

Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Tuesday, 5 March 2024

Committee:
Strategic Licensing Committee

Date: Wednesday, 13 March 2024
Time: 10.00 am
Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

You are requested to attend the above meeting. The Agenda is attached

There will be some access to the meeting room for members of the press and public, but this will be limited. If you wish to attend the meeting please email democracy@shropshire.gov.uk to check that a seat will be available for you.

Please click [here](#) to view the livestream of the meeting on the date and time stated on the agenda

The recording of the event will also be made available shortly after the meeting on the Shropshire Council Youtube Channel [Here](#)

Tim Collard
Assistant Director - Legal and Governance

Members of the Committee

Roy Aldcroft (Chairman)
Nigel Lumby (Vice Chairman)
Jeff Anderson
Peter Broomhall
Garry Burchett
Mary Davies
David Evans
Richard Huffer
Simon Jones
Duncan Kerr
Christian Lea
Pamela Moseley
Kevin Pardy
Vivienne Parry
Edward Towers

Substitute Members of the Committee

Caroline Bagnall
Joyce Barrow
Ed Bird
Julian Dean
Paul Gill
Nigel Hartin
Vince Hunt
Ruth Houghton
Heather Kidd
Dan Thomas

Your Committee Officer is:

Tim Ward Committee Officer

Tel: 01743 257713

Email: tim.ward@shropshire.gov.uk

AGENDA

1 Apologies

To receive apologies for absence

2 Minutes of Previous Meeting (Pages 1 - 2)

To approve the minutes of the previous meeting as a true record

3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 5.00pm on Friday 8 March 2024

4 Disclosable Pecuniary Interests

Members are reminded that they must declare their disclosable pecuniary interests and other registrable or non-registrable interests in any matter being considered at the meeting as set out in Appendix B of the Members' Code of Conduct and consider if they should leave the room prior to the item being considered. Further advice can be sought from the Monitoring Officer in advance of the meeting.

5 Hackney Carriage and Private Hire Licensing Fees 2024 to 2025 (Pages 3 - 22)

Report of the Transactional and Licensing Team Manager is attached.

Contact: Mandy Beever (01743 251702)

6 Gambling Act 2005 Policy Statement 2025 to 2028 (Pages 23 - 176)

Report of the Transactional and Licensing Team Manager is attached.

Contact: Mandy Beever (01743 251702)

7 Exercise of Delegated Powers (Pages 177 - 186)

Report of the Transactional and Licensing Team Manager is attached.

Contact: Mandy Beever (01743 251702)

8 Date of the Next Meeting

To note that the next scheduled meeting of the Strategic Licensing Committee will be held on Wednesday 12 June 2024 at 10.00am

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Strategic Licensing
Committee

13 March 2024

Item

Public

**MINUTES OF THE STRATEGIC LICENSING COMMITTEE MEETING HELD ON 11
JANUARY 2024
10.00 - 10.16 AM**

Responsible Officer: Tim Ward

Email: tim.ward@shropshire.gov.uk Tel: 01743 257713

Present

Councillors Roy Aldcroft (Chairman), Nigel Lumby (Vice Chairman), Jeff Anderson, Peter Broomhall, Garry Burchett, Mary Davies, Simon Jones, Christian Lea, Kevin Pardy, Edward Towers, Caroline Bagnall (Substitute) (substitute for Pamela Moseley) and Mike Isherwood (Substitute) (substitute for Duncan Kerr)

16 Apologies

- 16.1 Apologies for absence were received from Councillors David Evans, Duncan Kerr, Pam Moseley and Vivienne Parry.
- 16.2 Councillor Mike Isherwood substituted for Councillor Kerr and Councillor Caroline Bagnall substituted for Councillor Moseley

17 Minutes of Previous Meeting

- 17.1 The minutes of the meeting held on 4 October 2023 had been circulated.
- 17.2 **RESOLVED:**

That the minutes of the meeting of the Strategic Licencing Committee held on 4 October 2023 be agreed as a true record and signed by the Chairman

18 Public Question Time

- 18.1 No public questions had been received. The Chair advised the meeting that representations received after the agenda was published had been circulated to Members prior to the meeting and had been placed on the council website.

19 Disclosable Pecuniary Interests

- 19.1 Councillor Mary Davies declared an interest in agenda item 5 on the grounds of perceived bias due to her employment. She stated that she would take no part in the debate or voting.

20 Amendments to the Advertising Sections of the Hackney Carriage and Private Hire Licensing Policy 2023 - 2027

20.1 Members received the report of the Head of Business and Consumer Protection which set out proposed changes the advertising sections of the current Hackney Carriage and Private Hire Licensing Policy 2023 – 2027 to permit the national flag of the United Kingdom to be displayed on hackney carriages and private hire vehicles and to be used in the promotion of any private hire operator business or any other business offering a hackney carriage or private hire vehicle service.

20.2 The Transactional Management and Licensing – Team Manager drew Members attention to the Equality, Social Inclusion and Health Impact Assessment (ESHIA) attached as appendix 2 to the report in particular with reference to the Protected Characteristic groupings defined in the Equality Act 2010.

20.3 A Member commented that he felt that the changes should not be made as they were contrary to the spirit of the Equalities Act and could be seen as divisive as it was only allowing the flag of a single nation. He added that if the changes were to be made, they should include the opportunity to display all nations flags not just the Union Flag.

20.4 After further debate it was **RESOLVED:**

That the Committee approves the changes to the advertising sections of the Hackney Carriage and Private Hire Licensing Policy 2023 – 2027, as set out at Appendix 1 (column C), to take effect from 12 January 2024, and instructs the Head of Business and Consumer Protection to arrange for the amendments to be made and to publish the Policy containing the revised provisions as soon as is reasonably practicable.

21 Date of Next Meeting

21.1 Members were reminded that the next scheduled meeting of the Strategic Licensing Committee would be held on Wednesday 13 March 2024 at 10.00am

Signed (Chairman)

Date:



Committee and Date

Strategic Licensing
Committee

13 March 2024

Item

Public



Hackney Carriage and Private Hire Licensing Fees 2024 - 2025

Responsible Officer:	Mandy Beever, Transactional Management and Licensing – Team Manager		
email:	Mandy.Beever@shropshire.gov.uk	Tel:	01743 251702
Cabinet Member (Portfolio Holder):	Councillor Chris Schofield, Portfolio Holder for Planning and Regulatory Services		

1. Synopsis

- 1.1 This report sets out the objections to be considered by the Strategic Licensing Committee in respect of the variations proposed to the fees in relation to driver, hackney carriage, private hire vehicle and operator licences. The report aims to enable the Committee to determine the fees that will take effect from 1 April 2024.

2. Executive Summary

- 2.1 The Shropshire Plan recognises the importance of supporting businesses to provide safer services. The fundamental purpose of the Licensing service is to support businesses to deliver their services in a way which allows them to thrive whilst protecting the safety and welfare of the public who live, work and visit Shropshire; together this will help to achieve a Healthy Economy.
- 2.2 The Council has a duty under Section 70 of Local Government (Miscellaneous Provisions) Act 1976, when setting or revising hackney carriage, private hire

vehicles and operators' licence fees, to publish the proposed fees to allow for any objections to be submitted for further consideration.

- 2.3 The consultation on the proposed fees was undertaken between the 8 January 2024 and 4 February 2024.
- 2.4 During the consultation period four objections were received two objected to any increase in the proposed fees. One raised queries regarding the Licensing Service and the other one objected to the proposed fees for a Standard Private Hire Vehicle, Executive Private Hire Vehicle and Hackney Carriage Vehicle Licences. The consultation responses and officer's comments are set out at **Appendix A, Part 1 and Part 2**.
- 2.5 This report sets out the points raised in the objection and the consideration made by officers to allow members of the Strategic Licensing Committee to make an informed decision when setting the fees for driver, hackney carriage, private hire vehicle and operator licences.

3. Recommendations

- 3.1. That the Committee, in accordance with the provisions of Section 70 (5) of the Local Government (Miscellaneous Provisions) Act 1976, considers the objections received, together with associated officer comments, as set out in **Appendix A**, following the legally prescribed objection process that was undertaken in respect of the variations proposed to the fees in relation to driver, hackney carriage, private hire vehicle and operator licences and agrees, with any further modifications if necessary, to implement the variations proposed to the fees as set out in **Appendix B** with effect from 1 April 2024, this being a date not later than 2 months after the 5 February 2024.

Report

4. Risk Assessment and Opportunities Appraisal

- 4.1. The Council's fees and charges may be challenged through a number of routes, e.g. service complaints to the Local Government Ombudsman, complaints to the External Auditor by way of an objection to the Council's annual account and judicial review; hence, the importance of undertaking robust processes to set discretionary fees and charges.
- 4.2. There is no statutory duty on the Council to consult when setting or revising licensing fees with the exception of those fees relating to hackney carriage, private hire vehicles and operators' licences under Section 70 of the Local Government (Miscellaneous Provisions) Act 1976. Historically, the Council has also consulted on driver licence fees and consequently it is recommended that this practice continues.
- 4.3. The duty under Section 70 of Local Government (Miscellaneous Provisions) Act 1976 was fulfilled between the 8 January 2024 and the 4 February 2024, with the

necessary notice published in the Shropshire Star on the 8 January 2024. A Copy of the notice can be found at **Appendix C**. The notice was also available for inspection, without payment, at the Council offices in Shrewsbury as detailed in the formal notice. It was also published through the “Get involved” page on the Council’s website on the 8 January 2024.

- 4.4 The Councils fees are set in accordance with the Court of Appeal Judgement in the case of R Hemming and others v Westminster City Council. The judgement held that there were three elements that made up the licensing fees that were subject to challenge. These were:
- (a) the administrative cost of investigating the background and suitability of applicants for licences;
 - (b) the cost of monitoring the compliance of those with licences with their terms; and
 - (c) the cost of enforcing the licensing regime against unlicensed operators.
- 4.5 Of these three elements, it was held that Westminster City Council was entitled to charge for the first two elements, i.e. the costs of processing the application itself and the costs of monitoring compliance by licence-holders, but was no longer entitled to include the third element, i.e. the costs of enforcement against unlicensed operators, in the fee.
- 4.6 As a result of the Hemming judgement and irrespective of the wording in other UK licensing legislation, the costs associated with the licensing procedures that the Council may legally recover in fees consists of administrative costs, the costs of investigating the background and suitability of applicants for licences and the costs of monitoring the compliance of those with licences with their terms. These will certainly include the costs that are directly attributable to licensing procedures and a proportion of indirect costs. The Council must be in a position to demonstrate that the costs included in any fees calculations are reasonable and proportionate to the cost of the licensing procedures.
- 4.7 Fees cannot exceed the cost of the licensing procedures and they cannot be used to recover the costs associated with enforcing the licensing regime against unlicensed operators. In addition, fees cannot be used to finance the delivery of other Council services.
- 4.8 An Equality and Social Inclusion Impact Assessment has not been undertaken as the report does not concern the implementation of a new policy; the focus of the report is the review of licensing costs to ensure the Council is in a position to recoup its costs on a cost recovery basis in line with current legislative requirements.
- 4.9 The recommendations are not at variance with the Human Rights Act 1998 and are unlikely to result in any adverse Human Rights Act implications. The recommendations are in line with current legal procedures laid down in domestic licensing legislation and takes into consideration relevant European provisions and case law.

- 4.10 The Committee's legal authority to agree the recommendations is based within a range of specific licensing legislation together with the delegated functions set out in the Council's Constitution.

5. Consultation Responses

- 5.1. There were four responses received during the consultation the responses can be found in **Appendix A, (Part 1 of 2)**. Officers have provided clarification against each objection as set out in **Appendix A, (Part 2 of 2)**.
- 5.2. The responses to the consultation consisted of two objections to any increase in the proposed fees. One raised queries regarding the Licensing Service and the other one objected to the proposed fees for a Standard Private Hire Vehicle, Executive Private Hire Vehicle and Hackney Carriage Vehicle Licences.

6. Financial Implications

- 6.1. An exercise has been undertaken involving managers, licensing officers and finance officers to capture the detail involved in all licensing procedures where the Council has the discretionary power to set fees, including those specifically relating to driver, hackney carriage, private hire vehicle and operator licences. The procedures were considered from receipt of application to the issue of the final licence with both variable and fixed costs being considered. These costs include officer time and management time spent on licensing administration and monitoring compliance of those already licensed but excludes time spent on enforcing unlicensed operators/businesses. In addition, a proportion of all relevant indirect costs that can reasonably be attributed to licensing procedures have been included; for example, office accommodation, ICT, travelling, legal costs, advertising, equipment, postage & printing, subscriptions, telephone costs, other corporate recharges, etc.
- 6.2. In relation to the consideration of applications, it is reasonable to recover a proportion of the costs of running both the Strategic Licensing Committee and the Licensing & Safety Sub-Committee from licensing fees and consequently these costs have, where possible, been incorporated into the overall figures.
- 6.3. As a result of this work, proposed fees for driver, hackney carriage, private hire vehicle and operator licences were calculated and presented to the Strategic Licensing Committee on the 4 October 2023 in Appendix F to the report entitled "Licensing Fees and Charges 2024 – 2025".
- 6.4. It is accepted that costs can be recovered over a period of time allowing surpluses to be returned to licensees and deficits to be recouped by the Council. This does not mean that fees must be adjusted every year (although they can be) to reflect immediately previous deficits or surpluses; however, it must be demonstrable over a period of time that only legitimately incurred costs are recovered. The Hemming case judgement (as set out in see paragraph 4.4

above) makes it clear that not all costs are recoverable and that the costs associated with enforcing unlicensed operators/businesses must be borne by the Council. This will include the costs of providing advice to those who may consider applying for a licence in the future.

