is designed to maintain positive air pressure within part of the premises, that pressure is maintained whenever the public, member or guests are present in that part of the premises
- Ventilation ducts are kept clean
- Air filters are periodically cleaned and replaced to maintain a satisfactory air supply.

Indoor sports entertainments:

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might be given to conditions that ensure:

- If necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature
- Where a ring is involved, it is constructed and supported to the satisfaction of the Licensing Authority and any material used to form the skirt around the ring is flame-retardant
- At any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring
- At water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also 'Managing

Health and Safety in Swimming Pools' issued jointly by the Health and Safety Commission and Sport England).

Theatres and Cinemas (Promotion of Public Safety):

In addition to the points made in Conditions relating to Public Safety there are particular matters in the context of public safety and fire safety which should be considered in connection with theatres and cinemas. The principle remains that conditions must be necessary and should be established through risk assessment and standardised conditions should be avoided. The points that follow are for consideration and do not represent a mandatory list.

Premises used for closely seated audiences attendants:

(a) The number of attendants on each floor in a closely seated auditorium should be as set out on the tables below. Table 2 sets out the requirements where the audience is comprised mainly of children.

TABLE 1

FLOOR	NUMBER OF PEOPLE	NUMBER OF ATTENDANTS
Ground	Every 250 or part of 250	One
Any floor above or below ground level	Every 100 or part of 100	Two

TABLE 2

FLOOR	NUMBER OF CHILDREN/ADULTS	NUMBER OF ATTENDANTS
Ground	Every 100 or part of 100	One
PLUS:		
Any floor above or below ground level	Every 50 or part of 50	One

(b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty

(c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform)

(d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.

(e) No article shall be attached to the back of any seat that would reduce the clear width of seatways or cause a tripping hazard or obstruction.

(f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

Standing and sitting in gangways etc:

(a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate

(b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate

(c) In no circumstances shall anyone be permitted to:

- i. sit in any gangway
- ii. stand or sit in front of any exit; or
- iii. stand or sit on any staircase including any landings.

Drinks:

Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

Balcony Fronts:

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

Special effects:

Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the

performers and staff.

Special effects include:

- Dry ice machines and cryogenic fog
- Smoke machines and fog generators
- Pyrotechnics, including fireworks
- Real flame
- Firearms
- Motor vehicles
- Strobe lighting
- Lasers (see HSE Guide The Radiation Safety of Lasers used for Display Purposes [HS(G)95] and BS EN 60825: Safety of laser products)
- Explosives and highly flammable substances.

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior consent of the Licensing Authority.

Any scenery should be maintained flame-retardant.

Safety curtain:

Where a safety curtain is necessary, it should be arranged so as to protect the audience from the effects of a fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium.

Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be heavyweight and be made of non-combustible material or inherently or durably treated flame-retarded fabric.

Ceilings:

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person every five years and a certificate concerning the condition of the ceilings forwarded to the Licensing Authority.

Seating:

Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than eight persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

Minimum lighting:

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film. The level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

Flammable films:

No flammable films should be allowed on the premises without the consent of the Licensing Authority.

Smoking:

Licensees should consider the risks from second-hand smoke to users of permitted smoking areas when drawing up operating schedules.

Conditions Relating to the Prevention of Public Nuisance

It should be noted that provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior Police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

General:

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and the Licensing Authority are considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options will be considered as measures that, if necessary, would promote the prevention of public nuisance.

Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions for licences and certificates will also depend on local knowledge of the premises.

Hours:

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted (other than where they are protected by the transitional provisions of the Licensing Act 2003) by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder that results from artificially early fixed closing times.

Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the

public as such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue.

Restrictions might be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises is open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

Where appropriate, conditions relating to these matters may be applied.

Noise and vibration:

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises
- Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly
- The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted
- The placing of refuse – such as bottles - into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

Noxious smells:

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- Noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

Light pollution:

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- Flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

External Areas

Where areas are provided for external drinking or smoking, applicants need to consider how they will promote the public nuisance licensing objective in these areas. Mechanisms for achieving this could include:

- appropriate signage
- door supervisors (numbers as stated elsewhere in this policy)
- adequate facilities for disposal of smoking and other refuse.

Where appropriate, conditions relating to the above may be applied.

Conditions Relating to the Protection of Children from Harm

It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there. In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are, therefore, unnecessary.

Access for children to licensed premises - in general:

Restrictions on the access of children under 18 to premises where licensable activities are being carried on will be made where it is necessary to protect children from harm.

Conditions attached to premises licences and club premises certificates may reflect the concerns of responsible authorities and interested parties who have made representations but only where the licensing authority considers it necessary to protect children from harm.

While the application of conditions will depend on the specific circumstances of an application, the Licensing Authority will, (unless there are circumstances justifying the contrary), adhere to the following recommendations as put forward by the Secretary of State:

- for any premises having known associations (having been presented with evidence) with or likely to give rise to heavy or binge or underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years.

Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules

for the purposes of obtaining or varying a premises licence or club premises certificate should:

- explain their reasons; and
- outline in detail the steps that they intend to take to protect children from harm on such premises.

For any premises not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time.

Applicants wishing to allow access when preparing operating schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should explain their reasons and outline in detail the steps that they intend to take to protect children from harm on such premises.

In any other case, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm.

Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm whilst on the premises.

Age restrictions – specific:

Under the 2003 Act, a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, the Licensing Authority, following relevant representations made by responsible authorities and interested parties, will consider a range of conditions that will be tailored to the particular premises and their activities where these are necessary.

The Licensing Authority will consider:

- the hours of the day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day;
- types of event or activity in respect of which no age restrictions may be needed, for example family entertainment; or non-alcohol events for young age groups, such as under 18s dances.

Similarly, types of event or activity which give rise to a more acute need for age restrictions than normal, for example:

- during “Happy Hours” or on drinks promotion nights;
- during activities outlined above.

Age restrictions – cinemas:

The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of section 20 which requires the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 or by the Licensing Authority itself, conditions restricting the admission of children to film exhibitions should include:

- a condition that where the Licensing Authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the Licensing Authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the Licensing Authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;
- a condition that when films are classified, by either the film classification body as specified in the licence or the Licensing Authority, they should be classified in the following way:
 - U Universal – suitable for audiences aged four years and over

- PG – Parental Guidance. Some scenes may be unsuitable for young children
 - 12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult
 - 15 – Passed only for viewing by persons aged 15 years and over
 - 18 – Passed only for viewing by persons aged 18 years and over
- that conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film;
 - a condition that when a licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

“Where a programme includes a film recommended by the licensing authority as falling into the 12A, 15 or 18 category no person appearing to be under the age of 12 and unaccompanied, or under 15 or 18 as appropriate, shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms –

**PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE]
CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME**

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction. This condition does not apply to members of staff under the relevant age while on-duty provided that the prior written consent of the person’s parent or legal guardian has first been obtained.”

Theatres:

The admission of children to theatres, as with other licensed premises, is not expected to normally be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play is expected to normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment.

A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).

The Licensing Authority will consider whether a condition should be attached to a premises licence, which requires the presence of a sufficient number of adult staff on the premises to ensure the well being of children present on the premises during any emergency.

Performances especially for children:

Where performances are presented especially for unaccompanied children in theatres and cinemas, conditions are anticipated to be needed which require an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

Regard will be had to any representations made by responsible authorities on the issue, to also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

Children in performances:

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18.

The Children (Performances) Regulations 1968 as amended set out requirements for children performing in a show.

However, if it is necessary to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children

from harm then the Licensing Authority will consider the matters outlined below.

- **Venue** – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance
- **Fire safety** – all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children
- **Special effects** – it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children
- **Care of children** – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

Proof of age cards:

Where necessary and appropriate, a requirement for the production of PASS accredited proof of age cards before any sale of alcohol is made may be attached to any premises licence or club premises certificate for the protection of children from harm. Any such requirement should not be limited to recognised “proof of age” cards, but allow for the production of other proof, such as photo-driving licences and passports. It should be noted that many adults in England and Wales do not currently carry any proof of age. To assist in ensuring that only persons over the age of 18 are able to purchase alcohol, then the Challenge 25 Scheme may be applied. This will ensure that most minors – even those looking older – would need to produce proof of age appropriately before making such a purchase. Under such an arrangement only a minority of adults might be affected, but for the majority there would be no disruption to their normal activity, for example, when shopping in a supermarket.

Proof of age cards can also ensure that appropriate checks are made where the presence of children is restricted by age at certain times, such as 16.

Access to cigarette vending machines:

Where children under the age of 18 have access to premises, consideration may need to be given to the siting of cigarette machines in supervised areas away from entrances.

Smoking areas:

The risks to children from second-hand smoke should be considered when submitting operating schedules. Appropriate measures to protect children from exposure should be documented and put in place in those areas to which children are admitted or to which they have access.

YOUR VIEWS – LICENSING POLICY

FEEDBACK QUESTIONNAIRE

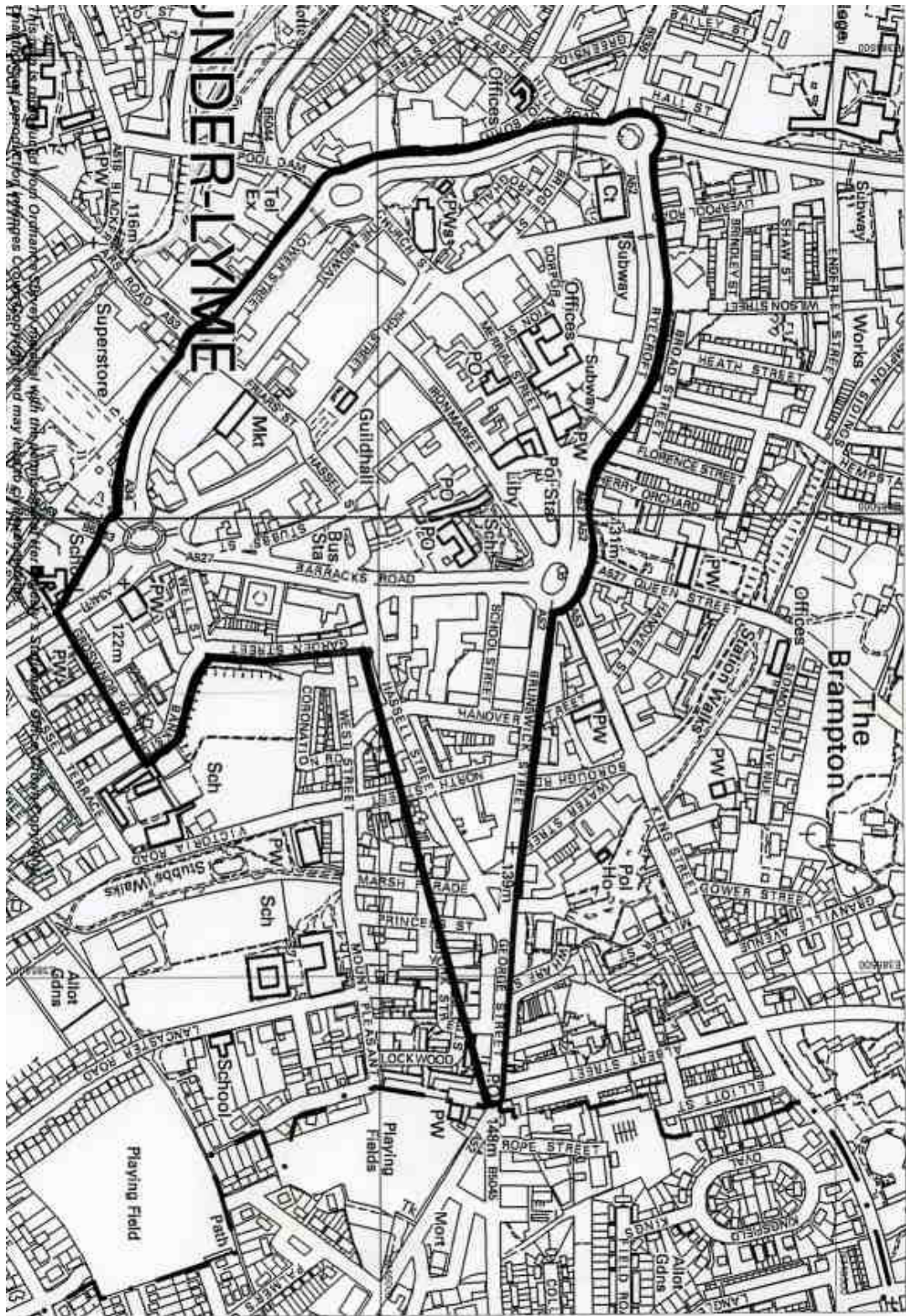
YOUR NAME	
ADDRESS	
TELEPHONE NUMBER	
E-MAIL ADDRESS	

Your views are requested in relation to the following:

1. The policies in relation to crime and disorder	
2. The policies in relation to public nuisance	
3. The policies in relation to public safety	
4. The policies in relation to the safety of children	
5. The proposed conditions	
6. On the Policy generally	

THANK YOU FOR COMPLETING THIS QUESTIONNAIRE

Please send your completed questionnaire and any other comments to: Licensing, Newcastle Borough Council, Civic Offices, Merrial Street, Newcastle, Staffs, ST5 2AG or by e-mail to licensing@newcastle-staffs.gov.uk



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Comments Received from Community Safety in relation to the Licensing Policy Consultation.

- On the contents on pg 1 and at pg 9 – 10 and in Appendix A it refers to the ‘protection of children from harm’ whereas we’d say safeguarding – this may be the term used in the legislation though?
- At the bottom of Pg 12 it mentions the Newcastle Safer Communities Partnership – which technically doesn’t exist anymore – it should just be the Newcastle Partnership.
- On pg 24 it refers to CRB disclosure forms but they are now called DBS certificates.
- On pg 27, 48 and 68 it says the Challenge 21 scheme but I think this is now the Challenge 25 scheme – Trevor am I right?
- On pg 28 it refers to the Director of Children and Lifelong Learning, this has definitely changed to Director for People

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NEWCASTLE · UNDER · LYME

BOROUGH COUNCIL

14 AUG 2015

STATEMENT OF LICENSING POLICY CONSULTATION QUESTIONNAIRE

PASSED TO CONFERENCE COMMITTEE

Section 1

Q.1. PUBLIC SAFETY

Conditions will be imposed in accordance with operating schedules and any relevant representations to protect public safety including where justified measures to address the following:

- Provision of escape routes and access for emergency vehicles to include adequate signage and emergency lighting
- Safety checks
- Provision of CCTV and panic buttons
- Use of shatterproof drinking vessels and bottles requiring use of toughened glass or plastic
- Use of security personnel, such as door supervisors, licensed by the Security Industry Authority
- Requirement of a minimum of a licensed door supervisor for every 100 customers in night clubs and large town centre pubs or as indicated by risk assessment
- Occupant capacity conditions will be applied where appropriate
- Provision of fire retardant hangings, decorations and upholstery
- Fire action notices and procedures to be followed in the event of fire
- The provision of First Aid equipment and suitably trained First Aiders.

Do you feel the Policy does enough to promote this area?

YES

NO

If no, what changes do you think we should consider?

Q.2. PREVENTION OF PUBLIC NUISANCE

In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, or as a result of people entering or leaving the premises, or by reason of smell, vibration or light pollution.

Where relevant representations are received, a condition may be imposed on new licences that entertainment noise shall be inaudible in any residence.

Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises.

Do you feel the Policy does enough to promote this area? **YES** **NO**

If no, what changes do you think we should consider?

Q.3. THE PROTECTION OF CHILDREN FROM HARM

Premises licences are granted to a wide variety of establishments for a wide variety of activities regulated under the Act. For the majority of these activities, the presence of children either on their own or accompanied by a responsible adult is not unlawful. The Licensing Authority will not therefore impose a condition requiring that children not be admitted to licensed premises. Such a matter will generally be at the discretion of the licence holder. However, in some instances the licence holder will need to restrict the access of children to the premises or parts of the premises at certain times when specific activities are taking place. The applicant is required to detail in the operating schedule the measures they intend to take to meet the licensing objective of 'protecting children from harm'.

Where relevant representations are received, the conditions that may be attached to a licence to protect children from harm include the following:

- Limitations on the hours when children may be present
- Limitations on or the exclusion of the presence of children under certain ages when particular specified activities are taking place
- Limitations on the parts of premises to which children may be given access
- Age restrictions (below 18)
- Requirements for children to be accompanied by an adult (including, for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult)
- Full exclusion of people under 18 from the premises when any licensable activities are taking place
- Provision of adult staff to supervise children and to ensure their safety
- Special requirements relating to children in performances
- The Challenge 21 policy
- To be an active member of "Off Licence Watch" where such a scheme exists
- Protection of children from passive smoking and access to cigarette vending machines.
- Steps to mitigate against possible child sexual exploitation issues.

Activities Giving Rise to Concern

The activities which would give rise to concern by the Licensing Authority in relation to potential harm for children include:

- Where entertainment or services of an adult or sexual nature are commonly provided

- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for under-age drinking
- Where there is a known association with drug taking or dealing
- Where there is a strong element of gambling on the premises (excluding a small number of cash prize gaming machines)
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

Role of the Director of Children and Lifelong Learning

The Licensing Authority recognises that the Director of Children and Lifelong Learning for the County Council is the responsible authority for advising the licensing authority on all those matters in relation to the licensing objective to protect children from harm. Applicants are specifically required to forward copies of their operating schedule to Staffordshire Trading Standards so that the Licensing Authority may be advised on the suitability and the effectiveness of the applicant's proposals to meet the licensing objective of 'protecting children from harm'.

Do you feel the Policy does enough to promote this area? **YES** **NO**

If no, what changes do you think we should consider?

Q.4. THE PREVENTION OF CRIME AND DISORDER

Conditions will be imposed in accordance with operating schedules and any relevant representations to address the following:

- Text pagers/radio links
- Door supervision
- The provision of CCTV
- Adherence to Exclusion Orders
- Maximum permitted numbers
- Irresponsible drinks promotions
- Bottle bans and use of plastic containers/toughened glass
- Restriction of drinking areas/removal of open containers
- Proof of age cards
- Drugs policies
- Signage
- Crime prevention notices
- Adoption of a dispersal policy
- Search on entry
- Overcrowding
- Chill-out facilities
- Pub Watch/Off Licence Watch where such a scheme exists.

SECTION 3

ABOUT YOU:

Where did you see a copy of the draft Policy?

Civic Offices _____ The Internet _____

Library _____

Other (please state) Posted copy to clerk.

Please indicate if you are responding as:

Member of the public _____ Community Group representative _____

Licensed business _____ Other business owner _____

Trade Association _____ Town/Parish Councillor

Other (please state) _____

*Silverdale
Parish
Council*

THANK YOU FOR TAKING THE TIME TO COMPLETE THIS QUESTIONNAIRE

Please return to:

**Julia Cleary,
Licensing Section,
Newcastle-under-Lyme Borough Council,
Civic Offices,
Merrial Street,
Newcastle, Staffs, ST5 2AG**

Or by email to licensing@newcastle-staffs.gov.uk



STATEMENT OF LICENSING POLICY CONSULTATION QUESTIONNAIRE

Section 1

Q.1. PUBLIC SAFETY

Conditions will be imposed in accordance with operating schedules and any relevant representations to protect public safety including where justified measures to address the following:

- Provision of escape routes and access for emergency vehicles to include adequate signage and emergency lighting
- Safety checks
- Provision of CCTV and panic buttons
- Use of shatterproof drinking vessels and bottles requiring use of toughened glass or plastic
- Use of security personnel, such as door supervisors, licensed by the Security Industry Authority
- Requirement of a minimum of a licensed door supervisor for every 100 customers in night clubs and large town centre pubs or as indicated by risk assessment
- Occupant capacity conditions will be applied where appropriate
- Provision of fire retardant hangings, decorations and upholstery
- Fire action notices and procedures to be followed in the event of fire
- The provision of First Aid equipment and suitably trained First Aiders.