- 6.5. The detailed fee variations including surplus/deficit adjustment proposed for the 2024/25 fees are set out in **Appendix B**.
- 6.6. The increases associated with the driver, hackney carriage, private hire vehicle and operator licences are linked to the additional resources that are being directed towards increasing the effectiveness of the administration process specifically for safeguarding purposes. In addition, increased compliance checks and investigation work is being carried out. The fees are also affected by the changes made to the way in which average hourly officer rates are now calculated and charged.
- 6.7. Where legislation allows the Council to recover licensing costs, it is important that this is undertaken effectively. Failure to do so means that the costs are subsidised by council tax payers. In addition, resourcing those elements that cannot be legally funded through fees, e.g. enforcement of unlicensed activities, are adversely impacted as council tax funds have to be utilised to deliver licensing activities that can and should be funded through fees as well as those that cannot. This may result in a reduction in the Council's ability to effectively deliver the overall licensing regime.
- 6.8. The proposed fees have been broken down into different categories which include standard private hire vehicles, novelty private hire vehicles and executive private hire vehicles. There are now two hackney carriage and private hire joint drivers licence fees the first one is a direct comparison to the fee which has been previously set. The second includes an additional fee for the safeguarding awareness course, this has been calculated at a reduced rate compared to renewing a hackney carriage and private hire joint driver's licence and booking a separate safeguarding training course. The fees have been set out in this way to provide choice and greater transparency for the hackney carriage and private hire trade.
- 6.9. An assumption has been made about the number of renewals that will take place in 2024/25 in order to recover or redistribute the deficits and surpluses. Until the end of the 2024/25 financial year it will not be known whether the assumptions about the number of renewals were accurate or not. The actual activity in 2024/25 will again change the cumulative position and further adjustments will be required in this rolling annual process. The adjustments to correct any material discrepancy in the recovery or redistribution of the deficits and surpluses will be made against 2025/26 fees and so on until the recovery of the surplus or deficit reaches a satisfactory position.
- 6.10. Where licenses have a renewal period of greater than one year, the recovery or redistribution calculation is spread across the same period.

- 6.11. Where legislation allows the Council to recover licensing costs, it is important that this is undertaken effectively. Losses that are not funded by other means, including being subsidised by council tax payers, may result in a reduction in the Council's ability to effectively deliver the overall licensing regime in the Shropshire Council area. However, it is recognised that not all licensing costs are recoverable.

7. Climate Change Appraisal

- 7.1. There are no anticipated climate change or environmental impacts associated with the recommendations in this report.

8. Background

- 8.1 Detailed background information about designing fees on a cost recovery basis was provided to the Strategic Licensing Committee on the 4 October 2023 as part of the report entitled "Licensing Fees and Charges 2024 – 2025". As a result of this report, the Committee instructed the Transactional Management and Licensing Team Manager to publish the proposed fees in relation to driver, hackney carriage, private hire vehicle and operator licences and to set out the period during which and the method whereby objections could be made.
- 8.2 This process was carried out as described in paragraph 4.2 and 4.3 above. The objection received are set out in **Appendix A, (Part 1 of 2)**, to this report, together with relevant officer comments for the Committee to consider.

9. Additional information

- 9.1. The Local Government Association has published guidance on locally set fees. The work that has been undertaken to determine Shropshire Council's proposed fees follows the principles contained in the guidance.
- 9.2 The revised process that has been undertaken to determine the fees for driver, hackney carriage, private hire vehicle and operator licences will be undertaken annually with amendments being made to take account of changes in the law and Council procedures.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Strategic Licensing Committee Report dated 4 October 2023 - Licensing Fees and Charges 2024-2025 [Agenda for Strategic Licensing Committee on Wednesday, 4th October, 2023, 10.00 am — Shropshire Council](#)

Local Member: This report covers all areas of Shropshire.

Appendices

Appendix A, Part 1 of 2 – Consultation Responses

Appendix A, Part 2 of 2 – Summary of Consultation Responses

Appendix B – Proposed fees in relation to driver, hackney carriage, private hire vehicle and operator licences

Appendix C – Shropshire Star Notice

Appendix A (Part 1 of 2)

Document 1

Fees consultation

To Taxis

Wed 10/01/2024 10:38

The cost for executive plates and Hackney is less than the cost for standard private hire plate.

This seems odd.

Executive plates require checking that only executive work is being undertaken. This is additional work and should also be done during the licence period. This would cost more and really should be done by the council although we doubt any checks are made.

I am proposing that the cost for private hire plate is reduced to match. But the cost of executive increased with the additional checking required and that checks are indeed made regularly.

Kind regards

(Private Hire Operator)

Document 2

License fees

To Taxis

Wed 10/01/2024 12:25

Why are these fees being increased when we don't get any help from the council Licensing plates are still the old type with the zone covered over On two occasions I have had trouble connecting to the on course, and every time that I turn on my computer the team login keeps on coming up Yours

(Hackney Carriage Proprietor)

Document 3

objections to the proposed fees and charges

To Taxis

Thu 18/01/2024 15:49

I believe that the fee increases are excessive. Especially during these hard times for the driver and taxi community

thankyou

(Private Hire Driver)

Document 4

To Taxis

Fri 26/01/2024 15:06

Hi there as a private hire driver I don't think this year any licensing fee's should be going up and if they can be frozen for the time been. Due to inflation and cost of living drivers are already finding it difficult to make ends meet. thank you

(Private Hire Driver)

Appendix A (Part 2 of 2)

Officer response to consultation responses received.

Appendix Letter/ Document Number	Objection	Officer Comments/ Explanatory Notes
1	<ol style="list-style-type: none"> 1. Objection to the fees for Executive and Hackney Carriage vehicles being less than a standard Private Hire Vehicle 2. Additional checks to ensure Executive Vehicles are undertaking executive type work. 3. Proposal for the cost of a Private Hire Vehicle licence to be reduced. 4. Proposal for the cost of an Executive Private Hire vehicle to be increased to include additional checks. 	<ol style="list-style-type: none"> 1. Comments noted. 2. Checks on Executive Vehicles undertaken executive type work are made at the point of application and part of the programme of Operator checks. 3. All fees are set in accordance with the law to ensure that they are reasonable and proportionate to the cost of the individual licensing process. The proposed fee has been calculated to provide for this. 4. The Operator fees are calculated to incorporate a cost for ongoing checks to be made to ensure that the vehicles they operate are undertaking the work they are licenced for.
2	<p>Objection to an increase in fees</p> <ol style="list-style-type: none"> 1. No help from Licensing 	<ol style="list-style-type: none"> 1. The Licensing Service provides help to service users

	<p>2. The use of old plates</p> <p>3. Difficulties in connecting to the online course</p>	<p>upon request.</p> <p>2. The process of using up the old plates is to reduce the cost to existing and prospective licence holders and to help protect the environment.</p> <p>3. Training officers provide support and guidance to all course attendees this includes issues with connecting to the course.</p>
3	Objection to an increase in fees	Comments noted
4	Objection to an increase in fees	Comments noted

Appendix F - Hackney Carriage and Private Hire Discretionary Fees

2023 - 2024		2024 - 2025				
Licence Type	2023/24 Fee (£)	Licence Type	Calculated 2024/25 Fee (£) without surplus/deficit	Proposed 2024/25 Fee (£) including surplus/deficit adjustment	Difference (£)	Difference (%)
Drivers						
Driver's Joint Badge New 3 year (inc. DVLA, DBS check, first knowledge test, first driver training assessment and Safeguarding Course)	309.00	Driver's Joint Badge New 3 year (inc. DVLA, DBS check, first knowledge test, first driver training assessment and Safeguarding Course)	317.00	317.00	8.00	2.6%
Driver's Joint Badge New 3 year (inc. DVLA, first knowledge test, first driver training assessment and Safeguarding Course)	254.00	Driver's Joint Badge New 3 year (inc. DVLA, first knowledge test, first driver training assessment and Safeguarding Course)	260.00	260.00	6.00	2.4%
Driver's Badge 3 yr Renewal (inc. DVLA, DBS check and Safeguarding Course)	267.00	Driver's Badge 3 yr Renewal (inc. DVLA, DBS check and Safeguarding Course)	273.00	273.00	6.00	2.2%
Driver's Badge 3 yr Renewal (inc. DVLA and Safeguarding Course)	213.00	Driver's Badge 3 yr Renewal (inc. DVLA and Safeguarding Course)	219.00	219.00	6.00	2.8%
Driver's Knowledge Test	59.00	Driver's Knowledge Test	41.00	59.00	0.00	0.0%
Driver's Knowledge Test Resit	52.00	Driver's Knowledge Test Resit	40.00	52.00	0.00	0.0%
Change of Details	48.00	Change of Details	40.00	48.00	0.00	0.0%
Vehicle Licensee Transfer	98.00	Vehicle Licensee Change	40.00	98.00	0.00	0.0%

Appendix F - Hackney Carriage and Private Hire Discretionary Fees

Driver Badge replacement following damage or loss	45.00	Driver Badge replacement following damage or loss	36.00	45.00	0.00	0.0%
Driver Training assessment	70.00	Driver Training assessment	65.00	70.00	0.00	0.0%
Safeguarding Training	48.00	Safeguarding Training	37.00	48.00	0.00	0.0%
Vehicles						
Standard Private Hire Vehicle - new	201.00	Standard Private Hire Vehicle - new	203.00	203.00	2.00	1.0%
Standard Private Hire Vehicle - renewal	207.00	Standard Private Hire Vehicle - renewal	209.00	209.00	2.00	1.0%
Standard Private Hire Vehicle - transfer	201.00	Standard Private Hire Vehicle - transfer	203.00	203.00	2.00	1.0%
Novelty Private Hire Vehicle - new	188.00	Novelty Private Hire Vehicle - new	190.00	190.00	2.00	1.1%
Novelty Private Hire Vehicle - renewal	201.00	Novelty Private Hire Vehicle - renewal	199.00	201.00	0.00	0.0%
Novelty Private Hire Vehicle - transfer	183.00	Novelty Private Hire Vehicle - transfer	186.00	186.00	3.00	1.6%
Executive Private Hire Vehicle - new	192.00	Executive Private Hire Vehicle - new	195.00	195.00	3.00	1.6%
Executive Private Hire Vehicle - renewal	213.00	Executive Private Hire Vehicle - renewal	209.00	213.00	0.00	0.0%
Executive Private Hire Vehicle - transfer	192.00	Executive Private Hire Vehicle - transfer	195.00	195.00	3.00	1.6%
Private Hire Vehicle Licence Transfer (transfer of existing licence to a new vehicle)	201.00	Standard Private Hire Vehicle Licence Transfer (transfer of existing licence to a new vehicle)	203.00	203.00	2.00	1.0%
Hackney Carriage Vehicle - new	192.00	Hackney Carriage Vehicle - new	193.00	193.00	1.00	0.5%

Appendix F - Hackney Carriage and Private Hire Discretionary Fees

Hackney Carriage Vehicle - renewal	193.00	Hackney Carriage Vehicle - renewal	194.00	194.00	1.00	0.5%
Hackney Carriage Licence Transfer (transfer of existing licence to a new vehicle)	193.00	Hackney Carriage Licence Transfer (transfer of existing licence to a new vehicle)	194.00	194.00	1.00	0.5%
Exterior plate replacement following damage, loss and for trailer	45.00	Exterior plate replacement following damage or loss	22.00	45.00	0.00	0.0%
Internal plate replacement following damage or loss	45.00	Internal plate replacement following damage or loss	22.00	45.00	0.00	0.0%
Fare Card replacement following damage or loss	3.00	Fare Card replacement following damage or loss	3.00	3.00	0.00	0.0%
Private Hire Door Signs (pair)	45.00	Private Hire Door Signs (pair)	22.00	45.00	0.00	0.0%
New Fee		Additional DBS	59.00	59.00	59.00	0.0%
Licence Holder Transfer/Change of Details	25.00	Licence Holder Transfer/change of Details	26.00	26.00	1.00	4.0%

Appendix F - Hackney Carriage and Private Hire Discretionary Fees

2023 - 2024		2024 - 2025				
Licence Type	2023/24 Fee (£)	Licence Type	Calculated 2024/25 Fee (£) without surplus/deficit adjustment	Calculated 2024/25 Fee (£) including surplus/deficit adjustment	Difference (£)	Difference (%)
Private Hire Operator - 5 Year - New						
Private Hire Operator Small - up to and including 30 vehicles and one base	328.00	Private Hire Operator Small - up to and including 30 vehicles and one base	322.00	328.00	0.00	0.0%
Private Hire Operator Large - 31 vehicles and more and/or more than one base	850.00	Private Hire Operator Large - 31 vehicles and more and/or more than one base	874.00	874.00	24.00	2.8%
Private Hire Operator - 5 Year - Renewal						
Private Hire Operator Small - up to and including 30 vehicles and one base	349.00	Private Hire Operator Small - up to and including 30 vehicles and one base	371.00	371.00	22.00	6.3%
Private Hire Operator Large - 31 vehicles and more and/or more than one base	832.00	Private Hire Operator Large - 31 vehicles and more and/or more than one base	851.00	851.00	19.00	2.3%

Commercial Vehicles

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SHROPSHIRE COUNCIL

Local Government (Miscellaneous Provisions) Act 1976
Sections 53 and 70

Hackney Carriage Proprietor's Licence and Hackney Carriage Driver's Licence Fees and Private Hire Vehicle Licence, Private Hire Operator's Licence and Private Hire Vehicle Driver's Licence Fees

NOTICE IS HEREBY GIVEN under the above Act that Shropshire Council proposes to vary the statutory permissible fees chargeable for Hackney Carriage, Private Hire Vehicle and Operator's Licences and Drivers' licences. The charges set out below will take effect on 5 February 2024 unless objection is made and not withdrawn.

Licence Type	Current Fee (£)	Proposed 2024/25 Fee (£)
Drivers		
Driver's Licence New - 3 year (inc. DVLA, DBS check, first knowledge test, first driver assessment and safeguarding awareness course)	309.00	317.00
Driver's Licence New - 3 year (inc. DVLA, first knowledge test and first driver training assessment and safeguarding awareness course) excluding DBS check	254.00	260.00
Driver's Licence - 3 Year Renewal (inc. DVLA, DBS check and safeguarding awareness course)	267.00	273.00
Driver's Licence Renewal - 3 Years (including DVLA and safeguarding awareness Course) excluding DBS check	213.00	219.00
Driver's Knowledge Test - resit	52.00	52.00
Driver's Knowledge Test	59.00	59.00
Driver Training Assessment	70.00	70.00
Safeguarding Awareness Training	48.00	48.00
Additional DBS	-	59.00
Driver Badge Replacement following damage or loss	45.00	45.00
Vehicles		
Standard Private Hire Vehicle - new	201.00	203.00
Standard Private Hire Vehicle - renewal	207.00	209.00
Standard Private Hire Vehicle - vehicle licence transfer	201.00	203.00
Novelty Private Hire Vehicle - new	188.00	190.00
Novelty Private Hire Vehicle - renewal	201.00	201.00
Novelty Private Hire Vehicle - vehicle licence transfer	183.00	186.00
Executive Private Hire Vehicle - new	192.00	195.00
Executive Private Hire Vehicle - renewal	213.00	213.00
Executive Private Hire Vehicle - vehicle licence transfer	192.00	195.00
Hackney Carriage Vehicle - new	192.00	193.00
Hackney Carriage Vehicle - renewal	193.00	194.00
Hackney Carriage Licence - vehicle licence transfer	193.00	194.00
Vehicle Licensee Transfer	98.00	98.00
Exterior plate replacement following damage or loss	45.00	45.00
Internal plate replacement following damage or loss	45.00	45.00
Fare card replacement following damage or loss	3.00	3.00
Private Hire Door Signs (pair)	45.00	45.00
Private Hire Operators - 5 Years - New Application		
Private Hire Operator - up to and including 30 vehicles and one base	328.00	328.00
Private Hire Operator - 31 vehicles and more and/or more than one base	850.00	874.00
Private Hire Operators - 5 Years - Renewal of Licence		
Private Hire Operator - up to and including 30 vehicles and one base	349.00	371.00
Private Hire Operator - 31 vehicles and more and/or more than one base	832.00	851.00
Additional Administrative Charges		
Licence holders change of details (e.g. change of address/other minor changes)	25.00	26.00

In accordance with Section 70 (3) (b) of the Local Government (Miscellaneous Provisions) Act 1976 a copy of this notice may be inspected without payment during normal office hours at the Council's offices at Shirehall Abbey Foregate Shrewsbury SY2 6ND, for a period of 4 weeks from 8 January 2024 to 4 February 2024.

Any objections to the proposed fees and charges should be made in writing and addressed to Licensing, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND or by e-mail to taxis@shropshire.gov.uk by midnight on 4 February 2024.

Any objections received, if not withdrawn, will be considered by the Council's Strategic Licensing Committee on the 13 March 2024 and the fees, with or without modification, shall come into force on 1 April 2024.

Dated 5 January 2024
Mandy Beever, Transactional and Licensing Manager

ENID BERYL NICHOLAS (Deceased)

Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the above named, late of Radbrook Nursing Home, Stanhill Road, Shrewsbury, Shropshire, SY3 6AL, who died on 25/12/2022, are required to send written particulars thereof to the undersigned on or before 09/03/2024, after which date the Estate will be distributed having regard only to the claims and interests of which they have had notice.

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YOUR STARS TODAY

ARIES MARCH 21 - APRIL 20

You just want to know whether someone close will commit to new arrangements or will they object to them and try to block your path? You know they are letting fear of the unknown colour their reasoning and that's why they are holding back.

TAURUS APRIL 21 - May 21

Think carefully if you get another chance to agree on a deal you walked away from recently. Even though there are issues you are concerned about, agree on a compromise. If you remain stubborn, this door will close on you forever.

GEMINI MAY 22 - JUNE 21

A new career opening or the chance to join a committee is something to seriously think about. There are others who have their eye on this opportunity. Be firm about your intentions. Let people know you are interested and before you know it, what you want will be yours.

CANCER June 22 - July 23

You're noticing a big improvement in close relationships. Romance will deepen over the months ahead. While you are noticing how family and friends are leaning on you more than is usual, you don't find this an inconvenience. It pleases you to know you are helping others.

LEO JULY 24 - AUGUST 23

You know what needs to be done. You know how you are going to go about it. An early start will be a good way to get through all the jobs on today's agenda. You won't be distracted by anything trivial. You're determined to focus on priorities.

VIRGO AUGUST 24 - SEPTEMBER 23

You will be invited to join a group, committee or leadership team. There are other people who are also interested and you don't want to step on anyone else's toes. Even so, you are the one who has received the invitation so there is nothing stopping you from going for it.

LIBRA SEPTEMBER 24 - OCTOBER 23

Neighbours who have been arguing seem to have reached an agreement between them. This will bring a distinct ease in tension in your community. Even someone who has been critical and caustic with you lately will be showing a more amenable face today.

SCORPIO OCTOBER 24 - NOVEMBER 22

An ultimatum someone makes today will be unreasonable. You aren't going to give in to their unrealistic demands. If they think they can dictate to you, they have another thing coming. You will simply walk away from the situation.

SAGITTARIUS NOVEMBER 23 - DECEMBER 21

You could get carried away during a heated conversation and pass on something told to you in confidence. Now more than ever you need to respect the trust people have placed in you. If you have been told a secret, keep it.

CAPRICORN DECEMBER 22 - JANUARY 20

If all goes according to plan, you will soon be taking on a more prominent role. You have been waiting in eager anticipation to hear information concerning the future of a personal wish. Patience is a virtue and it is just as well you have patience in abundance.

AQUARIUS JANUARY 21 - FEBRUARY 19

Pause for a while and take stock of how you are progressing with personal plans and projects. After thinking about it, you might realise that some aims that were recently important to you, don't feel so urgent anymore. Other interests are starting to take up your time and should be given more priority.

PISCES FEBRUARY 20 - MARCH 20

Stay calm and be polite with a boss who is getting under your skin. It will feel annoying knowing that someone is watching you and waiting for you to make mistakes but bite your lips. A senior colleague has let power go to their heads but for now, you need to keep on their good side.

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Committee and Date

Strategic Licensing Committee

13 March 2024

Item

Public



Consultation on the Gambling Act 2005 Policy Statement 2025 to 2028

Responsible Officer:	Mandy Beever, Transactional Management and Licensing – Team Manager		
email:	Mandy.Beever@shropshire.gov.uk	Tel:	01743 251702
Cabinet Member (Portfolio Holder):	Councillor Chris Schofield, Portfolio Holder for Planning and Regulatory Services		

1. Synopsis

- 1.1 The Gambling Act 2005 (the Act) requires the Council to prepare and publish a statement of the principles (policy statement) that it proposes to apply in exercising its functions under the Act. The policy statement under the Act lasts for a maximum period of 3 years but can be reviewed and revised by the Council at any time.

2. Executive Summary

- 2.1. The Shropshire Plan recognises the importance of supporting businesses to provide safer services. The fundamental purpose of the Licensing service is to support businesses to deliver their services in a way which both allows them to thrive whilst protecting the safety and welfare of the public who live, work and visit Shropshire; together this will help to achieve a Healthy Economy.

2.2 This report sets out the proposed Gambling Act 2005 Policy for 2025 to 2028 upon which the Council proposes to consult.

3. Recommendations

3.1. That the revised draft Gambling Act Policy Statement as agreed by the Committee and set out at **Appendix A** be approved for consultation.

Report

4. Risk Assessment and Opportunities Appraisal

4.1. The preparation and publishing of the policy statement is a legal requirement under the Act.

4.2. If the Council fails to prepare and publish the policy statement the Council may be challenged when exercising its functions under the Act through a number of routes, e.g. service complaints to the Local Government Ombudsman and judicial review. Conversely, by preparing and publishing the policy statement, the Council is complying with its legal obligation. In addition, the Council provides a defined framework within which to exercise its functions and makes it clear to all stakeholders the manner by which the Council intends to exercise its functions.

4.3. Due regard has been given to the public sector equality duty in accordance with the Equality Act 2010. As part of this process social inclusion has also been considered in line with the Council's overall approach to equality and diversity. An initial Equality, Social Inclusion and Health Impact Assessment (ESHIA) has been completed and is produced at **Appendix B**.

4.4. The overall impact on all groups with protected characteristics and those who are likely to be impacted in terms of social inclusion is anticipated to be low in terms of access to and use of services that are affected by the revised policy statement. However, the Council's ability to further tackle and eliminate discrimination, advance equality of opportunity and foster good relations is overall more likely to be positive. This is largely due to the proposed policy statement being drawn up in line with the requirements of both national legislation and national guidance (both of which will have been subject to equalities impact assessments in their own right by the Government and the Gambling Commission respectively), together with the fact that the proposed policy statement is a revision of the principles that were adopted on 31 January 2022 and the formal consultation feedback at that time did not directly raise any equality, diversity or social inclusion issues that had not previously been considered during the drafting of the proposed policy statement.

4.5 The ESHIA screening carried out in 2021/2022 has been updated only to clarify the groupings for whom there will be anticipated direct impacts, and with whom there will continue to be efforts made to ensure that impacts are kept under review, remain as follows: Age, in relation to children and young people; and Disability, in relation to vulnerable adults. In this respect, the revised draft policy statement emphasises the Council's focus on protecting children and young people,

particularly in relation to child exploitation, and also young people and adults with care and support needs.

- 4.6 From a good practice angle, we have also given consideration to impacts for those individuals and households whom we may describe as vulnerable, within the additional grouping we term 'social inclusion'. This includes armed forces service personnel and ex-armed forces personnel. It continues to be the case that, across all nine national Protected Characteristic groupings and this tenth grouping in Shropshire, based on feedback from the previous formal consultation, the impact is predicted to be 'low positive'. The impact in reality continues to be anticipated as being neutral – neither positive nor negative – with no anticipated need to take specific actions to mitigate or enhance the impact.
- 4.7 Ongoing consideration will be given to the definition of 'vulnerable', as it relates specifically to gambling, through working with the Council's Feedback and Insight Team and taking account of the outcomes of the Local Government Association supported research, being led by Westminster and Manchester Councils, which aims to assess and map area vulnerability to gambling related harm. As and when the outcomes of this research are made available, together with other emerging information, trends and risks, the Council will have to consider the implications for the definition of 'vulnerable' and also the impact on its 'local area profile' and policy statement accordingly.
- 4.8 The recommendation is not a variance with the Human Rights Act 1998 and is unlikely to result in any adverse Human Rights Act implications. The recommendation is in line with relevant legal procedures prescribed by the Act and with guidance issued by the Gambling Commission.
- 4.9 The Act requires the Council to consult. The report's recommendation is specifically aimed at providing the Committee with the wherewithal to set the formal consultation process in motion. It is anticipated that the consultation will be undertaken over a 12-week period from 18 March 2024 to the 9 June 2024.

5. Financial Implications

- 5.1. There are no direct financial implications associated with the recommendation in this report; although prior to the policy statement formally taking effect, a cost will be incurred to place the required legal notice in the Shropshire Star newspaper in order to satisfy the requirement to advertise the fact that the policy statement has been published. This cost will be approximately £900 and is recoverable through the licensing fee process.

6. Climate Change Appraisal

- 6.1. There is no anticipated environmental impact associated with the recommendation in this report.

7. Background

- 7.1. Under the Gambling Act 2005, the Council is the licensing authority and is responsible for licensing and overseeing local gambling establishments. Part of this responsibility is the duty to prepare and publish a statement of the principles (policy statement) that the Council proposes to apply in exercising its functions under the Act.
- 7.2. The Council's current Gambling Act policy statement came into effect on the 31 January 2022 and will cease to have effect on the 30 January 2025. The timetable to undertake the necessary legal process has been set accordingly.
- 7.3. There are legally prescribed procedures that the Council must follow before the policy statement can take effect. This involves making the statement publicly available by a variety of means for at least 4 weeks and by advertising that it has been published.
- 7.4. The policy statement must be adopted by full Council; this function cannot be delegated to either the Strategic Licensing Committee or Cabinet. The proposed statement must, therefore, be presented to Council no later than the 12 December 2024, to allow sufficient time for the necessary publication and advertising to take place prior to the 31 January 2025.
- 7.5. Officers have taken the opportunity to revise the policy statement to reflect the latest guidance issued to licensing authorities by the Gambling Commission. In particular:
 - a) It is recognised nationally that there is a greater need to focus on understanding and mitigating gambling related harm more broadly, rather than focussing on problem gambling alone. In this respect, the revised policy statement emphasises the Council's focus on protecting children and young people, particularly in relation to child exploitation, and also young people and adults with care and support needs.
 - b) The Gambling Commission has emphasised the need to incorporate the work of Public Health colleagues to further support the greater need to identify areas of concern and focus on gambling related harm. An initial informal consultation has been undertaken with Shropshire Councils Public Health Team and there is commitment from Public Health colleagues to provide their findings during the formal consultation period.
 - c) Nationally, gambling policy and the regulatory environment overall has an increasing focus on risk. Whilst not compulsory, it is now recommended that the Council creates a 'local area profile', this is included as part of the policy statement, to inform its understanding of risk and to allow appropriate decisions to be made and steps taken to mitigate these risks. Since April 2016, gambling establishment operators have been required to undertake 'local area risk assessments' before submitting a premises licence application or variation and will be expected to give due consideration to the information available in the Council's 'local area profile'. The Council's 'local area profile' will naturally develop over time and will be influenced by information and intelligence from key partners and other stakeholders.