Do you feel the Policy does enough to promote this area? YES NO

If no, what changes do you think we should consider?

Q.2. PREVENTION OF PUBLIC NUISANCE

In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, or as a result of people entering or leaving the premises, or by reason of smell, vibration or light pollution.

Where relevant representations are received, a condition may be imposed on new licences that entertainment noise shall be inaudible in any residence.

Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises.

Do you feel the Policy does enough to promote this area? YES NO

If no, what changes do you think we should consider?

Q.3. THE PROTECTION OF CHILDREN FROM HARM

Premises licences are granted to a wide variety of establishments for a wide variety of activities regulated under the Act. For the majority of these activities, the presence of children either on their own or accompanied by a responsible adult is not unlawful. The Licensing Authority will not therefore impose a condition requiring that children not be admitted to licensed premises. Such a matter will generally be at the discretion of the licence holder. However, in some instances the licence holder will need to restrict the access of children to the premises or parts of the premises at certain times when specific activities are taking place. The applicant is required to detail in the operating schedule the measures they intend to take to meet the licensing objective of 'protecting children from harm'.

Where relevant representations are received, the conditions that may be attached to a licence to protect children from harm include the following:

- Limitations on the hours when children may be present
- Limitations on or the exclusion of the presence of children under certain ages when particular specified activities are taking place
- Limitations on the parts of premises to which children may be given access
- Age restrictions (below 18)
- Requirements for children to be accompanied by an adult (including, for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult)
- Full exclusion of people under 18 from the premises when any licensable activities are taking place
- Provision of adult staff to supervise children and to ensure their safety
- Special requirements relating to children in performances
- The Challenge 21 policy
- To be an active member of "Off Licence Watch" where such a scheme exists
- Protection of children from passive smoking and access to cigarette vending machines.
- Steps to mitigate against possible child sexual exploitation issues.

Activities Giving Rise to Concern

The activities which would give rise to concern by the Licensing Authority in relation to potential harm for children include:

- Where entertainment or services of an adult or sexual nature are commonly provided

- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for under-age drinking
- Where there is a known association with drug taking or dealing
- Where there is a strong element of gambling on the premises (excluding a small number of cash prize gaming machines)
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

Role of the Director of Children and Lifelong Learning

The Licensing Authority recognises that the Director of Children and Lifelong Learning for the County Council is the responsible authority for advising the licensing authority on all those matters in relation to the licensing objective to protect children from harm. Applicants are specifically required to forward copies of their operating schedule to Staffordshire Trading Standards so that the Licensing Authority may be advised on the suitability and the effectiveness of the applicant’s proposals to meet the licensing objective of ‘protecting children from harm’.

Do you feel the Policy does enough to promote this area? YES NO

If no, what changes do you think we should consider?

Throughout the document it pays reference to chll 21. The nationally recognised standard at present is in fact chll 25. I feel that the current policy should be amended to reflect this. Additionally at present when Trading Standards advocate best practise, or negotiate conditions with an applicant, chll 25 is what we would be looking towards. Chll 25 affords more protection to licensed trade as well as protecting young people’s health and limiting the associated negative anti-social behaviour felt by communities when young people underage are able to access alcohol.

Q.4. THE PREVENTION OF CRIME AND DISORDER

Conditions will be imposed in accordance with operating schedules and any relevant representations to address the following:

- Text pagers/radio links
- Door supervision
- The provision of CCTV
- Adherence to Exclusion Orders
- Maximum permitted numbers
- Irresponsible drinks promotions
- Bottle bans and use of plastic containers/toughened glass
- Restriction of drinking areas/removal of open containers
- Proof of age cards
- Drugs policies
- Signage
- Crime prevention notices
- Adoption of a dispersal policy

- Search on entry
 - Overcrowding
 - Chill-out facilities
 - Pub Watch/Off Licence Watch where such a scheme exists.
-

Do you feel the Policy does enough to promote this area? YES NO

If no, what changes do you think we should consider?

SECTION 2

Please add any other comments you wish to make on the current Licensing Policy

__ Following a review hearing it would be helpful if there was a set period of time stipulated in the licensing policy regarding when the notification of the decision will be sent out to all parties. This is extremely important as until the notice has been sent the appeal period cannot commence. A time stipulation would set a realistic expectation around this.

__ Additionally at present when a new licence application is received if conditions are negotiated and agreed by both parties In the Borough of Newcastle they are treated as representations and have to go in front of a committee to make the determination. The spirit of the licensing Act and the section 182 guidance is very much around a time period of negotiation between the applicant and the RA; this gives both parties the opportunity to engage in a meaningful dialogue around bespoke conditions for their particular business to promote the licensing objectives. At present Newcastle Borough is the only Local Authority in the county that hold a hearing to make a determination on the conditions being negotiated on. In all other areas the conditions are negotiated and if both parties are in agreement then this is provided to the LA where they endorse the newly agreed conditions onto the licence. The only time that reps are submitted are if there can't be agreement reached and the committee need to make a determination. Hence the committee are only sitting in circumstances where there is two opposing opinions and a lack of agreement, not where there is full agreement of all parties concerned.

**Civic Offices,
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Or by email to licensing@newcastle-staffs.gov.uk

GAMBLING ACT 2005 – STATEMENT OF GAMBLING POLICY

Submitted by: Democratic Services Manager

Portfolio: Safer Communities

Ward(s) affected: All

Purpose of the Report

To advise Members of the updated draft Gambling Policy as agreed by the Licensing Committee on 22nd October 2015.

Recommendations

(a) That the revised Gambling Policy be adopted.

Reasons

Under section 349 of the Gambling Act 2005 the Council has a statutory duty to review its Gambling statement set out in the Gambling Policy before the end of December 2015.

1. GAMBLING ACT 2005 – STATEMENT OF GAMBLING POLICY

Background

Under section 349 of the Gambling Act 2005 the statutory period for licensing policies is 3 years with the first period starting on 31 January 2007. The Council therefore has a statutory duty to review its Gambling statement set out in the Gambling Policy before the end of December 2015.

In preparing a statement for revision the Council must consult:

- The Chief Officer of Police for the authority's area
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act

Issues

The consultation period ended on 23rd October 2015 and the Council received a total of 3 responses which are attached to this report. The responses were considered by the Licensing Committee on 22nd October 2015 and the Policy has been updated accordingly.

3. Legal and Statutory Implications

Under section 349 of the Gambling Act 2005 the Council has a statutory duty to review its Gambling statement set out in the Gambling Policy before the end of December 2015.

4. List of Appendices

Appendix A: Draft Gambling Policy 2015

Appendix B: Consultation Responses

5. Background Papers

Newcastle under Lyme Gambling Policy 2012



STATEMENT OF GAMBLING POLICY

DRAFT 2015

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PART A – THE GAMBLING ACT 2005

1. The Licensing Objectives

- 1.1 Under the Gambling Act 2005 (the Act), the Borough Council of Newcastle-under-Lyme is the licensing authority for Newcastle-under-Lyme and licences premises for gambling activities as well as granting various other gambling permits. In this document unless otherwise stated any references to the Council are to the Borough Council of Newcastle-under-Lyme Licensing Authority
- 1.2 The Council will carry out its functions under the Act with a regard to the three licensing objectives set out at Section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way;
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.3 More information can be found about how the Council will promote the licensing objectives in Parts B and C of this document
- 1.4 The Council will also follow any regulations and statutory guidance issued in accordance with the Act and have regard to any Codes of Practice issued by the national gambling regulator, the Gambling Commission
- 1.5 The Council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling insofar 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 the Council's Statement of Gambling Policy.

2. The Purpose of the Gambling Policy

- 2.1 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions under the Act. This document fulfils this requirement. Such statement must be published at least every three years. The statement can also be reviewed from time to time and any amendments must be consulted upon. The statement must then be re-published

2.2 The Council consulted widely upon this Policy Statement before finalising and publishing it. A list of the consultees is given below:

- Staffordshire Police
- Staffordshire County Council
- Representatives of local businesses (including the North Staffordshire Chamber of Trade and the Newcastle Chamber of Trade)
- Local residents and their representatives
- Town and Parish Councils in the Borough
- Local Members of Parliament
- National bodies representing the gambling trade
- National charities concerned with the social impact of gambling
- Representatives of existing licence holders
- Renew and North Staffs Regeneration Zone
- Newcastle Community Safety Partnership
- Keele University
- Local financial/debt management agencies
- Department of Community Services, Newcastle Borough Council
- Department of Regeneration and Planning Services, Newcastle Borough Council
- Staffordshire County Council Trading Standards
- Newcastle LSP
- Aspire Housing
- North Staffs Race Equality Council

2.3 The consultation took place between September and November 2006 and followed the Cabinet Office Code of Practice on consultations published in April 2004. This document is available from the Cabinet Office website at www.cabinetoffice.gov.uk

2.4 A copy of the consultation report containing a summary of the comments received and the consideration by the Council of those comments is available on request

2.5 The Policy was approved at a meeting of the Full Council on 20th December 2006 (resolution 563/06).

3. The Licensing Framework

3.1 The Gambling Act 2005 brought about changes to the way that gambling is administered in the United Kingdom. The Gambling Commission is the national gambling regulator and has a lead role in working with Central Government and local authorities to regulate gambling activity

3.2 The Gambling Commission issues operators' licences and personal licences. Any operator wishing to provide gambling at certain premises must have applied for the requisite personal licence and operator's licence before they can approach the Council for a premises licence. In this way, the Gambling Commission is able to screen applicants and organisations to ensure they have the correct credentials to operate gambling premises. The Council's role is to ensure premises are suitable for providing gambling in line with the three licensing objectives and any Codes of Practice issued by the Gambling Commission. The Council also issues various permits and notices to regulate

smaller scale and/or ad hoc gambling in other locations such as pubs, clubs and hotels

- 3.3 The Council does not licence large society lotteries or remote gambling through websites. These areas fall to the Gambling Commission. The National Lottery is not licensed by the Gambling Act 2005 and continues to be regulated by the National Lottery Commission under the National Lottery Act 1983.

4. Local Risk Assessments

- 4.1 The Gambling Commission's Licence Conditions and Code of Practice (LCCP) which were revised and published in February 2015 formalised the need for Operators to consider local risks.

- 4.2 The Social Responsibility (SR) code requires licensees to assess the local risk to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement.

- 4.3 Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:

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

- 4.4 The Council requires licensees to share their risk assessment with the licensing authority when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise.

- 4.5 The risk assessment should set out the measures the licensee has in place to address specific concerns. This practice should reduce the occasions on which a premises review and the imposition of license conditions are required.

- 4.6 Where this policy statement sets out its approach to regulation with clear reference to local risks, the licensing authority will facilitate operators being able to better understand the local environment and therefore proactively mitigate risks to the licensing objectives. In some circumstances, it might be appropriate to offer the licensee the opportunity to volunteer specific conditions that could be attached to the premises licence.

- 4.7 An example of a risk assessment is attached at Appendix 2.

5. Local area profile

- 5.1 The Licensing Authority has completed an assessment of the local environment as a means of 'mapping out' local areas of concern, which can be reviewed and updated to reflect changes to the local landscape. Such an assessment is known as the local area profile. There is no statutory duty on the Licensing Authority to complete an area profile; however benefits for both

the Licensing Authority and Operators would be in having a better awareness of the local area and risks. Importantly, risk in this context includes potential and actual risk, thereby taking into account possible future emerging risks, rather than reflecting current risks only.

- 5.2 The Borough is the second largest district in Staffordshire and has a population of 123,900. The majority of the population live in the urban centres of Newcastle-under-Lyme and Kidsgrove which are located in close proximity to the City of Stoke-on-Trent and form part of the North Staffordshire Conurbation. The areas around the urban centre to the north, south and west are mainly rural comprising mostly Green Belt and Areas of Special Landscape where new development is restricted and population density is low.
- 5.3 The total number of people who are in employment aged between 16 and 74 is 57,366 (62.13%) with 61,568 being classed as economically active (66.7%).
- 5.4 The total number of people deemed to be in very good health is 44.7% in comparison to 47.2% across England as a whole.

The population profile for residents is as below:

Age	Population	Percentage
0- 4	6,314	5.1%
5 -9	6,368	5.1%
10 - 15	8,376	6.7%
16 - 24	16,675	13.5%
25 - 44	30,206	24.4%
45 - 64	33,424	27.0%
65 - 74	12,030	9.7%
75 +	10,478	8.5

- 5.5 The Borough has a black and minority ethnic population of 5% made up of a number of different groups with no single largest minority community
- 5.6 Over recent years there has been significant growth in entertainment use within Newcastle town centre and Newcastle now has a vibrant night time economy
- 5.7 Newcastle Borough Council has a total of 20 gambling premises licences.

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

By premises:

Betting: 14
Betting (Track): 0
Bingo: 1
Adult Gaming Centres (AGC's): 3
Licenced Family Entertainment Centres: 2

By location:

Town Ward: 10
Cross Heath: 1

Chesterton: 1
Butt Lane: 2
Wolstanton: 2
Silverdale and Parkside: 1
Ravenscliffe: 1
Keele (M6 Service Station): 2
Bradwell: 1

A map of the Council area and the location of the gambling premises is attached at Appendix 3.

- 5.8 The Council will proactively engage with all responsible authorities as well as other organisations; public health, mental health, housing, education, community welfare groups and safety partnerships to ensure any new or varied applications are assessed taking the local area profile and any risks into account.
- 5.9 This Statement of Gambling Policy will have regard to the licensing objectives within the Borough.

6. Declaration

- 6.1 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 Gambling Act 2005
- 6.2 In producing the final Statement of Gambling Policy, the Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission and any responses from those consulted on the Policy Statement.

7.0 Responsible Authorities

- 7.1 The Act empowers certain agencies to act as responsible authorities so that they can employ their particular area of expertise to help promote the licensing objectives. Responsible authorities are able to make representations about licence applications or apply for a review of an existing licence. Responsible authorities will also offer advice and guidance to applicants
- 7.2 The Council is required by regulations to state the principles it will apply to designate, in writing, a body which is competent to advise the 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;
 - The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.
- 7.3 In accordance with the regulations, the Council designates the Local Safeguarding Children Board for this purpose

7.4 The contact details of all the responsible authorities under the Gambling Act 2005 can be found in our application packs and on the Council's website at www.newcastle-staffs.gov.uk.

8.0 Interested Parties

8.1 Interested parties are certain types of people or organisations that have the right to make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as set out below.

8.2 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 paragraphs (a) or (b).

8.3 The Council is required by regulations to state the principles it will apply to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits. The Council will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Local Authorities. Within this framework, the Council will accept representations made on behalf of residents and tenants' associations
- In order to determine if an interested party lives or has business interests sufficiently close to the premises to be likely to be affected by the gambling activities, the Council will consider factors such as the size of the premises and the nature of the activities taking place.

8.4 The Council will provide more detailed information on the making of representations in a separate guidance note.

9. Exchange of Information

9.1 Licensing authorities are required to include in their Policy Statement the principles to be applied by the Authority with regard to the exchange of information between it and the Gambling Commission, as well as other persons listed in Schedule 6 to the Act

9.2 The principle that the Council applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Council will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

10. Licensing Authority Functions

Licensing authorities are responsible under the Act for:

- Licensing premises where gambling activities are to take place by issuing premises licences
- Issuing provisional statements
- Regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issuing Club Machine Permits to commercial clubs
- Granting permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines
- Granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises under the Licensing Act 2003, where more than two machines are required
- Registering small society lotteries below prescribed thresholds
- Issuing Prize Gaming Permits
- Receiving and endorsing Temporary Use Notices
- Receiving Occasional Use Notices (for tracks)
- Providing information to the Gambling Commission regarding details of licences issued (see section above on information exchange)
- Maintaining registers of the permits and licences that are issued under these functions

10.1 The Council will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operators' licences.

11. Definition of Children and Young Persons

In this policy "child" means an individual who is less than 16 years old.

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

PART B –THE LICENSING OBJECTIVES

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

- 12.1 The Gambling Commission will take a lead role in keeping gambling crime-free by vetting all applicants for personal and operators' licences. The Council's main role is to try and promote this area with regard to actual premises. So, where an area has known high levels of organised crime the Council will consider carefully whether gambling premises are suitable to be located there (see paragraphs 13.8 and 13.9) and whether conditions may be required such as the provision of door supervision (see paragraph 13.15)
- 12.2 There is a distinction between disorder and nuisance. In order to make the distinction when incidents of this nature occur, the Council will consider factors such as whether Police assistance was required and how threatening the behaviour was to those who could see it
- 12.3 Issues of nuisance cannot be addressed by the Gambling Act provisions. However, problems of this nature can be addressed through other legislation as appropriate.
- 12.4 Examples of the specific steps the Council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

13. Ensuring that Gambling is conducted in a fair and open way

- 13.1 The Council is aware that except in the case of tracks (see Section 18), generally the Gambling Commission does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.
- 13.2 The Council will however familiarise itself with operator licence conditions and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other information.
- 13.3 Examples of the specific steps the Council may take to address this area can be found in the various sections covering specific premises types in Part C of this document, and also in Part D which covers permits and notices.

14. Protection of Children

- 14.1 This licensing objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children). The Council will therefore consider whether specific measures are required at particular premises with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.

14.2 The Council will pay particular attention to any Codes of Practice which the Gambling Commission issues regarding this licensing objective in relation to specific premises such as casinos

14.3 Examples of the specific steps the Council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

15. Protection of Vulnerable People

15.1 Regarding the term 'vulnerable persons', the Council is not seeking to offer a definition but will, for regulatory purposes, assume that this group includes people who gamble more than they want to; people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance misuse relating to alcohol or drugs. The Council will consider this licensing objective on a case by case basis having regard to any guidance issued by the Gambling Commission. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision

15.2 The Council will promote this objective by publishing information on the Council website about the symptoms of problem gambling and the various support organisations which are available to help problem gamblers. These web pages will be prepared in conjunction with these support agencies

15.3 The Council will also familiarise itself with operator licence conditions related to this objective which may include a requirement for operators to provide information to their customers on how to gamble responsibly and how to access information about problem gambling. The Council will communicate any concerns to the Gambling Commission about any absence of this required information

15.4 Examples of the specific steps the Council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

PART C – PREMISES LICENCES

16. Introduction to Premises Licensing

16.1 The Council will issue premises licences to allow those premises to be used for certain types of gambling. For example, premises licences will be issued to amusement arcades, bingo halls, bookmakers and casinos

16.2 Premises licences will be subject to the permissions/restrictions set out in the Gambling Act 2005 and regulations as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach other conditions, where it is believed to be necessary and proportionate.

Definition of 'Premises'

16.3 Premises is defined in the Act as 'any place'. Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances

16.4 The Council will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other non-gambling purposes. In particular, the Council will assess entrances and exits from parts of a building covered by one or more licences to satisfy itself that they are separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area

16.5 The Council will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Issues that the Council will consider before granting such applications include whether children can gain access; compatibility of the two establishments and the ability to comply with the requirements of the Act. In addition, an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act

16.6 An applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that references to 'the premises' are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued by the Council in relation to premises that are ready to be used for gambling. Whether a premises is finished to a degree that it can be considered for a premises licence will always be a question of fact in the circumstances. Requiring a building to be complete ensures that the Council can, if necessary, inspect it fully, as can other responsible authorities with inspection rights

16.7 Where a premises is not yet built or is about to be altered for the purpose of providing gambling and ultimately a premises licence will be required, the

applicant should in the first instance consider making an application for a provisional statement (see Section 20).