7.6. The Gambling Act singles out children, young persons and adults with care and support needs for special regulatory attention and the proposed policy statement does focus on protecting these particular groups. However, in relation to gambling activities, the question as to who is vulnerable, why and under what circumstances, has been subject to little investigation. As and when further research and guidance is made available on this, together with other emerging information, trends and risks, the Council will have to consider the implications for both its 'local area profile' and policy statement accordingly.

8) Additional Information

8.1 Unless there are specific reasons for an earlier review and publication of a revised policy statement, the Council will be required to undertake the next formal consultation process under the Act in the latter part of 2027 with the aim of a revised policy statement being effective from 31 January 2028.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

The Gambling Act 2005 (2005 Chapter 19)

The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (SI 2006 No. 636)

Shropshire Council's Gambling Policy Statement (effective 31 January 2019)
(<https://shropshire.gov.uk/media/12775/gambling-act-2005-policy-statement-2019-to-2022-final.pdf>)

Shropshire Council's Gambling Policy Statement (effective 31 January 2022)
[gambling-act-2005-policy-statement-2022-to-2025.pdf](https://shropshire.gov.uk/media/12775/gambling-act-2005-policy-statement-2022-to-2025.pdf) (shropshire.gov.uk)

Guidance to Licensing Authorities published by the Gambling Commission
(<https://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx>)

Statement of gambling licensing policy – A Councillors Guide, March 2018 published by the Gambling Commission

(<https://www.gamblingcommission.gov.uk/PDF/quick-guides/Councillors-guide.pdf>)

Gambling Regulation Councillor Handbook (England and Wales) June 2015 published by the Local Government Association (<https://www.local.gov.uk/sites/default/files/documents/L15-230%20Councillor%20handbook%20-%20gambling%20regulation%20FINAL.pdf>)

Gambling Regulation Councillor Handbook (England and Wales) Updated Guidance 2018 published by the Local Government Association

(https://www.local.gov.uk/sites/default/files/documents/10.18%20Gambling%20regulation%20Councillor%20handbook_v06_WEB_1.pdf)

Gambling Commission Strategy 2018 – 2021: Making Gambling Fairer and Safer
(<http://www.gamblingcommission.gov.uk/PDF/Strategy-2018-2021.pdf>)

Updated Gambling Commission Guidance April 2021
<https://beta.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

Local Member: This report covers all areas of Shropshire.

Appendices

Appendix A - Draft Gambling Act 2005 Policy Statement 2025 - 2028 (Consultation Version)

Appendix B – Equality, Social Inclusion and Health Impact Assessment (ESHIA)



Gambling Act 2005 Policy Statement 2025 to 2028

Date policy adopted:

Policy adopted by:

Date policy formally published:

Date policy implemented:

Next review period: January 2027 to December 2027

Executive Summary

The Policy is divided into six parts with five supporting appendices.

Part 1

Under Section 349 of the Gambling Act 2005, Shropshire Council is required to prepare a statement of principles that it proposes to apply in relation to its regulatory responsibilities pertaining to gambling. This legal duty is fulfilled through this Gambling Policy Statement ('the Policy'). Gambling is unlawful in the UK unless permitted by the measures contained in the Gambling Act 2005 (with the exception of the National Lottery and spread betting which over controlled under other legislation).

The Policy sets out the regulatory and policy framework within which the Council will operate. It describes the geographical area to which the Policy relates and includes a local area profile that maps areas of concern, including actual and emerging risks. The local area profile will need to be reviewed and updated on a regular basis to reflect changes to the local landscape and environment. The Council's position concerning consultation and communication and the process for reviewing the Policy are also set out.

The Policy makes it clear that the Council will proactively promote the three Gambling Act 2005 licensing objectives, namely:

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

These objectives underpin the functions that the Council perform. The Council will also aim to permit the use of premises for gambling providing that it is consistent with these licensing objectives.

The Policy describes the regulating bodies relevant to the licensing of gambling premises and activities and their primary responsibilities, together with the scope and purpose of the Policy. In particular, the Policy is concerned with the authorising of and regulatory controls associated with betting shops, bingo halls, adult gaming centres, family entertainment centres, casinos, tracks, alcohol licenced premises and clubs (members' clubs, miners' welfare institutes and commercial clubs) that have gaming ('fruit' machines), prize gaming and small society lotteries.

The Policy acts as the primary vehicle for setting out the Council's approach to gambling regulation having taken into account public interest, local circumstances, issues, data, risk and the expectations that the Council has of operators who either currently offer gambling facilities or may do so in the future. This provides greater scope for the Council to work in partnership with operators and other local businesses, communities and responsible authorities to identify and proactively

mitigate local risks to the licensing objectives. The Policy also provides guidance to interested parties; in particular, with regard to the fundamental principles that the Council is particularly minded to ensure are covered.

The fundamental purpose of the Policy is to reduce the harm and exploitation that is caused by problem gambling; in particular, to safeguard children, young persons and vulnerable adults, and to reduce crime and disorder associated with gambling, whilst simultaneously recognising the contribution that responsible gambling brings to supporting local businesses and the growth and prosperity of Shropshire's economy. The Policy sets out the type of people that the Council considers are likely to be vulnerable.

The Policy also sets out the Council's position with respect to the application of licensing conditions and the code of practice requirements that flow from the Gambling Act 2005 provisions. Specific reference is made to the matters that will be considered when dealing with applications for self-service betting terminals (SSBT). It is also made clear when the Council cannot attach conditions to a premises licence. With respect to the codes of practice requirements, the Policy sets out the Council's expectations, particularly with regard to the 'ordinary provisions' and the requirement for future and existing licensees to assess local risks to the licensing objectives and to have policies, procedures and control measures in place to mitigate these risks.

Part 2

The second part of the Policy focusses on the functions that the Council undertakes and the principles the Council will follow when administering applications, reviewing conditions and setting fees. Overarching principles, together with specific principles relating to each of the licensing objectives are set out. The Council expects compliance with these principles to assist applicants and licence holders to meet the statutory licensing objectives when undertaking gambling activities that are regulated by the Council. This part also explains the roles and duties of the Strategic Licensing Committee, the Licensing Act Sub-Committee and officers of the Council. The Council's powers and decision-making processes are clearly set out, together with details relating to rights of appeal and the review of premises licences, including the making of representations.

Responsible authorities are listed, together with their roles and responsibilities. It is also made clear that the Council has designated the Shropshire Safeguarding Children Board as the body competent to advise about the protection of children from harm and by doing so confirms that this body is also a designated responsible authority under the Gambling Act 2005. The Council also sets out the parameters it considers relevant when determining who is an 'interested party' under Section 158 of the Act.

The second part of the Policy also sets out the principles that the Council will apply in relation to the exchange of information with the Gambling Commission, other enforcement and government persons/bodies, other organisations and operators. Also included is the Council's position with respect to the disclosure of information

under the Freedom of Information Act 2000 and with respect to the confidentiality of anyone making representations as part of the licensing and/or review process.

The final elements of this part confirm the Council's commitment to partnership working and the position with respect to the setting of fees.

Part 3

The third part of the Policy focusses on the specific activities that are subject to authorisations and sets out how applicants obtain and hold a licence, permit or registration and, where relevant, how they provide notifications. These steps will include the standards that applicants must attain and the conditions that apply.

There are a number of general principles that apply to all licence types, together with guidance on the meaning of 'premises' and the principles that the Council will apply in relation to the meaning of premises. In addition, the Policy sets out the circumstances where it will consider the suitability of the applicant and where a criminal records disclosure is, therefore, required.

This part of the Policy confirms that the Council has not passed a resolution not to issue a casino premises licence. It then sets out, in relation to each licence/permit/notice/registration type (as appropriate and where relevant), the following matters:

- description of the licence/permit
- principles that will be applied by the Council
- period of the licence/permit
- application or notification process (new and renewal)
- objection process
- conditions
- right of appeal
- processes relating to changes to permits, including variations, transfer, lost, stolen or damaged
- returns to the Council
- annual fee (renewal)
- decisions of the Council

The final element of this part of the Policy sets out those activities that do not require specific permissions.

Part 4

This part of the Policy addresses inspection, compliance, enforcement and complaints; in particular, the principles that will be applied when the Council carries out the inspection of premises and when it institutes criminal proceedings in respect of specified offences under the Act. Within this part, the Council addresses test purchasing and age verification and the publication of information relating to the Council's regulatory function.

Part 5

This part provides a summary of the consultation process that was undertaken prior to the Policy taking effect, together with a list of the consultees.

Part 6

This part sets out the contact details for information, advice and guidance relating to the Policy and the licensing and permitting of gambling premises and activities. It provides a link to the relevant website pages for information and the contact details in respect of licence fee payments via the telephone and online.

Appendices

The appendices include a map of the geographical area to which the Policy applies; the Council's local area profile; further information concerning child sexual exploitation and trafficking of children and young people; safeguarding adults; an extract from the Council's constitution setting out the delegations; and the criteria that the Council will apply in respect of assessing the suitability of an applicant.

Consultation

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PART 1

INTRODUCTION

Consultation copy

PART 1 – INTRODUCTION

1.0 Background

- 1.1 Under Section 349 of the Gambling Act 2005 ('the Act'), licensing authorities are required to prepare a statement of principles that they propose to apply in relation to their regulatory responsibilities pertaining to gambling. Shropshire Council ('the Council') is the Licensing Authority for the county of Shropshire (excluding the area that is the responsibility of Telford & Wrekin Council) and is fulfilling its legal duty to prepare a statement of principles through this Gambling Policy Statement ('the Policy').
- 1.2 The Council is required to publish the Policy at least every three years. It will also review the Policy from time to time and revise it when appropriate to do so. Any amendments to the Policy must be the subject of further consultation and the Policy, or relevant parts of the Policy, must then be re-published.

2.0 County area

Geographical profile

- 2.1 The geographical area to which this Policy applies is the administrative area of Shropshire Council as outlined in the map produced at **Appendix A**.
- 2.2 Shropshire is a diverse, predominantly rural, inland county, situated on the far western edge of the West Midlands region. Shropshire borders Wales to the West, Telford and Wrekin and Staffordshire to the North East, Worcestershire and Herefordshire to the South and Cheshire to the North.
- 2.3 Based on the mid-year population estimates published by the Office for National Statistics (ONS), the population of Shropshire has grown by 6.5% from 307,100 at mid-2011 to 327,200 at mid-2022. This compares with 7.5% growth for England. The ONS 2018 sub-national population projections, which pre-date the 2021 Census, estimate Shropshire's population will rise by 13.7%, reaching 371,900 by 2038.
- 2.4 Shropshire has a population density of 1 person per hectare (319,730 hectares), compared to 4.4 persons per hectare nationally (13,027,843 hectares). Shropshire is one of the most sparsely populated local authorities in the country with approximately 540 hamlets, villages and market towns widely dispersed across the County. The 2021 Census revealed only six settlements had a population of over 10,000 people (Whitchurch – 10,100, Shrewsbury – 76,800, Oswestry – 17,500, Ludlow – 10,000, Bridgnorth – 11,900 and Market Drayton – 12,600).
- 2.5 The 2021 Census showed 97.7% of Shropshire's population lived in 139,581 households and 2.3% lived in communal establishments. The number of households in Shropshire has grown by 7.6% since 2011. Household growth in Shropshire has largely been driven by a significant rise in single person households and couple households with no children, a reflection of

Shropshire's ageing population. These household types make up 62.7% of all households in Shropshire.

- 2.6 The ONS 2018 sub-national household projections, which pre-date the 2021 Census, estimate the number of households in Shropshire will reach 171,876 by 2038, growth of 23.1%. The 2021 Census revealed there were 147,757 dwellings in Shropshire, growth of 8.99% since the 2011 Census (135,572 dwellings). The Census estimated 0.35% of Shropshire's housing stock were second homes and 5.18% were vacant.
- 2.7 The Shropshire Core Strategy 2011 and SAMDev 2015, planned for 25,700 new homes in Shropshire during 2006-2026. A new draft Shropshire Local Plan (2016-2038) was submitted to the Secretary of State for examination in September 2021 and this is ongoing. The draft Local Plan proposes a requirement for 30,800 new dwellings and around 300 hectares of employment land during 2016-2038.

Local area profile

- 2.8 The Council has updated the assessment of the local environment that was originally undertaken in 2015 to map local areas of concern, including actual and future emerging risks. The outcome of the latest assessment is produced at **Appendix B**.
- 2.9 The assessment will continue to be reviewed and updated to reflect changes to the local landscape and environment, particularly as the process to undertake the assessment and the techniques by which it can be made more effective are more fully understood and developed by the Council. Formal consultation will be undertaken where changes to the profile are likely to have a significant impact on stakeholders and the areas of concern and risks associated with the local area; otherwise changes will be highlighted on an ongoing basis on the Council's website. The risks identified in the local area profile are evidence (not perception) based.
- 2.10 The profile takes account of a range of factors, data and information held by the Council and a wide range of partners and has been brought together through proactive engagement with both responsible authorities and other relevant organisations.
- 2.11 The profile aims to increase awareness of local risks and improve information sharing in order to facilitate constructive engagement with licensees and a more coordinated response to local risks. The Council encourages operators to use the local area profile to help inform them of specific risks that need to be considered in local risk assessments prior to submitting any new or variation to a premises licence application.

2.12 The profile aims to:

- enable the Council to better serve the Shropshire community by more accurately reflecting the community and the risks within it;
- provide greater clarity for gambling premises operators as to the relevant factors in the Council's decision-making process;
- improve premises licence applications as operators will be able to incorporate necessary controls and measures to mitigate relevant risks in their applications;
- enable licensing authorities to make robust and fair decisions, based on a clear, published set of factors and risks, which are therefore less susceptible to challenge; and
- encourage a proactive approach to risk that is likely to result in an increase in compliance and a reduction in enforcement action.