Location

16.8 The Council is aware that demand issues (e.g. the likely demand or need for gambling facilities in the area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder

16.9 With regard to these objectives, it is the Council's policy, upon receipt of any relevant representations, to look at specific location issues including:

- The proximity of the premises to schools and vulnerable adult centres
- The proximity of the premises to residential areas where there may be a high concentration of families with children
- The size of the premises and the nature of the activities taking place
- Any levels of organised crime in the area.

Such information may be used to inform the decision the Council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application

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

Duplication with other regulatory regimes

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

Conditions

16.12 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, and/or related to the area where the premises is based
- Fairly and reasonably related to the scale and type of premises and
- Reasonable in all other respects

16.13 Decisions about individual conditions will be made on a case by case basis, although there will be a number of control measures the Council will consider using, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under each of the licence types below. The

Council will also expect the applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively

16.14 There are conditions which the Council cannot attach to premises licences which are:

- Any condition on the premises licence which makes it impossible for the applicant to comply with an operating licence condition
- Conditions relating to gaming machine categories, numbers or method of operation
- Conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
- Conditions in relation to stakes, fees, winnings or prizes.

Door supervision

16.15 The Council will consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It should be noted that the Gambling Act 2005 has amended the Private Security Industry Act 2001 and that door supervisors at casinos or bingo premises are not required to be licensed by the Security Industry Authority. Where door supervisors are required at these premises, it is the operator's responsibility to ensure that any persons employed in this capacity are fit and proper to carry out such duties. Normally door supervisors will only be required in betting offices if there is clear evidence from the history of trading that it is necessary and proportionate. Possible ways to achieve this could be to carry out a criminal records (CRB) check on potential staff and also to ensure that staff members have attended Security Industry recognised training

17. Adult Gaming Centres and Licensed Family Entertainment Centres (LFECs)

17.1 Adult Gaming Centres are a new category of premises introduced by the Act that are most closely related to what are commonly known as adult only amusement arcades, seen in many city centres. Licensed Family Entertainment Centres (LFECs) are those premises which usually provide a range of amusements such as computer games and penny pushers and may have a separate section set aside for adult only gaming machines with higher stakes and prizes.

17.2 Under the Act a premises holding an adult gaming centre licence will be able to make certain numbers of category B, C and D gaming machines available and no-one under 18 will be permitted to enter such premises. LFECs will be able to make available a certain number of category C and D machines where there is clear segregation in place so children do not access the areas where the category C machines are located (see Appendix 1)

17.3 The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling in the above

premises. The Council will expect applicants to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises or in the case of LFECs to the adult only gaming machine areas

17.4 The Council will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes (e.g. PASS schemes)
- The use of Challenge 25 policy
- The use of 'No ID No Entry' policy
- To train staff in the law and challenge people as to their age
- CCTV
- Door supervision
- Supervision of machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- The appointment of a single senior named point of contact to assist in compliance.

This list is not mandatory nor exhaustive and is merely indicative of examples

17.5 The Council will refer to the Gambling Commission's website to familiarise itself with any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The Council will also make itself aware of any mandatory or default conditions on these premises licences when they have been published.

18. Casinos

18.1 The Gambling Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games whereby casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players

18.2 The Act introduces three new categories of larger casino –

- One super/regional casino
- Eight large casinos and
- Eight small casinos

These 17 casinos will be sited in various regions around Britain in line with decisions made by the Independent Casino Advisory Panel

Casino Resolution

18.3 With regard to the casinos referred to at paragraph 15.2, each local authority is required to publish information in its Statement of Gambling Policy about how the Authority has taken or will take a decision to pass (or not to pass) a casino

resolution. A casino resolution is a judgment made by a local authority about whether it will allow any small, large or the regional casino to be located in its authority area. The Council has passed a resolution that there will be no casinos in the Newcastle-under-Lyme town centre.

Proposal for a Casino

- 18.4 The Council has not submitted a proposal for a large casino to the Independent Casinos Advisory Panel

Casinos and Competitive Bidding

- 18.5 Where a local authority area is enabled to grant a premises licence for a new style casino there are likely to be a number of operators who will want to run the casino. In such situations the Council will have regard to Schedule 9 of the Gambling Act 2005

Licence Considerations/Conditions

- 18.6 The Gambling Commission has indicated that further guidance will be issued in due course about the particular issues that licensing authorities should take into account in relation to the suitability and layout of casino premises. This guidance will be considered by the Council when it is made available

Betting Machines

- 18.7 The Council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a casino premises licence (where betting is permitted in the casino). When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Council, amongst other things, will take into account the size of the premises, the number of counter positions available for person to person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.

19. Bingo Premises

- 19.1 There is no official definition for bingo in the Gambling Act 2005. However, from a licensing point of view there will be a new category of premises licence specifically for bingo premises which will be used by traditional commercial bingo halls for both cash and prize bingo. In addition, they will also be able to provide a limited number of gaming machines in line with the provisions of the Act (see Appendix 1)
- 19.2 The Council is aware that it is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted then the Council will 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.

19.3 The Council is also aware that the Gambling Commission is to issue further guidance regarding the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. This guidance will be considered by the Council once it is made available.

20. Betting Premises

20.1 Betting premises are premises such as bookmakers where various types of gambling are authorised to take place. The Act contains a single class of licence for betting premises. However, within this single class there are different types of premises which require licensing such as normal high street bookmakers, bookmakers located in self-contained facilities at racecourses as well as the general betting premises licences that track operators will require

20.2 **Betting machines** – the Council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines and the nature and circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises the Council, amongst other things, will take into account the size of the premises, the number of counter positions available for person to person transactions and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.

20.3 Tracks

20.4 Tracks are sites where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the 'totaliser' or 'tote'), and also general betting, often known as 'fixed odds' betting. Multiple betting outlets are usually located on tracks such as 'on course' betting operators who come on to the track just on race days to provide betting for the races taking place on that track. There can also be 'off course' betting operators who may operate self-contained facilities at the tracks which offer customers the chance to bet on other events, not just those taking place on the track. All tracks will require an overriding 'general betting premises licence' that the track operator will hold

20.5 The Council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.

The Council is also aware that the track operator may not be required to hold an operator licence as there may be several premises licence holders at the track who will need to hold their own operator licences. The Council will consider the impact upon the protection of children licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter

- 20.6 Children and young persons will be permitted to enter track areas where facilities for betting are provided on days when racing takes place, although they are still prevented from entering areas where gaming machines (other than Category D machines) are provided
- 20.7 The Council will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:
- Proof of age schemes (e.g. PASS schemes)
 - The use of Challenge 25 policy
 - The use of 'No ID No Entry' policy
 - To train staff in the law and challenge people as to their age
 - CCTV
 - Door supervision
 - Supervision of machine areas
 - Physical separation of areas
 - Location of entry
 - Notices/signage
 - Specific opening hours
 - The appointment of a single senior named point of contact to assist in compliance.

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

- 20.8 **Betting machines** – the Council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Council, amongst other things, will take into account the size of the premises, the number of counter positions available for person to person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people. The Council will also consider the special implications that may arise at a track due to the size of the premises and the possibility that machines may be scattered around the site making it more difficult for the track operator to comply with the law and prevent children from betting on the machines
- 20.9 The Council agrees with the Commission's view that it is preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences. This ensures that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises

20.10 **Condition on rules being displayed** – the Council will consider any Gambling Commission guidance about the application of conditions regarding rules being displayed. The Council may require the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that the rules are displayed in the race card or made available in leaflet form from the track office.

21. Travelling Fairs

21.1 Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit provided that certain conditions are met and this provision continues in similar fashion under the new Act

21.2 Travelling fairs have the right to provide an unlimited number of category D gaming machines and/or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than an ancillary amusement at the fair (see Appendix 1)

21.3 The Council will consider whether any fairs which take up the above entitlement fall within the statutory definition of a travelling fair

21.4 The Council is aware that the 27 day statutory maximum for the land being used as a fair is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Council will work with its neighbouring authorities to ensure that land which crosses its boundaries is monitored so that the statutory limits are not exceeded.

22. Provisional Statements

22.1 A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which has yet to be constructed or is about to be altered for the purpose of gambling would be granted a premises licence when the building work is complete. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so the project can be started. Once works are complete a full premises licence would still be required

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

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

22.3 When determining a provisional statement application the Council will operate in accordance with the Act and will not have regard to any issues related to planning consent or building regulations, e.g. the likelihood that planning consent will be granted.

PART D – PERMITS, TEMPORARY/OCCASIONAL USE NOTICES AND SMALL SOCIETY LOTTERY REGISTRATIONS

Permits, Temporary/Occasional Use Notice

23. Unlicensed Family Entertainment Centre Gaming Machine Permits (Statement of Principles on Permits)

- 23.1 The term 'Unlicensed Family Entertainment Centre' is one defined in the Act and refers to premises which provides category D gaming machines along with various other amusements such as computer games and penny pushers. The premises are 'unlicensed' in that they do not require a premises licence but do require a permit to be able to provide category D machines. It should not be confused with a 'Licensed Family Entertainment Centre' which does require a premises licence because it contains both category C and D gaming machines
- 23.2 The Gambling Act 2005 contains a provision for local authorities to prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit. Schedule 10, paragraph 7 of the Act states: "In preparing this Statement and/or considering applications, it [the Council] need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25"
- 23.3 In accordance with Gambling Commission guidance, the Council will give weight to child protection issues when considering applications for permits
- 23.4 The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The Council will assess these policies and procedures on their merits. However, they may include appropriate measures/training for staff regarding suspected truant schoolchildren on the premises, measures/training covering how staff would deal with unsupervised children being on the premises, or children causing problems on or around the premises. The Council will also expect applicants to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs, that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act), and that staff are trained to have a full understanding of the maximum stakes and prizes
- 23.5 The Council is aware that an application for a permit may only be granted if the Chief Officer of Police has been consulted on the application
- 23.6 In line with the Act the Council cannot attach conditions to this type of permit and the statement of principles only applies to initial applications and not to renewals.

24. Gaming Machine Permits in premises licensed for the sale of alcohol

- 24.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines of categories C

and/or D. The premises merely need to notify the Council. The Council can remove the automatic authorisation in respect of any particular premises if:

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

24.2 If a premises wishes to have more than two machines, then it needs to apply for a permit and the Council must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission under Section 25 of the Gambling Act 2005, and 'such matters as it thinks relevant'. The Council considers that 'such matters' will be decided on a case by case basis, but generally regard will be had to the need to protect children and vulnerable persons from harm or being exploited by gambling. The Council will also expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines

24.3 Measures which may satisfy the Council that there will be no access could include the adult machines being situated in close proximity to the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18 years of age. Notices and signage may also help. Regarding the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare

24.4 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be dealt with under the relevant provisions of the Act

24.5 The Council can decide to grant the application with a smaller number of machines and/or a different category of machines from that applied for. Conditions (other than these) cannot be attached

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

25. Prize Gaming Permits – Statement of Principles on Permits

25.1 The Council will expect the applicant to set out the types of gaming that he or she is intending to offer and be able to demonstrate:

- That they understand the limits to stakes and prizes that are set out in regulations;

- That the gaming offered is within the law.
- 25.2 In making its decision on an application for prize gaming permits, the Council does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance
- 25.3 There are conditions in the Gambling Act 2005 with which the permit holder must comply, but the Council cannot attach conditions. The conditions in the Act are:
- The limits on participation fees, as set out in regulations, must be complied with
 - All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated, and the result of the game must be made public in the premises on the day that it is played
 - The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - Participation in the gaming must not entitle the player to take part in any other gambling.

26. Club Gaming and Club Machines Permits

- 26.1 Members' clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club gaming machines permit. The club gaming permit will enable the premises to provide gaming machines (three machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations. A club gaming machine permit will enable the premises to provide gaming machines (three machines of categories B, C or D)
- 26.2 To qualify for these special club permits, a members' club must have at least 25 members and be established and conducted wholly or mainly for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include workingmen's clubs, branches of the Royal British Legion and clubs with political affiliations
- 26.3 Before granting the permit, the Council will need to satisfy itself that the premises meet the requirements of a members' club and that the majority of members are over 18 years of age
- 26.4 The Council may only refuse an application on the grounds that:
- a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which they have applied

- b) the applicant's premises are used wholly or mainly by children and/or young persons
- c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
- d) a permit held by the applicant has been cancelled in the previous ten years; or
- e) an objection has been lodged by the Gambling Commission or the Police.

26.5 There is also a fast track procedure available 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 Gambling Commission or the Police, and the grounds upon which the Council can refuse a permit are reduced. The grounds on which an application under the process may be refused are:

- a) that the club is established primarily for gaming
- 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.

27. Temporary Use Notices

27.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be useful for a temporary use notice would include hotels, conference centres and sporting venues

27.2 The Act makes a special reference, in the context of temporary use notices, to a 'set of premises' to try and ensure that large premises which cannot reasonably be reviewed as separate are not used for more temporary use notices than permitted under the Act. The Council considers that the determination of what constitutes a 'set of premises' will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a 'set of premises', the Council will look at, amongst other things, the ownership/occupation and control of the premises. The Council will be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

28. Occasional Use Notices (for Tracks)

28.1 There is a special provision in the Act which provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. Track operators and occupiers need to be aware that the procedure for applying for an occasional use notice is different to that for a temporary use notice

28.2 The Council has very little discretion regarding these notices apart from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Council will however consider the definition of a 'track' and whether the applicant is entitled to benefit from such notice.

29. Small Society Lottery Registrations

29.1 The Act creates two principal classes of lotteries - licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be regulated by the Gambling Commission. Within the class of exempt lotteries, there are four sub classes, one of which is small society lotteries

29.2 A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These may be administered by the Council for small societies who have a principal office in the area and wish to run such a lottery

29.3 A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less

29.4 To be 'non-commercial', a society must be established and conducted:

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

29.5 The other types of exempt lotteries are 'incidental non-commercial lotteries', 'private lotteries' and 'customer lotteries'

29.6 The National Lottery is not licensed by the Gambling Act 2005 and continues to be regulated by the National Lottery Commission under the National Lottery Act 1993.

PART E – ENFORCEMENT

30. Enforcement Principles

30.1 The Council will work closely with the responsible authorities in accordance with a locally established joint enforcement protocol and will aim to promote the licensing objectives by targeting known high risk premises following Government guidance around better regulation

30.2 In carrying out its enforcement duties with regard to the inspection of premises and the powers to institute criminal proceedings in respect of certain offences under the Act, the Council will try to be:

Proportionate:

Regulators should only intervene when necessary. Remedies should be appropriate to the risk posed, and costs identified and minimised

Accountable:

Regulators must be able to justify decisions, and be subject to public scrutiny

Consistent:

Rules and standards must be joined up and implemented fairly

Transparent:

Regulators should be open and keep regulations simple and user friendly

Targeted:

Regulation should be focused on the problem and minimise side effects

30.3 The Council will endeavour to avoid duplication with other regulatory regimes as far as possible

30.4 The Council will also adopt a risk-based inspection programme in line with Government recommendations around better regulation and the principles of the Hampton Review

30.5 The main enforcement and compliance role for the Council in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences. Concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the Council but will be notified to the Gambling Commission. In circumstances where the Council believes a premises requires a premises licence for gambling activities and no such licence is in force, the Council will notify the Gambling Commission

30.6 The Council will also keep itself informed of developments regarding the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities

30.7 The Council's enforcement/compliance protocols/written agreements will be available upon request

31. Reviews

31.1 A review is a process defined in the legislation which ultimately leads to a licence being reassessed by the Licensing Committee with the possibility that the licence may be revoked or suspended or that conditions may be amended or new conditions added

31.2 Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the Council to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is:

- 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 Authority's Statement of Gambling Policy.

In addition the Council may also reject the application on the grounds that the request is frivolous, vexatious, will not cause the Authority to wish to alter, revoke or suspend the licence, or is substantially the same as previous representations or requests for review

31.3 The Council can also initiate a review of a licence on the basis of any reason which it thinks appropriate.

APPENDIX 1 – GAMING MACHINES

This Appendix describes the categories of gaming machine as set out in the Act (and in the Regulations) and the number of such machines that may be permitted in each type of gambling premises.

Table 1 below sets out the current proposals for the different categories with the maximum stakes and prizes that will apply. This table will be updated as soon as the proposals are confirmed.

Table 2 shows the maximum number of machines permitted and in the case of casinos the ratios between tables and machines.

TABLE 1

Category of Machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£2	£4,000
B2	£100	£500
B3	£1	£500
B4	£1	£250
C	50p	£25
D	10p or 30p when non-monetary prize	£5 cash or £8 non-monetary prize

TABLE 2

Premises type	Machine Category						
	A	B1	B2	B3	B4	C	D
Regional casino (machine/table ratio of 25-1 up to maximum)	Maximum of 150 machines Any combination of machines in categories B to D, within the total limit of 150 (subject to table ratio)						
Large casino (machine/table ratio of 2-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D, within the total limit of 150 (subject to table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D, within the total limit of 80 (subject to table ratio)					
Pre-2005 Act casinos (no machine/table ratio)		Maximum of 20 machines, categories B to D or C or D machines instead					
Betting premises and tracks operated by pool betting			Maximum of 4 machines, categories B2 to D				
Bingo premises				Maximum of 4 machines in category B3 of B4		No limit C or D machines	
Adult gaming centre				Maximum of 4 machines in category B3 of B4		No limit C or D machines	
Family entertainment centre (with premises licence)						No limit C or D machines	
Family entertainment centre (with permit)							No limit on category D machines
Clubs or miners' welfare institutes with permits					Maximum of 3 machines in categories B4 to D		
Qualifying alcohol licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licences premises with gaming machine permit						Number as specified on permit	
Travelling fair							No limit on category D machines
	A	B1	B2	B3	B4	C	D

APPENDIX 2

Local Gambling Risk Assessment

Premises Name:

Premises Licence Number (If Applicable):

Premises Address:

Post Code:

Category of gambling premises licence:

Name of person completing the assessment:

Date original assessment carried out:

This risk assessment must be completed for all new premises or when the premises licence is varied. The assessment must also be reviewed when there are any significant changes to either the local circumstances and/or the premises.

Complete **a) - c)** with areas that may pose a risk to the licensing objectives by virtue of the provision of gambling facilities at the premises having regard to Local Area, Gambling Operation and premises design.