Estimated prevalence of problem gambling in Shropshire

2.13 The purpose of this estimate is to quantify the scale of problem gambling among Shropshire residents to inform local strategies and plan to manage the problem. The estimates can be found at **Appendix C**.

3.0 Consultation and communication

3.1 In determining the Policy the Council has consulted as set out in Part 5 of this Policy.

3.2 In order to deliver a transparent, accountable and efficient licensing service the Council is committed to proactive engagement, ongoing communicating and consultation with all stakeholders, specifically including local operators. The Council wants to facilitate an open and constructive partnership with all stakeholders in order to improve compliance and reduce regulatory costs.

3.3 In particular, the Council welcomes the opportunity to communicate and consult with representatives of the gambling trade to enable and encourage the exchange of views and information in relation to the Policy, to mitigate risks to the licensing objectives, to ensure conditions are relevant, proportionate and necessary, to ensure changes in the law are widely communicated and understood and the need for licence reviews are reduced to a minimum. The specific methods to achieve this communication and consultation will be determined as required.

4.0 Gambling Act 2005

4.1 The Act consolidated and updated previous gambling legislation and created a framework for three different types of gambling: gaming, betting and lotteries. The Act contains the regulatory system that governs the provision of all gambling in Great Britain, other than the National Lottery and spread betting.

4.2 It contains three licensing objectives which underpin the functions that the Gambling Commission ('the Commission') and licensing authorities will perform. These objectives are central to the Act and are:

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

4.3 The Council will proactively promote these licensing objectives through the adoption, implementation and enforcement of this Policy. The Council, in accordance with Section 153 of the Act, will also aim to permit the use of premises for gambling providing that it is consistent with the licensing objectives.

5.0 Regulating bodies

Lead Government Department

5.1 The Department for Culture, Media and Sport (DCMS) is the lead government department for gambling issues. The government wants to ensure that the gambling industry is run responsibly so that it provides a safe and enjoyable leisure activity and continues to be an important source of revenue and jobs. It wants to keep gambling crime-free, make sure that gambling is fair and open and protect children and vulnerable adults.

Gambling Commission

5.2 The Commission is an independent non-departmental public body and is the main advisory body to national and local government on gambling. It is sponsored by the DCMS and the Chair of the Commission is appointed by the Culture Secretary. It is the unified regulator for gambling in Great Britain and is responsible for regulating gambling in accordance with the Act.

5.3 The Commission has responsibility for granting operating and personal licences for commercial gambling operators and personnel working in the industry. It also regulates certain lottery managers and promoters. To help fulfil its role, the Commission issues codes of practice for the gambling industry about the manner in which gambling facilities should be provided and guidance to licensing authorities on how to implement their responsibilities under the Act.

5.4 The Commission is required to aim to permit gambling, providing that it is consistent with the licensing objectives.

5.5 For further information about the Gambling Commission refer to the website <http://www.gamblingcommission.gov.uk/Home.aspx>

Licensing Authorities

- 5.6 The Council is, by definition, the Licensing Authority for the purposes of the Act for the administrative area of Shropshire Council. Licensing authorities play a vital role and are key partners in gambling regulation, with a responsibility for overseeing gambling that takes place in gambling premises (non-remote gambling) in their local areas. This involves:
- setting the local framework for gambling through their statement of principles;
 - considering applications and issuing licences for premises where gambling takes place, with conditions where appropriate;
 - reviewing or revoking premises licences;
 - issuing permits for some forms of gambling; and
 - undertaking inspection and enforcement activities, including tackling illegal gambling.
- 5.7 Licensing authorities licence gambling premises within their area, as well as undertaking functions in relation to lower stake gaming machines in clubs and miners' welfare institutes.
- 5.8 In addition, local authorities deal with the system of temporary and occasional use notices. These notices authorise premises that are not generally licensed for gambling purposes to be used for certain types of gambling for limited periods.
- 5.9 Licensing authorities do not have any regulatory responsibilities in relation to remote gambling, i.e. gambling that is typically undertaken by phone or online; this is the responsibility of the Commission
- 6.0 Scope**
- 6.1 This Policy supersedes all previous Council policies relating to gambling. Any application determined on or after the date that this Policy takes effect will be administered under the requirements set out in this Policy irrespective of the date the application was submitted to or received by the Council.
- 6.2 The Policy forms the Council's mandate for managing local gambling provision and sets out how the Council views the local risk environment and therefore its expectations in relation to operators with premises in the administrative area of Shropshire Council.
- 6.3 In particular, the Policy is concerned with the licensing/permitting of and regulatory controls associated with betting shops, bingo halls, adult gaming centres, family entertainment centres, casinos, tracks¹, alcohol licenced premises and clubs (members' clubs, miners' welfare institutes and commercial clubs) that have gaming ('fruit' machines), prize gaming and small society lotteries.

¹ Examples of tracks include: horse racecourses, greyhound tracks, point-to-point horserace meeting, football, cricket and rugby grounds, athletics stadium, golf course, venues hosting darts, bowls, or snooker tournaments, premises staging boxing matches, section of river hosting a fishing competition, motor racing events.

6.4 The Policy does not override the right of any person to make an application and to have that application considered on its own merits. In addition, it does not undermine the right of any person to make representations on an application or to seek a review of the licence where a legal provision is made for them to do so.

6.5 The Policy does NOT attempt to explain all the requirements of the Act for each type of gambling premises and the associated gambling activities. The requirements of the Act are detailed and complex; consequently, to ensure the provisions are fully understood, potential applicants and existing licence/permit/registration holders are strongly encouraged, with respect to the type of premises and activity being considered to:

- make themselves familiar with the relevant provisions of the Act, regulations and orders;
- consult the guidance available on the Commission's website;
- seek advice from appropriate legal experts; and
- discuss specific requirements with the Council's licensing team.

6.6 The Policy is not a stand-alone document and must be read in conjunction with relevant legislation, codes of practice and guidance. Whilst the Policy sets out the Council's position with respect to the Gambling Act 2005, the legal interpretation and application of the Act is ultimately a matter for the Courts.

7.0 Purpose

7.1 The Policy acts as the primary vehicle for setting out the Council's approach to gambling regulation having taken into account public interest, local circumstances, issues, data, risk and the expectations that the Council has of operators who either currently offer gambling facilities or may do so in the future. This provides greater scope for the Council to work in partnership with operators and other local businesses, communities and responsible authorities to identify and proactively mitigate local risks to the licensing objectives.

7.2 The fundamental purpose of the Policy is to reduce the harm and exploitation that is caused by problem gambling; in particular, to safeguard children, young persons and adults with care and support needs, and to reduce crime and disorder associated with gambling, whilst simultaneously recognising the contribution that responsible gambling² brings to supporting local businesses and the growth and prosperity of Shropshire's economy.

² Responsible gambling occurs where operators provide socially responsible gambling products and players are able to control their play.

7.3 For the purposes of this Policy, the Council considers that vulnerable persons³ include 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. The Act makes it clear, through the third licensing objective that children are vulnerable and there is an expectation that steps will be taken to prevent them from being harmed or exploited by gambling. However, this objective also refers to 'other vulnerable persons' and whilst the Act does not define 'vulnerable person' the Council considers that these may include, but is not limited to:

- young persons including students
- adults with care and support needs
- homeless persons
- persons who are affected by mental health, learning disabilities/difficulties, social isolation and constrained social and economic circumstances
- low educational attainment
- persons who are affected by substance misuse relating to alcohol or drugs
- first generation immigrants
- persons from ethnic minority groups
- persons who are affected by multiple deprivation
- ex-service and serving armed forces personnel
- offenders

7.4 The Policy provides guidance to any person with an interest in the licensing and permitting of gambling activities; in particular, but not restricted to:

- persons who wish to apply for gambling licences and permits;
- persons who hold existing licences and permits, including those that are the subject of review;
- the Council, in its capacity as the licensing authority, including licensing officers and members of the relevant licensing committees;
- the Gambling Commission;
- licensing consultants, solicitors and barristers advising and/or representing applicants and licence/permit holders; and
- magistrates and judges hearing appeals against Council decisions.

7.5 The Council is committed to the licensing objectives set out in the Act and is particularly concerned to ensure:

- that the action to promote the welfare of children and to protect them from harm is everyone's responsibility, in particular, prospective and existing proprietors of gambling premises who will have dealings with children and families have a duty to report matters of concern that could relate to the safety

³ Exploring area-based vulnerability to gambling-related harm: Who is vulnerable? Findings from a quick scoping review. Heather Wardle, Gambling and Place Research Hub – 13 July 2015.

of children, young persons and adults with care and support needs to the relevant authorities (refer to **Appendix D** for further information);

- that the public are safeguarded from dishonest persons;
- that gambling premises and associated gambling activities are lawful;
- that premises used for gambling activities are safe and fit for the purpose for which they are licensed;
- that gambling activities do not lead to crime and disorder;
- where the Council has responsibility for determining the suitability of the applicant that they are a fit and proper person to hold the relevant gambling permit; and
- that regulation is not aimed at preventing legitimate gambling.

7.6 The Council will aim to ensure that its regulatory approach imposes the minimum burden necessary to promote the licensing objectives in the Act, having regard to its impact on different types and sizes of licence/permit applicants and holders, and does not unduly hinder economic growth.

8.0 Review of the Policy

8.1 The Policy will be prepared and published every three years. However, it will be the subject of continuous evaluation and from time to time reviewed and, where necessary, revised and published before any revision is given effect. At the time of review all relevant stakeholders will again be consulted. Any gambling trade representative may request a review of the policy at any time.

9.0 Regulatory and policy framework

9.1 The operation of the Council's licensing service, as it relates to the licensing of gambling activities, is undertaken primarily in accordance with:

- the Gambling Act 2005, as amended;
- regulations and orders made under the Act;
- guidance issued by the Gambling Commission to local authorities; and
- the principles of better regulation, particularly as set out in the Regulators' Code (BRDO 14/705 April 2014)⁴.

9.2 In addition, the service is provided in accordance with all relevant Council policies, duties and responsibilities; in particular, those relating to:

- Protection of children, young persons and adults with care and support needs
- Better regulation and enforcement
- Access to information
- Public sector equality duty
- Human rights⁵

⁴ Regulators' Code (previously the Regulators' Compliance Code), Department of Business, Innovation and Skills, 2014, issued under section 23 of the Legislative and Regulatory Reform Act 2006.

⁵ Human Rights Act 1998, in particular, Article 1, Protocol 1 – peaceful enjoyment of possessions (a licence is considered a possession in law and people should not be deprived of their possessions except in the public interest);

- 9.3 So far as is reasonable practicable the Council will avoid duplication with other regulatory regimes. In particular, this Policy and associated conditions do not address health and safety at work, fire safety or planning requirements. Gambling trade representatives are required to ensure all relevant provisions are satisfied in these respects.

10.0 Licensing conditions and codes of practice requirements

Conditions and authorisations by virtue of the Act

- 10.1 There are specific sections of the Act that provide for conditions to be attached automatically to premises licences and for authorisations to be granted automatically in relation to:
- number of gaming machines
 - betting on virtual events
 - gambling in addition to casino games
 - access by children and young persons
 - giving of credit
 - door supervision
 - pool betting
 - Christmas day
- 10.2 The Secretary of State may make regulations requiring these conditions to be set out on the premises licence. The Council has no discretion to decide not to include them or to modify them. The table below summarises which sections of the Act apply to which types of premises licences (excluding casinos) and applicants/licensees are encouraged to make themselves familiar with the requirements of the relevant sections in relation to the particular type of premises and activity for which they are responsible.

Premises Licence Type	Section of Gambling Act 2005						
	S.172	S.173	S.177	S.178	S.179	S.182	S.183
All	X			X			X
Bingo			X				
Betting		X					
Betting in respect of a track					X	X	

Licensing conditions

- 10.3 The Act sets out mandatory conditions and default conditions and also permits the Council to attach further conditions or exclude any default condition.
- 10.4 The Council will clearly apply the mandatory conditions in all relevant circumstances.

Article 6 – right to a fair hearing; Article 8 – respect for private and family life (in particular, removal or restriction of a licence may affect a person's private life); Article 10 – right to freedom of expression.

- 10.5 Where there are regulatory concerns of an exceptional nature the Council may impose additional individual conditions in relation to matters that are already dealt with by mandatory conditions; however, these will relate to the licensing objectives.
- 10.6 The Council will apply the default conditions unless the Council is aware of, or made aware by a third party, of circumstances that indicate such conditions would be inappropriate or the applicant can demonstrate to the satisfaction of the Council why the conditions ought to be excluded. Where the Council excludes a default condition it will generally replace this condition with an alternative condition that achieves the desired outcome. Where the alternative condition is more restrictive than the excluded condition the Council will ensure that it sets out the regulatory reasons for doing so.
- 10.7 The Council may also apply further conditions. Conditions on premises licences will only be applied where there is evidence of a risk to the licensing objectives that requires the mandatory and default conditions to be supplemented and as considered appropriate in light of the overarching principles to be applied by the Council. Where the Commission's Licence Conditions and Codes of Practice (LCCP) or other legislation places particular responsibilities or restrictions on an applicant or licence/permit holder, the Council will not impose the same responsibilities or restrictions through conditions on a premises licence.
- 10.8 Decisions on individual conditions will be made on a case by case basis and will only be applied where it is legally permissible, evidence based, proportionate and necessary to do so; in particular, but not limited to, ensuring that gambling trade representatives:
- comply with the fundamental purpose of the Policy set out above;
 - provide only socially responsible gambling products;
 - take appropriate steps that are within their control to help players control their play;
 - take proactive steps to promote and achieve the three Gambling Act licensing objectives; and
 - comply with all relevant legislative requirements.
- 10.9 In particular, the Council will ensure that premises licence conditions are:
- relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises (including the locality and any identified local risks) and the type of licence applied for;
 - fairly and reasonably related to the scale and type of premises; and
 - reasonable taking into account all the circumstances associated with the particular licence application or variation.
- 10.10 The Council has considered the local area profile. Given the current position demonstrated by the profile there are wards within the Shropshire Council

administrative area where it may be considered necessary to include specific conditions in relation to premises licences. Where specific risks associated with a particular locality emerge, the Council will consider the need for additional conditions on any premises licence.

- 10.11 With respect to self-service betting terminals (SSBT), the Council has the power to restrict the number, their nature and the circumstances in which they are made available by attaching licence conditions to a betting premises licence. When considering whether to impose a condition to restrict the number of SSBT in any particular premises, the Council amongst other things, will take into account the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people, the size of the premises and the number of counter positions available for person-to-person transactions.
- 10.12 Where SSBT include the functionality to be marketed or presented in foreign languages, the Council will seek to ensure that the operator has considered the ordinary code provision about making the following information also available in those languages:
- the information on how to gamble responsibly and access to help referred to in the LCCP;
 - the players' guides to any game, bet or lottery required to be made available to customers under provisions in LCCP; and
 - the summary of the contractual terms on which gambling is offered, which is required to be provided to customers as a condition of the licensee's operating licence.
- 10.13 The Council cannot and will not attach conditions to premises licences that:
- makes it impossible to comply with an operating licence condition
 - relate to gaming machine categories, numbers, or method of operation
 - requires membership of a club or body
 - imposes conditions in relation to stakes, fees, winnings or prizes

Codes of practice requirements

- 10.14 The Gambling Commission issue codes of practice under Section 24 of the Gambling Act 2005. Codes of practice include **social responsibility provisions** that must be adhered to by all licence/permit holders and **ordinary provisions** that are not compulsory but failure to take account of them can be used as evidence in criminal or civil proceedings.
- 10.15 Clearly licence/permit holders must adhere to all social responsibility provisions in full. In addition, the Council expects licence/permit holders to adhere to all ordinary provisions unless the Council is aware of, or made aware by a third party, of circumstances that indicate such provisions would be inappropriate or the applicant can demonstrate to the satisfaction of the Council why the provisions are not applicable or that they have satisfied the

provisions by suitable alternative means that are equally effective and acceptable to the Council.

- 10.16 Specific attention is drawn to the provision that formalises the requirement for future and existing licensees to assess (and also review and update as necessary) local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking risk assessments, licensees must take into account relevant matters identified in this Policy.
- 10.17 Licensees are also expected to share their risk assessments with the Council when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request. Under the code of practice, the requirement to share risk assessments with the Council is not mandatory; however, the Council will expect licensees to do this unless there are exceptional circumstances that are accepted by the Council and which would exempt a licensee from the requirement to share their risk assessment.
- 10.18 The relevant mandatory and default conditions can be found in the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007 (SI 2007 No 1409) and within the document entitled '**Licence Conditions and Codes of Practice**' (LCCP) issued by the Gambling Commission.

PART 2

LICENSING PRINCIPLES, PROCESS AND DELEGATION

PART 2 – LICENSING PRINCIPLES, PROCESS AND DELEGATION

11.0 Introduction

- 11.1 This part of the Policy focusses on the functions that the Council undertakes and the principles the Council will follow when administering applications, reviewing conditions and setting fees. The Council expects compliance with these principles to assist applicants and licence holders to meet the statutory licensing objectives when undertaking gambling activities that are regulated by the Council.
- 11.2 This part also explains the roles and duties of the Strategic Licensing Committee, the Licensing Act Sub-Committee and officers of the Council.

12.0 Council licensing functions

- 12.1 The Council seeks to ensure that gambling facilities are suitable and that gambling activities are conducted in such a manner to minimise the risks to the licensing objectives. The specific regulatory functions of the Council, including the activities that the Council is able to licence, as it relates to the licensing of gambling establishments and activities for which it has responsibility are:

- licensing premises where gambling activities take place by issuing premises licences, including provisional statements
- regulating gaming and gaming machines in members' clubs and miners' welfare institutes by issuing club gaming permits and/or club machine permits
- regulating gaming machines in commercial clubs by issuing club machine permits
- granting permits to family entertainment centres for the use of certain lower stake gaming machines
- regulating gaming and gaming machines on alcohol licensed premises by receiving notifications for the use of two or fewer gaming machines
- regulating gaming machines on alcohol licensed premises by issuing gaming machine permits where there are more than two gaming machines
- granting permits for prize gaming
- registering societies to allow them to hold small society lotteries;
- receiving and endorsing temporary use notices
- receiving occasional use notices
- providing information to the Gambling Commission regarding details of licences/permits issued (see information exchange)
- maintaining registers of the licences and permits issued
- setting and collecting licence/permit fees
- inspection, compliance and enforcement locally in relation to licences, permits and permissions issued under the above functions

- 12.2 With respect to premises licences and permits, the Council also has the regulatory responsibility for dealing with variations, change of circumstances,

transfers, reinstatements and producing copies of lost, stolen or damaged licences in accordance with specific regulatory provisions that relate to each licence or permit type.

- 12.3 The Council does not license operators of gambling establishments or individuals who work in the gambling industry. It also does not regulate the National Lottery. These licences are the responsibility of the Gambling Commission. A person considering becoming involved in the provision of gambling establishments and/or activities must ensure they have the appropriate operator and personal licences in place (or confirmation that such licences are not required) prior to approaching the Council for a premises licence and/or permit.

13.0 Overarching licensing principles

- 13.1 The Council aims to provide a clear, consistent and responsive service to prospective and current licence/permit holders, members of the public and other relevant stakeholders.
- 13.2 The Council will seek to build and maintain good liaison and working relationships with the Commission, other regulators and law enforcement bodies, including sharing relevant information and, where appropriate, investigating offences.
- 13.3 In accordance with Section 153⁶ of the Act, the Council will aim to permit the use of premises for gambling, i.e. it will seek to regulate gambling by using powers to moderate the impact on the licensing objectives rather than by starting out to prevent gambling altogether, providing it is:
- in accordance with the relevant code of practice issued by the Commission under Section 24 of the Act;
 - in accordance with any relevant guidance issued to local authorities by the Commission under Section 25 of the Act (Guidance to licensing authorities 5th Edition September 2016, which can be found at <http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf>;
 - reasonably consistent with the licensing objectives; and
 - in accordance with this Policy.
- 13.4 Whilst the Council will aim to permit the use of premises for gambling, as set out above, it will not grant a licence/permit/registration if it believes that to do so will mean taking a course of action that does not accord with any relevant Commission code of practice or guidance, the licensing objectives or this Policy.
- 13.5 When considering any application, the Council will grant the application subject to the mandatory and default conditions providing these are sufficient to ensure the gambling operation is consistent with the licensing objectives.

⁶ References are made throughout this Policy to Section 153 of the Gambling Act 2005. In all cases, such references relate to the requirements set out in paragraph 13.3.

- 13.6 When determining whether to grant a licence/permit, the Council will not have regard to the expected demand for the gambling facilities that it is proposed to provide or whether the application is to be permitted in accordance with law relating to planning permission, building regulations approval or building consent. However, the Council, in terms of both the licensing and planning regimes, will consider carefully any conflict that may exist between licence conditions and planning/building regulation restrictions and will work with applicants and licence/permit holders to resolve such conflicts.
- 13.7 The Council will be mindful of the needs of the applicant but this will be balanced against the clear duty that the Council has to take account of the over-riding principles set out in Section 153 of the Act and the Council's desire to ensure the overall purpose of this Policy is delivered.
- 13.8 In all cases, licence/permit applications will be considered and determined on their own individual merits.
- 13.9 The Council will make general advice, relating to its functions under the Act, available through its website. In addition, on request, the Council will provide specific advice about compliance to prospective and actual licence/permit/registration holders and will, in partnership with the Commission, advise the public on what activities they may undertake without the need for specific permissions.
- 13.10 The Council will employ or otherwise source staff with the necessary skills and knowledge and will delegate to them the necessary powers they need to carry out licensing, compliance and enforcement functions.
- 13.11 In the event that the Council perceives a conflict between a provision of a Commission code of practice or guidance and this Policy or view as to the application of the licensing objectives, the Commission's codes and guidance will take precedence.
- 13.12 The Council will have regard to any other codes of practice or guidance that may from time to time be issued by the Gambling Commission and other relevant stakeholders.
- 14.0 Principles adopted specifically in relation to the licensing objectives**
- 14.1 The general principles that the Council will apply when considering whether the licensing objectives are being met are set out below in relation to each of the objectives in turn. As there will inevitably be overlap between the objectives, the Council will apply the principles widely and across all the objectives where this is appropriate to do so. Applicants and licence/permit/registration holders will be expected to apply the same approach when considering the way in which the operation of their particular gambling activity will satisfy the licensing objectives.

- 14.2 In particular, in relation to all three licensing objectives, the Council is likely to apply relevant conditions where these are determined necessary by the Council's local area profile. The Council expects operators to submit their own risk assessments which identify risks and put in place measures to sufficiently mitigate them. Where operators fail to satisfy the Council that identified risks are sufficiently mitigated, the Council may conduct a review of the premises licence.
- 15.0 Objective 1: Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**
- 15.1 The Council's licensing, compliance and enforcement processes are designed to ensure that:
- only appropriate premises are granted premises licences for gambling activities;
 - the appropriateness of premises licences to continue will be reconsidered in the light of any subsequent criminal and/or disorder activity or in connection with such activity;
 - where it is within the control of the Council, i.e. with respect to certain permits and registrations, only suitable applicants are granted and allowed to retain such permits and registrations;
 - compliance activity at licenced premises is targeted at those premises where there is the greatest risk of crime and disorder.
- 15.2 Whilst each case will be considered on its merits, where it is the responsibility of the Council to assess the suitability of applicants, it is likely to refuse an application or review a licence where there is evidence of convictions for relevant offences. Where such evidence is known to the Council and relates to persons who hold operator and personal licences, the Council will inform the Commission.
- 15.3 Whilst it is recognised that there is no clear line between nuisance and disorder, the Council considers disorder as activity that is more serious and disruptive than nuisance. The Council is more likely to consider disorder to be behaviour that others, who have seen and heard the disorder, feel threatened by and/or that requires police assistance. The Council cannot address concerns about nuisance under the Gambling Act.
- 15.4 The Council has specifically considered the location of premises and the controls that are necessary to prevent premises being associated with or used to support crime. In this respect, the Council has not, at this time, prohibited any specific areas where gambling premises may be located on the basis that there is no evidence to support such an approach. If this position changes, the Council will update this Policy accordingly. Nevertheless, the Council is likely to refuse an application for a premises licence if the premises is in an area associated with unacceptable levels of crime that are creating burdens for the police and other enforcement agencies where there is evidence that the crime is a risk to the licensing objectives. However, where the applicant

can sufficiently demonstrate, by way of their risk assessment and proposed conditions and/or agree to the imposition of additional conditions proposed by the Council, to ensure the premises would not further increase the current levels of crime, the Council is likely to grant an application.

- 15.5 Where the Council determines it is necessary, the Council will give serious consideration to including a condition requiring door supervision to prevent disorder. Any person employed on door supervision will be required to hold a licence issued by the Security Industry Authority (SIA) unless the persons carrying out the door supervision are in-house employees at casino and bingo premises.
- 15.6 Where door supervision is being carried out by in-house employees at casino and bingo premises, the Council will expect a minimum of one supervisor for every 100 persons (or part thereof) to be in place. This is to take account of the nature of the door supervisor role that such employees will have to undertake, including the difficult tasks of dealing with potentially aggressive customers and searching individuals for the presence of offensive weapons.
- 15.7 In relation to fixed odds betting terminals (FOBT), the Council's local area profile has not highlighted this as either an existing or emerging risk in local communities. However, if this position changes, the Council will give due consideration to the need to apply conditions to betting shop premises licences including, but not limited to, recording and reporting all attacks on FOBT to the police and/or the Council.
- 15.8 Where there are voluntary initiatives/schemes aimed at addressing issues such as underage access, staff safety and security, the Council will expect applicants and licence/permit holders to have, as a minimum, considered the value that such initiatives/schemes would bring to the licensed premises and, where appropriate, to subscribe and actively promote the initiatives and schemes, e.g. The Safe Bet Alliances Voluntary Code on Safety and Security National Standards for Bookmakers
- 15.9 Where there are persistent or serious disorder problems or other evidence or information concerning criminality that causes the Council to question the suitability of an applicant, e.g. an operator is failing to act on the advice of officers of the Council to prevent crime and disorder occurring, the Council will bring this to the attention of the Commission without delay so that the Commission can consider the continuing suitability of the operator to hold an operating licence.
- 15.10 The adoption of these principles also support the Council's duty under Section 17 of the Crime and Disorder Act 1998, i.e. to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all it reasonably can, to prevent crime and disorder in Shropshire.

16.0 Objective 2: Ensuring that gambling is conducted in a fair and open way

- 16.1 The Council is unlikely to deal with issues of fairness and openness on a frequent basis as these are likely to be matters for either the way specific gambling products are provided and, therefore, subject to the operating licence, or will be in relation to the suitability and actions of an individual and, therefore, subject to the personal licence. These are matters for the Gambling Commission.
- 16.2 However, where the Council suspects that gambling is not being conducted in a fair and open way the Council will bring this to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence or of an individual to hold a personal licence.
- 16.3 In relation to the licensing of tracks, the Council's role is different from other licensed premises in that track owners will not necessarily have an operating licence. In these circumstances, the Council is more likely to apply conditions to the premises licence to ensure that the environment in which betting takes place is suitable; in particular to ensure that:
- rules are transparent to those who may wish to bet and that they know what to expect;
 - rules are fair;
 - easily understandable information about the rules is made available by licence holders to those who wish to bet, e.g. the rules are prominently displayed in or near to betting areas or distributed by other appropriate measures; and
 - the terms and conditions on which bets are made are clear.