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

b) Ensuring that gambling is conducted in a fair and open way

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

d) Control measures (based on the information above for a) – c), state the control measures you will put in place, e.g. systems, design and physical)

Describe the steps you intend to take to promote the three licensing objectives:

ACTIONS FOLLOWING ASSESSMENT

AREA e.g local area, gambling operation, premises design	PERSON/DEPT TASKED	DATE TASKED	DATE TASK COMPLETED

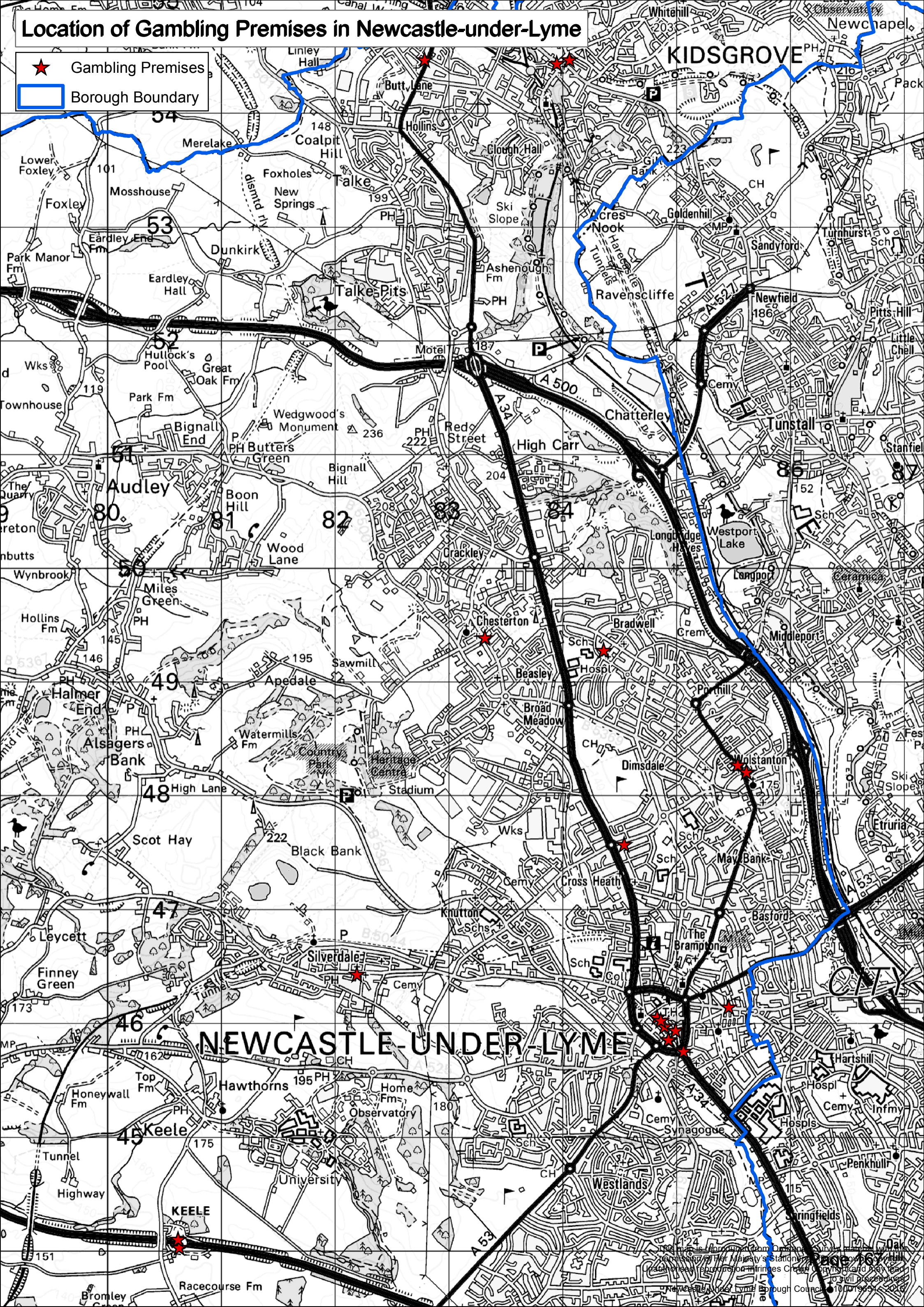
Signed:	Date:
PRINT NAME:	

For further guidance on completing this assessment or when this assessment must be reviewed please refer to Gambling Commission Guidance on Undertaking Gambling Local Area Risk Assessments para 6.41
<http://www.gamblingcommission.gov.uk/pdf/GLA5---March-2015.pdf>

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Location of Gambling Premises in Newcastle-under-Lyme

★ Gambling Premises
□ Borough Boundary



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NEWCASTLE-UNDER-LYME CIVIC SOCIETY

SUBMISSION RE DRAFT UPDATE OF NBC GAMBLING POLICY

This appeared to be a comprehensive document

1. Perhaps the list of Consultees should include Civic Societies and Residents' Associations specifically since organisations like the Civic Society keep a watching brief on the civic impact of such establishments, and RAs would be aware of the impact of gambling establishments on the locality (2.2 and 8.3).
2. Should or will or both? (4.5)
3. The area profile was a useful idea. And it was interesting to note that the main form of gambling in Newcastle appeared to be via betting shops. Is this owing to demand or because it is easier to acquire a licence for a betting shop? (5.1)
4. There appeared to be a differentiation between nuisance and disorder – they are very closely related and one can lead to the other. Perhaps this could be more clearly stated? (12.2)
5. That the NBC web site will contain helpful information re gambling – it was questioned that vulnerable people with an inclination to gamble might not use this web site. Perhaps there is a need for alternatives. (15.2).
6. Should read secretary of State (16.2)

Since the policy appears to rely heavily on self regulation by establishments, initial screening and regular monitoring should also be strengthened since the strength and effectiveness of any policy relies upon its successful implementation and the manner and effectiveness of its enforcement and monitoring.

J Howe

Chairman

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GOSSCHALKS
SOLICITORS

Newcastle under Lyme Borough Council
Licensing Office
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Please ask for: Richard Taylor
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Email: rjt@gosschalks.co.uk
Our ref: RJT / JULIEGA /
097505.00004
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Your ref:
Date: 14 October 2015

Dear Sirs,

Re: Gambling Act 2005 Policy Statement Consultation

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

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

This response will explain the ABB approach to partnership working with local authorities, it will detail its views on the implementation of the new LCCP requirements, from April 2016, relating to operators' local area risk assessments and their impact on the licensing regime and will then make specific comment with regard to any statement(s) of concern/that are welcomed in your draft policy.

The ABB is concerned to ensure that any changes are not implemented in such a way as to fundamentally change the premises licence regime through undermining the "aim to permit" principle contained within s153 Gambling Act 2005.

The current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for representations/objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of local authorities to consider applications for new premises, as all new betting shops must now apply for planning permission.

It is important that any consideration of the draft policy and its implementation at a local level is put into context. There has recently been press coverage suggesting that there has been a proliferation of betting offices and a rise in problem gambling rates. This is factually incorrect.

Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest Gambling Commission industry statistics show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded as at 31 March 2014.

As far as problem gambling is concerned, successive prevalence surveys and health surveys reveal that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Working in partnership with local authorities

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

There are a number of examples of the ABB working closely and successfully in partnership with local authorities.

LGA – ABB Betting Partnership Framework

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

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

The framework built on earlier examples of joint working between councils and the industry, for example the Ealing Southall Betwatch scheme and Medway Responsible Gambling Partnership.

In Ealing, the Southall Betwatch was set up to address concerns about crime and disorder linked to betting shops in the borough. As a result, crime within gambling premises reduced by 50 per cent alongside falls in public order and criminal damage offences.

In December last year, the Medway Responsible Gambling Partnership was launched by Medway Council and the ABB. The first of its kind in Britain, the voluntary agreement allows anyone who is concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.

The initiative also saw the industry working together with representatives of Kent Police and with the Medway Community Safety Partnership to develop a Reporting of Crime Protocol that is helpful in informing both the industry, police and other Interested parties about levels of crime and the best way to deal with any crime in a way that is proportionate and effective.

Lessons learnt from the initial self-exclusion trial in Medway have been incorporated into a second trial in Glasgow city centre, launched in July this year with the support of Glasgow City Council, which it is hoped will form the basis of a national scheme to be rolled out in time for the LCCP deadline for such a scheme by April 2016.

Jane Chitty, Medway Council's Portfolio Holder for Planning, Economic Growth & Regulation, said: *"The Council has implemented measures that work at a local level but I am pleased to note that the joint work we are doing here in Medway is going to help the development of a national scheme."*

Describing the project, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, Cllr Paul Rooney said:

"This project breaks new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."

Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities.

These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015.

By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

Local area risk assessments

With effect from 6th April 2016, under new Gambling Commission LCCP provisions, operators are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated.

Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy and local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.

The ABB is concerned that overly onerous requirements on operators to review their local risk assessments with unnecessary frequency could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this

should be where evidence can be provided to demonstrate that the change could impact the premises' ability to uphold the three licensing objectives.

Although ABB members will be implementing risk assessment at a local premises level, we do not believe that it is for the licensing authority to prescribe the form of that risk assessment. We believe that to do so would be against better regulation principles. Instead operators should be allowed to gear their risk assessments to their own operational processes informed by Statements of Principles and the local area profile.

The ABB supports the requirement as set out in the LCCP, as this will help sustain a transparent and open dialogue between operators and councils. The ABB is also committed to working pro-actively with local authorities to help drive the development of best practice in this area.

Local Area Profiles – Need for an evidence based approach

It is important that any risks identified in the local area profile are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles.

This would distort the “aim to permit” principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.

A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.

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

Concerns around increases in the regulatory burden on operators

Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put

into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.

Such variation would in our opinion also weaken the overall standard of regulation at a local level by preventing the easy development of standard or best practice across different local authorities.

Employing additional licence conditions

The ABB believes that additional conditions should only be imposed in exceptional circumstances where there are clear reasons for doing so - in light of the fact that there are already mandatory and default conditions attached to any premises licence. The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statements as to the need for evidence.

This would further increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities.

Specific Policy Comments

There are a number of references within the draft statement of gambling policy to the “promotion” of the licensing objectives. Specifically, there are references to this at paragraphs 1.2, 5.9 and within part B of the draft statement of gambling policy. The licensing authority is reminded that it is required by Gambling Act 2005 to “have regard” to the licensing objectives. Applications and operators are to ensure that their application/operations are “reasonably consistent” with the licensing objectives and the only body upon whom the Gambling Act 2005 confers a duty to promote the licensing objectives is the Gambling Commission. The references to “promotion” should be amended to reflect these requirements.