17.0 Objective 3: Protecting children and other vulnerable persons from being harmed or exploited by gambling

- 17.1 The Council considers this objective to include preventing children and vulnerable persons from taking part in gambling as well as restricting advertising so that gambling products are not aimed at, or are made particularly attractive to, children and vulnerable persons. Consequently, the Council is likely to reject an application or revoke an existing licence/permit where there is insufficient emphasis placed on⁷:
- explaining precisely what activity/activities the Council is being asked to authorise
 - explaining the way in which gambling facilities will be managed/operated, including relevant plans
 - determining the need for separate premises licences to ensure clarity of responsibilities
 - staff training
 - staff ability to adequately supervise entrances, whether directly or by CCTV or other means

⁷ This list is not mandatory in its entirety, but operators are expected to have considered these matters and made positive decisions on the need (or not) for specific actions. The list is also not exhaustive; it provides indicative measures that operators ought to consider.

- staff ability to adequately supervise gaming machines in non-adult gambling specific premises, whether directly or by CCTV or other means
 - physical segregation of gambling and non-gambling areas frequented by children
 - physical segregation of adult gambling areas from those areas suitable for children
 - appropriate notices and signs for adult only areas
 - with respect to tracks, distinct entrances to each type of premises
 - excluding children from gambling areas where they are not permitted to enter
 - the employment of door supervisors
 - verifying the age of customers
 - measures to deal with suspected truanting school children
 - the location of entry
 - the location of gaming machines and betting machines
 - specific opening hours
 - the provision of information to support vulnerable persons and problem gamblers, including helpline contacts for organisations that provide support
 - self-exclusion schemes, where customers ask operators to refuse to accept their custom
- 17.2 This is particularly relevant to tracks that may be subject to one or more premises licences where each licence relates to a specified area of the track. The Council will work with operators to consider how any impediments to the supervision of premises might be most appropriately remedied.
- 17.3 Where the Council considers the structure or layout of premises to be an inhibition or potential inhibition to satisfying this licensing objective, the Council will expect the licensee to consider what changes are required to ensure the risk is mitigated. The Council will expect the licensee to consider the positioning of staff or CCTV, the use of floorwalkers and the relocation of the staff counter to enable direct line of sight. The Council will not unnecessarily expect licensees to make changes to the physical layout but will consider the proportionality of this against other measures that could be put in place.
- 17.4 Where category C or above gaming machines are on offer in any premises to which children are admitted (including buildings where multiple premises licences apply), the Council expects:
- all such machines to be located in an area of the premises which is separated from the remainder of the premises by a physical barrier that prevents 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 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.

- 17.5 The Council has specifically considered the location of premises and the controls that are necessary to protect children and other vulnerable persons from being harmed or exploited. In this respect, the Council has not prohibited any specific areas where gambling premises may be located on the basis that there is no evidence to support such an approach. If this position changes the Council will update this policy accordingly. Nevertheless, the Council is likely to refuse an application for a premises licence if it is located close to a mainstream school or a residential school for children with truanting problems or a hostel for vulnerable persons or a centre that provides support for problem gamblers where there is evidence that the proximity to such establishments is a risk to the licensing objectives. However, where the applicant can sufficiently demonstrate, by way of their risk assessment and proposed conditions and/or agree to the imposition of additional conditions proposed by the Council, how they would ensure the proximity would not undermine the licensing objectives, the Council is likely to grant an application.
- 17.6 Where there is a need and/or requirement to ensure under 18-year olds do not access gambling premises or make use of adult gaming machines or under 16 year olds do not sell or purchase lottery tickets, the Council expects applicants and licence/permit holders to:
- introduce a policy linked with effective ID challenges and proof of age schemes (the preferred policy is 'Challenge 25'; however, it is recognised that the Gambling Commission's Ordinary Code provisions requires staff to check the age of any customer who appears to be under 21)
 - use a 'challenge log' to record all age restriction challenges (where this information is recorded for either the Gambling Commission or any other party this record will satisfy this requirement)
 - ensure a system is in place to ensure that the circumstances in which a customer may or may not be permitted access is understood and consistently applied
 - have a mechanism in place to inform customers of the law and policies/procedures that are in operation at the premises
 - train staff to ensure the law and policies/procedures are understood, up-to-date and applied consistently, including setting out how staff knowledge and understanding will be assessed.
- 17.7 The Council will pay significant regard to any guidance and codes of practice provisions, issued by the Commission, in relation to how gambling premises ought to be presented in order to prevent access by children.
- 17.8 Although the Council's role does not extend to the treatment or care of those who have gambling problems, the Council does have an interest in keeping up to date with developments and trends in work of this kind, in particular, to inform its local area profile.
- 17.9 Whilst the Act does not seek to prohibit vulnerable groups of adults from gambling in the same way that it prohibits children, the Council has considered the need for special considerations in relation to the protection of

vulnerable persons. This has been balanced against the Council's objective to aim to permit the use of premises for gambling. The Council has concluded that, in general, no special considerations are required and that the considerations in relation to protecting children will apply.

- 17.10 The Council will give due consideration to the need to apply conditions to betting shop premises licences including, but not limited to, setting out minimum staffing levels to ensure sufficient staff are on the premises to enable staff to comprehensively promote responsible gambling, adequately protect players, particularly in relation to players who are deemed to be vulnerable (as defined within this Policy) and to prevent under 18 year olds accessing gambling facilities. Additional conditions will only be applied on the basis that there is evidence of a risk to the licensing objectives.

18.0 Delegation of Council licensing functions

- 18.1 Licensing of the gambling industry, as set out at paragraph 12.0, is a Council function that is delegated to the Strategic Licensing Committee. The Strategic Licensing Committee has delegated this function to the Licensing Act Sub-Committee and to officers of the Council who will determine all applications in accordance with this Policy.
- 18.2 The specific delegations are set out in the Council's Constitution, which is available at <https://shropshire.gov.uk/committee-services/ecCatDisplay.aspx?sch=doc&cat=13331&path=0%20>. The relevant extract from the Constitution is produced at **Appendix D** of this Policy.
- 18.3 Officers and the Licensing Act Sub-Committee may elect not to exercise their delegated decision-making authority in respect of any particular licence/permit application. This is likely to be the case where delegation may give rise to a risk of judicial review challenge, particularly on the basis of appearance of bias.
- 18.4 Whilst officers and the relevant committees will, in the majority of cases, follow the Policy, there may be specific circumstances where the Council believes it is right to depart from the Policy. This may also be the case in relation to the Gambling Commission Guidance to Licensing Authorities 5th Edition (September 2016). In either case, the Council will take account of the implications of any departure from the Policy and/or the Guidance and shall ensure there are strong reasons for such departure. In all cases, these reasons will be clearly expressed and explained.

19.0 Committees

Strategic Licensing Committee

- 19.1 This Committee is made up of 15 members of the Council. It deals with policy issues, including the setting of gambling licence fees where this is required and/or permitted by relevant legislation.

Licensing Act Sub-Committee

- 19.2 This Committee is made up of a selection of Members from the Strategic Licensing Committee. Three Members will sit on hearings to determine new applications, variations, transfers, provisional statements and club gaming/club machine permits. In all cases, the Sub-Committee will only be convened where, in respect of the various applications, representations have been received and not withdrawn. In addition, Members will sit on hearings to deal with the decision to give a counter notice to a temporary use notice and in respect of any licence review. With respect to all other applications, officers have the delegated authority to make the necessary determinations.
- 19.3 Members on the Sub-Committee, when determining applications, making a decision to give a counter notice to a temporary use notice or hearing a licence review, will have regard to relevant gambling legislation, in particular the Gambling Act 2005 and associated regulations and orders, this Policy, the Gambling Commission Guidance to Licensing Authorities 5th Edition (September 2016), the Human Rights Act 1998, the Equality Act 2010, any relevant legal case law, other relevant Council policies and any other relevant guidance that may from time to time be made available by the Gambling Commission or other appropriate organisations or stakeholders.
- 19.4 Decisions**
- 19.5 The Council will ensure that licensing and regulatory decisions are properly reasoned and evidence-based and taken at the most appropriate level. The Council will adopt a presumption in favour of decisions being made at the lowest appropriate level within the Council so that decisions of similar complexity and impact are generally made at similar levels within the Council.
- 19.6 The decisions that the Council can take, either by way of a Licensing Act Sub-Committee hearing, including where the hearing is for the purposes of a premises licence review, or by an officer under delegated authority, are dependent on the type of licence or permit being considered and the specific circumstances associated with the licence/permit.
- 19.7 However, broadly, the Council has the power to:
- grant or reject/refuse new and renewal applications
 - grant or reject/refuse applications for variations and transfers
 - revoke or cancel existing licences/permits under certain circumstances, including for the non-payment of fees
 - suspend a premises licence
 - add, remove, amend and exclude licence/permit conditions
 - review premises licences
- 19.8 In addition, the Council may choose to issue written warnings and prosecute (including offering a simple caution) in respect of specified criminal offences. Further details, in this regard, are provided in Part 4 of this Policy.

- 19.9 Any decision to grant, reject/refuse, revoke, cancel or suspend a licence/permit or to add, remove, amend or exclude conditions or to issue a written warning will be made in accordance with relevant legislative provisions, the Council's scheme of delegation and any other appropriate procedures. The Council will base any decision to reject/refuse, revoke or suspend on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met, and/or objections do not relate to the licensing objectives.
- 19.10 When applications are to be determined, the officer and/or Licensing Act Sub-Committee will take into consideration the facts of the application, any information and evidence provided by the responsible authorities, any information and evidence from other interested parties, together with the options set out in the licensing officer's report. The licensing officer will not normally make a specific recommendation but may do so in exceptional circumstances.
- 19.11 In order to provide applicants with the opportunity to consider and respond by way of written and/or verbal representations, as appropriate, the Council will provide the relevant details that have given rise to the need for an officer decision and/or hearing.
- 19.12 The Council will not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions. Equally the Council will not attach conditions that limit the use of premises for gambling unless it is necessary to do so in accordance with the requirements set out in Section 153 of the Act. In determining applications for premises licences and permits, the Council will request as much information as it requires to satisfy itself that all the requirements set out at Section 153 of the Act are met.
- 19.13 Following the determination of an application by the Council (or any other regulatory enforcement decision), the applicant or licensee and any other relevant party will receive a copy of the decision in writing. The reasons for the decision will be clearly set out and will reflect the extent to which the decision has been made with regard to the Council's Policy and any Commission guidance. It will be delivered as soon as is practicable after the decision has been made. This will include information on the right of appeal, where this is relevant.
- 19.14 The Council will publish a register of licensing decisions. It may also publish details of licence applications that were refused, or withdrawn before they were determined, where it considers it is in the public interest to do so. Such information will be published as soon as practicable after a decision has been taken, whether or not the decision is the subject of an appeal.

20.0 Appeals

- 20.1 Parties aggrieved by a decision of the Council have a right of appeal to the Magistrates' Court. Appeals must be lodged with the Court in accordance

with the relevant statutory provisions. The Council strongly advises parties to promptly seek appropriate independent legal advice if they wish to consider pursuing an appeal.

20.2 With respect to premises licences, parties aggrieved by a decision may further appeal to the High Court; however, this is only in respect of a point of law.

20.3 Any party to a decision may apply for judicial review (although the Court may decline an application) and ask the Court to grant a particular type of order if they believe that the decision taken by the Council is:

- illegal, i.e. beyond the powers available to the Council;
- subject to procedural impropriety or unfairness with a failure in the process of reaching the decision; or
- irrational such that no sensible person could have reached that decision.

21.0 Responsible authorities

21.1 The Act requires applicants to give notice of premises licence applications to certain public bodies - 'responsible authorities' - that are listed in Section 157 of the Act. This requirement also applies to certain permit applications; however, the extent of the notice requirements applicable to permits are generally less onerous and are different depending on the individual permit type.

21.2 Responsible authorities have the right to make representations, in writing, in relation to premises for which applications for gambling licences/permits have been submitted to the Council and in relation to any licence review. They may also apply to the Council for a review of an existing licence.

21.3 The responsible authorities are:

- The Council in its capacity as the licensing authority, the planning authority and the authority which has functions in respect of minimising or preventing the risk of pollution of the environment or of harm to human health
- Gambling Commission
- Chief Officer of Police for West Mercia Police
- Shropshire Fire and Rescue Service
- Shropshire Safeguarding Children Board
- Her Majesty's Revenue and Customs (HMRC)
- In relation to a vessel (including pleasure boats), the navigation authorities, as defined in the Water Resources Act 1991, that have statutory functions in relation to the waters where the vessel is usually moored or berthed, or any waters where it is proposed to be navigated at a time when it is used for licensable activities, namely:
 - Environment Agency in England and Wales (Scottish Environment Protection Agency in Scotland)
 - British Waterways Board
 - Maritime and Coastguard Agency (Secretary of State for Transport)

The contact details for each of the responsible authorities are available on the Council's website at <http://shropshire.gov.uk/licensing/licensing-types/gambling-act/responsible-authorities/>

22.0 Body competent to advise about the protection of children from harm

22.1 The principles that the Council will apply in exercising its powers to designate, in writing, a body competent to advise the Council about the protection of children from harm are set out below.