At paragraph 16.2 there is a statement that “licensing authorities are able to exclude default conditions and also attach other conditions where it is believed to be necessary in proportionment.” The statement of Gambling Policy needs to be clear throughout that conditions in addition to the mandatory and default conditions will only be imposed where there is evidence of a particular risk to the licensing objectives such that the mandatory conditions are not sufficient to ensure operation that is reasonably consistent with the licensing objectives. The statement of Gambling Policy should be clear throughout that conditions will only be imposed where there is evidence of a risk to the licensing objectives.

Paragraphs 16.8 to 16.10 deal with location and it is stated that a council will look at specific location issues including the proximity of premises to schools and vulnerable adult centres, the proximity of premises to residential areas where there may be a high concentration of families with children, the size of the premises and the nature of the activities taking place and any levels of organised crime in the area. This statement needs to be put into context. Betting regulation has existed for over 50 years. Betting premises are usually in areas of high footfall or high population and therefore are in areas where there are children. Indeed, children will walk past betting offices every day. Betting offices, however, are adult only environments and operators have, over the last

50 years of regulation, developed policies and procedures to ensure that those who may not enter betting offices do not do so and cannot bet. The mere proximity of a proposed betting office to a school is not a reason to refuse an application. Such proximity will be covered in the local area risk assessment submitted with an application after 6th April from which it will be clear that the Applicant has policies and procedures to ensure that its operation is reasonably consistent with the licensing objectives.

The suggestion at paragraph 16.10 that the onus is on an Applicant to show how concerns can be overcome needs to be amended. This appears to import a Licensing Act 2003 cumulative impact type policy in to Gambling Act 2005 applications. The authority is minded that it is required to “aim to permit” the use of premises for gambling and there is no higher evidential burden simply because a premise is in close proximity to a school/residential area.

Paragraphs 16.12 to 16.14 deal with conditions. The statement of principle would be assisted by an indication that the starting point for consideration of any application is that it will be granted subject only to the mandatory and default conditions as these are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. The draft statement of principles should make it clear that additional conditions will only be imposed where there is evidence of a risk to the licensing objectives that requires that the mandatory and default conditions be supplemented. The statement of principles should be clear that conditions will only be imposed where there is evidence of a need to do so.

There is a template risk assessment attached at appendix 2. As stated above, we do not believe that it is for the licensing authority to prescribe a form of risk assessment, to do so being against better regulation principles. Instead, operators should be allowed to give risk assessments to their own operational processes. The statement of gambling policy should make it clear that the template is for information only and may be used but that it is not a requirement that it must be.

Conclusion

The industry fully supports the development of proportionate and evidenced based regulation, and is committed to minimising the harmful effects of gambling. The ABB is continuing to work closely with the Gambling Commission and the government to further evaluate and build on the measures put in place under the ABB Code for Responsible Gambling, which is mandatory for all our members.

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

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

continue to develop both these codes of practice which are in direct support of the licensing objectives.

Yours faithfully,



GOSSCHALKS

Licensing Office
Newcastle under Lyme Borough Council
Civic Offices
Merrial Street
Newcastle
ST5 2AG

23rd October 2015

Dear Sir,

Consultation on Newcastle under Lyme Borough Council's Statement of Principles – Gambling Act 2005

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.

Coral Racing Limited are broadly supportive of the document. It again notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives'. We politely note that the majority of other councils include a paragraph stating that moral objections to gambling are not a consideration when judging applications.

Whilst each application will be judged on its merits as mentioned at several points within your statement, we would like to highlight that Coral knows of no evidence that the location of a licensed betting office within the proximity of schools or residential areas (contained within your draft statement on Page 13 – Section 16.8), causes harm to the licensing objectives.

Coral knows of no evidence that children coming from schools are gaining access to betting offices. Coral's general experience, in common with other bookmakers, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges and no evidence whatsoever that they cause problems. Additionally, we have multiple shops placed alongside other high street businesses within communities in residential areas across the country, again with no indication that such premises are causing harm to the licensing objectives.

Coral Racing Limited recognise the requirement to supply risk assessments with future applications & variations following the consultation completion (requirement is from 6th April 2016) and are pleased to see this information included within your Statement.

Coral's experience is that through all it does, it achieves an exemplary degree of compliance already, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced, Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed.



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A number of Council's have created long lists of locations which by inclusion are required to be risk assessed & often with strict templates to be completed. Coral are of the opinion that as there is no evidence that the proximity of such locations causes harm to the licensing objectives, it is best left to the operators to provide their own risk assessments. Your draft statement includes an example template which is helpful, thank you and we would like to particularly thank you for the sensible approach you have shown to this new area overall. The guidance you have issued at Section 4 within the draft statement is one of the 'cleanest' (guidance wise as well as ensuring both your and our responsibilities are covered) we have read of almost 150 such Council documents. We have spoken to several Councils on this topic and if any of them ask for ideas as to how it could be improved, we trust that you will not be offended if we point them in the direction of your statement.

If we can provide any further information, we would be pleased to do so.

Yours faithfully,



John Liddle
Director of Development – Coral Retail

Report from Chair of Audit and Risk Committee meeting 28th September 2015

Prior to the meeting a training session was held for all members of the committee on the purpose and terms of reference of the Audit and Risk Committee, unfortunately only 2 members attended.

At the meeting, the following reports were presented:

- Corporate Risk Management Report - It was noted that an additional risk had been added under the Strategic Housing lead role for the Syrian Refugee Crisis. It was noted that the planning protocol was being reviewed following a request at the July meeting
- Planned Audit fee for 2015/2016- It was reported that there will be a substantial reduction in the fee charged from £73,336 to £55,002 for next year. The accounts will be audited in a shorter timescale next year with the full audit being completed by July 2016.
- Statement of Accounts and External Auditors Audit Findings- The final accounts were presented by the External Auditor, John Gregory, Grant Thorntons. Findings were minimal and explained by Kelvin Turner and Dave Roberts. The accounts were approved and the letter of representation signed by the Chair and Executive Director – Resources and support Services
- Telling the Story- CIPFA have issued a consultation document which proposes revising the presentation and detail in the Statement of Accounts. This is with the intention to make the financial statements more understandable and user friendly. The Council officers will be responding to the consultation paper.
- Internal Audit Progress report – All areas were adequately controlled other than Safeguarding in the Chief executives department. Although this may seem alarming, this relates to promoting awareness and updating training rather than any safeguarding issues. Processes have now been put in place and these have been actioned. These will be reported to a future meeting of the Cabinet
- Internal Audit Quarterly report- Members were updated on the areas of risk outstanding following Internal Audit reviews. There were no significant recommendations outstanding

Cllr Sarah Pickup

Chair of Audit and Risk Committee

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Councillor Amelia Rout has submitted the following motion in accordance with Procedure Rule 12:-

This Council notes that:

- In July 2015 the government announced its trade union bill - a wide-ranging set of proposals which, taken as a package, will undermine the basic right to strike and make it harder for workers to organise effectively in trade unions.
- The proposals include ending the ban on employers bringing in agency workers to cover for permanent staff during industrial action- which fundamentally undermines the right to strike.
- The proposals will also bring in new restrictions on pickets and protests during strikes. Unions will have to give the details of a lead picketer on every picket line to the police and employers - and the government have even floated the idea of making all picketers give their details to the police. They may even be required to submit a campaign plan to the police and employers two weeks in advance - setting out what they intend to do, whether they will use a loudspeaker or carry a banner and even what strikers intend to put on social media, such as Facebook or twitter.
- The government have also proposed new thresholds for turnout in strike ballots, plus additional thresholds for those working in "important public services".
- The government want to grant ministers the power to unilaterally cut so-called "facilities time" in the public sector. This is paid time-off mutually agreed between employers and unions for union reps to represent their members and negotiate with their employer.
- The government also proposes to prohibit public sector employers assisting unions to collect their membership subscriptions through payrolls - even though this is used for a variety of other staff benefits such as cycle-to-work schemes and childcare vouchers, and even though unions often meet the costs of this.

This Council further notes that:

- The human rights organisations Liberty, Amnesty International and the British Institute of Human Rights have said that the government's proposals "would hamper people's basic rights to protest and shift even more power from the employee to the employer".
- The government refuses to allow trade unions to ballot their members electronically, which could help increase engagement despite using electronic balloting in the recent election for their candidate for London Mayor.
- Trade unions take industrial action for a wide range of reasons including defending wages and pensions, conditions at work and safety.
- Strikes in the UK are at historically low levels.

This Council believes that:

- No worker ever wants to go on strike - but it is a crucial last resort for workers when their employer refuses to listen to their views, negotiate with them or compromise.

- The right to strike and protest are fundamental rights which should be valued and respected in a free and democratic society.
- Without the right to strike, workers will be unable to defend their jobs or pay, stand up for decent services and achieve fairness and safety at work.
- The government's proposals will undermine constructive employment relations in Newcastle-under-Lyme Council. We believe harmonious industrial relations are achieved by meaningful engagement with trade unions and their members.
- That, in the spirit of localism, councils should be free to build positive industrial relations that work for their communities without central government interference.

This Council therefore resolves to:

1. Support the UNISON, GMB and the TUC's campaign to protect the right to strike.
2. Write to the Secretary of State for Business, Innovation and Skills stating the council's opposition to the government's proposals on trade unions.
3. Write to the Secretary of State for Communities and Local Government stating the opposition to the interference of central government in local industrial relations as it is against the spirit of localism.
4. Ask the Leader to write to all Members of Parliament covering the Borough informing them of our position and asking them to oppose and vote against the Bill.
5. Continue to value the importance of meaningful workforce engagement and representation through trade unions in Newcastle-under-Lyme Council.

This Council further resolves, that in the event that the government's proposals become law, in so far as is lawful for the council as an employer to:

- A. Continue to allow recognised trade unions to use subscriptions through payroll, or otherwise support trade unions' efforts to move members onto direct debit subscriptions, through allowing access to workers and as much notice as possible of any changed arrangements.
- B. Maintain current arrangements on "facility time" for trade union reps to represent their members.
- C. Commit not to use agency workers to break strikes.