22.2 The body needs to:

- be responsible for the whole geographical administrative area of the Council;
- be independent and have an independent chair that can hold all agencies including the council to account, individually and collectively;
- comprise of a wide range of agencies, including lay members who represent the local community, that contribute to safeguarding and promoting the welfare of children;
- have statutory responsibilities for coordinating and monitoring the effectiveness of services that work together to safeguard and promote the welfare of children; and
- be reportable to democratically elected persons rather than any particular vested interest groups

22.3 Having taken into consideration the principles set out above, the Council has designated the Shropshire Safeguarding Children Board as the body competent to advise about the protection of children from harm and by doing so this Board is also a designated responsible authority under the provisions of the Gambling Act 2005.

23.0 Interested parties

23.1 Interested parties have the right to make representations in relation to premises for which applications for gambling licences/permits have been submitted to the Council and in relation to any licence review. Interested parties will be expected to submit their representations in writing to the Council. Interested parties may also apply to the Council for a review of an existing licence.

23.2 An 'interested party' is defined in Section 158 of the Act as a person who:

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

23.3 It is a matter for the Council to decide whether a person is an interested party with regard to a particular premises and this will be decided on a case by case

basis. However, the principles that will be applied when determining whether a person is an interested party in relation to a premises licence, or in relation to an application for or in respect of a premises licence are set out below.

- The 'status' of each person in each case will be determined on their own merits.
- Specific regard will be given to what a potential interested party says about their status to make representations.
- Adherence to a set of strict and rigid rules will be avoided with a reasonable and proportionate approach adopted in each case.
- When determining whether a person 'lives sufficiently close to the premises', the Council will consider the following non-exhaustive list of relevant factors:
 - size of the premises
 - nature of the premises
 - distance of the premises from the location of the person making the representation
 - potential impact of the premises, e.g. number of customers, routes likely to be taken by those visiting the establishment
 - circumstances of the person who lives close to the premises; this is not their personal characteristics, but their interests which may be relevant to the distance from the premises
 - living sufficiently close to the premises may be different for different parties, e.g. a private resident, a residential school for children with truanting problems, a residential hostel for vulnerable adults
- 'Business interests' will be given a wide interpretation and is deemed to include, but is not limited to, the activities of sole traders, partnerships, companies, charities, faith groups and medical practices.
- When determining whether business interests may be affected, the Council will consider the following non-exhaustive list of relevant factors:
 - size of the premises
 - 'catchment' area of the premises, i.e. how far people travel to visit the premises
 - whether the person making the representation has business interests in that catchment area that might be affected
 - nature and scope of the likely impact
- A representation, by an existing gambling business, stating that it is going to be affected by another gambling business starting up in the area will not be considered a relevant representation, unless it is supported by other specific evidence, as such a representation relates to demand or competition and not to the licensing objectives.
- Trade associations, trade unions, residents' and tenants' associations will generally not be viewed as interested parties unless they are representing a specific member who is held to be an interested party in accordance with the provisions of Section 158 of the Act.
- A school head or governor will generally not be viewed as an interested party unless they are representing the interests of pupils or parents who are held to

be interested parties in accordance with the provisions of Section 158 of the Act.

- A community group will generally not be viewed as an interested party unless they are representing the interests of vulnerable people who are held to be interested parties in accordance with the provisions of Section 158 of the Act.
- Persons who are democratically elected, e.g. Councillors and Members of Parliament, are considered to be interested parties. The Council will not require such elected persons to provide evidence that they have been asked to represent any particular person providing the elected person represents the area/location that will be affected by the licence/permit application or review.

[Note: If any individual wishes to approach a Shropshire Council Councillor to act as their representative, care must be taken to ensure that the Councillor in question is not a member of the Strategic Licensing Committee and in particular absolutely must not be a member of the Licensing Act Sub-Committee dealing with the licence/permit application or licence review. If there is any doubt, the individual is advised to contact the Council's Licensing Team for clarification.]

- Parish and Town Councils are also considered to be interested parties. The Council will not require such Councils to provide evidence that they have been asked to represent any particular person providing the geographical area (or any location within this area) of the Council will be affected by the licence/permit application or review.
- In all other cases, any person wishing to represent an interested party/parties will be required to produce written evidence that the person(s) they are representing either live sufficiently close to the premises to be likely to be affected by the authorised activities or has business interests that might be affected by the authorised activities.

24.0 Review of premises licence

- 24.1 A premises licence may be reviewed by the Council of its own volition on the basis of any reason it thinks is appropriate or following the receipt of an application requesting a review from a responsible authority or an interested party. However, where an application requesting a review is received from a third party, it is for the Council to decide whether the review is to be carried out.
- 24.2 The Council will carry out licence reviews in pursuit of the principles set out in Section 153 of the Act. All reviews will be determined by the Licensing Act Sub-Committee.
- 24.3 Before carrying out a review, the Council will normally undertake a process of ensuring compliance by a licence/permit holder through constructive discussions, an initial investigation by a Council officer, informal mediation and/or dispute resolution. If the concerns are not resolved then the Council will carry out a formal review and, where appropriate, may impose additional conditions or revoke the licence.

- 24.4 Where the Council is willing to enter into constructive discussions with the relevant licence/permit holder, the licence/permit holder will be asked, as a minimum, to provide an up-to-date local risk assessment which sets out the controls it has put in place to mitigate the risks that pertain to the concerns raised and to offer suggestions as to the nature of additional conditions that could be placed on the premises licence to mitigate the risks and address the concerns. Where the licence/permit holder fails to provide an up-to-date local risk assessment and/or does not offer reasonable or practical suggestions to mitigate the risks and address the concerns, the Council will carry out a review under the relevant provisions of the Act.
- 24.5 The Act does not provide a pre-defined list of issues that might prompt a licence review; however, the Council is likely to consider carrying out a review where there are reasonable concerns relating to:
- the licensing objectives being undermined or that compliance with the objectives is at risk;
 - the fundamental purpose of the Council's Policy being undermined or that compliance with the purpose is at risk;
 - complaints from residents, responsible authorities or other interested parties about the operation of the premises;
 - premises licence conditions not being observed;
 - the premises operating outside of the principles set out in the Council's Policy; and/or
 - an inherent conflict with the Commission's codes of practice and guidance, the licensing objectives or the Council's own Policy.
- 24.6 The Council must follow prescribed procedures when undertaking a review as set down in the Gambling Act 2005 (Premises Licences) (Review) Regulations 2007 (SI 2007/2258), as amended.
- 24.7 Where a responsible authority or an interested party (the applicant) intends to submit a review application, they are strongly advised to contact the licensing team to discuss their concerns in advance of submitting their application. This is on the basis that the Council prefers to provide licence/permit holders the opportunity to first enter into constructive discussions to secure compliance without recourse to a formal licence review where it is practical to do so.
- 24.8 In the event that an application for a review is to be submitted, the following process applies:
- Applicant submits the application to the Council on the required form (the relevant form is available on the Council's website) together with a statement of the reasons why a review is being requested and with any supporting information and documents.
 - Applicant provides written notice of the application to the premises licence holder and to all responsible authorities (contact details are available on the Council's website) within seven days of making their application. Failure to do so will halt the application process until notice is received by all parties.

- Representations (see paragraph 25.0 on how to make representations) to the application must be made within 28 days, commencing seven days after the date on which the application was received. During these seven days the Council will publish notice of the application in accordance with prescribed rules.
- 24.9 It is the Council's decision whether to grant an application for a review; however, it will do so, unless it considers that the grounds on which the review is sought are:
- not relevant to the licensing objectives, the Commission's codes of practice and guidance, or the Council's Policy⁸;
 - frivolous;
 - vexatious;
 - 'will certainly not' cause the Council to revoke or suspend a licence or remove, amend or attach conditions on the premises licence;
 - substantially the same as ground(s) cited in a previous application relating to the same premises, taking into account the period of time that has passed since the previous application or representations were made; or
 - substantially the same as representations made at the time the application for a premises licence was considered, taking into account the period of time that has passed since the previous application or representations were made.
- 24.10 Where the Council has given notice of its intention to initiate a review or having decided to grant a review following an application, the Council will carry out the review as soon as possible after the 28 day period for making representations has passed.
- 24.11 The purpose of the review will be to determine whether the Council should take any action in relation to the licence, namely:
- add, remove or amend a licence condition imposed by the Council;
 - exclude a default condition or remove or amend an exclusion;
 - suspend the premises licence for a period not exceeding three months; or
 - revoke the premises licence.
- 24.12 The Council may take the above action on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them. Equally, the Council may take the above action on the grounds that the premises licence holder was offering a type of gambling that they were not licensed for and therefore not permitted to offer.
- 24.13 The Council will hold a hearing, unless the applicant and any person who has made representations consent to the review being conducted without one.

⁸ General objections to gambling as an activity, that relate to demand for gambling premises, or raise issues relating to planning, public safety, and traffic congestion are unlikely to be considered an appropriate basis for review, and are, therefore, likely to lead to an application for review being rejected by the Council.

The licensing authority must have regard to any relevant representations when reviewing the matter and must have regard to the principles in Section 153 of the Act.

24.14 Once the review has been completed the Council will notify its decision as soon as practicable to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- Chief Officer of Police, West Mercia Police
- HMRC

24.15 The applicant, any person who made representations on the application, the person (if any) who applied for the review and the Commission may appeal a decision in respect of a licence review. See paragraph 20.0 in relation to appeals.

25.0 Making representations

25.1 Any objections to premises licence applications or requests for a review must be based on the licensing objectives. The attention of applicants and persons wishing to make representations is drawn, in particular, to the factors that will not be relevant to the exercise of the Council's functions, and will, therefore, not be considered for the purposes of applications or reviews. These factors include, but are not limited to:

- preventing public nuisance and anti-social behaviour (unlike the Licensing Act 2003, the Gambling Act 2005 does not include this as a specific licensing objective);
- the expected demand for gambling facilities;
- the law relating to planning or building matters, e.g. whether or not planning permission may be granted for a particular building;
- moral or ethical objections to gambling; and
- dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers).

25.2 Where applicants, responsible authorities and interested parties wish to make representations in respect of an application and/or licence review, the parties will be given the opportunity to provide written representations. Oral representations will only be allowed in exceptional circumstances.

25.3 Officers have the delegated authority to determine whether a representation, on the balance of probabilities, is irrelevant (does not relate to the licensing objectives), is frivolous or vexatious or is certain not to influence the determination of the application and such a decision would result in such representations not going before the Licensing Act Sub-Committee.

26.0 Exchange of information

- 26.1 The principles that the Council will apply in relation to the exchange of information with the Commission and other persons/bodies are set out below.
- 26.2 The Council recognises that shared regulation depends on effective partnerships and collaboration and that the exchange of information between the Council and the Commission and other appropriate persons/bodies is an important aspect of this and benefits all parties.
- 26.3 Where the Council is required or wishes to exchange information with other persons/bodies, the information will be relevant and it will be appropriate, necessary and proportional to do so for the purposes of carrying out its functions under the Act and to also enable those other persons/bodies to carry out their functions under the Act.
- 26.4 The exchange of information will be undertaken in accordance with the Data Protection Act 1998 and the associated 'Guide to data protection', 'Data Sharing Code of Practice (May 2011) and 'Guide to the General Data Protection Regulation (GDPR) (May 2018)' are published by the Information Commissioner's Office (ICO), or such other guidance that may from time to time be made available. Both the Guide and the Code of Practice are available on the ICO website at <https://ico.org.uk/>.
- 26.5 The Council has not established any information exchange protocols specifically for the purposes of the Gambling Act and does not currently intend to do so. However, where there are existing information exchange protocols established in relation to other matters, the Council will have due regard to any relevant principles set out in such protocols and apply them as if they were established for the purposes of information exchange with other persons/bodies under the Act. If at any time during the lifetime of this Policy it becomes necessary to establish specific information exchange protocols under the Gambling Act, the Council will take appropriate steps to do so.

Exchange of information between the Council and the Commission

- 26.6 The Council will share information about gambling activity across Shropshire to enable the Commission:
- to develop an overarching view of all gambling activity across Great Britain;
 - to identify risks;
 - to feed information and intelligence back to the Council (and to other licensing authorities) to support it to carry out its regulatory responsibilities;
 - to avoid duplication or over-regulation and to maximise the efficient use of resources; and
 - to fulfil its duty to advise the Secretary of State about the incidence of gambling and the manner in which it is conducted.

- 26.7 Specifically, the Council will provide information to the Commission where the information forms part of the registers that the Council is required to maintain under the Act and where information is in the Council's possession in connection with any provision of the Act.

Exchange of information between the Council and other persons

- 26.8 The Council will exchange information with other persons/bodies for use in the exercise of functions under the Act. These other persons/bodies are:
- a police officer or police force
 - an enforcement officer
 - a licensing authority
 - HMRC
 - the First Tier Tribunal
 - the Secretary of State
 - Scottish Ministers
- 26.9 Specifically, the Council is more likely to exchange information with West Mercia Police and licensing authorities that share geographical borders with the Shropshire Council area; however, the Council will also exchange information on a wider basis where it is appropriate to do so.
- 26.10 The Council may exchange information with other organisations and operators to achieve the most appropriate outcomes for the parties concerned. This will only occur where the law permits such information exchange, e.g. where the Council has obtained permission.

Freedom of information

- 26.11 As a public body, the Council is subject to the provisions of the Freedom of Information Act 2000 (FOIA). Information disclosed in relation to freedom of information requests will be disclosed in accordance with the legislation and the 'Guide to freedom of information' issued by the ICO or such other guidance that may from time to time be made available. The Guide is available on the ICO website at <https://ico.org.uk/>.
- 26.12 The information submitted to the Council in pursuance of applications will be kept confidential unless it is necessary to share it for the purposes of the Council exercising its functions under the Act. The Council will undertake to keep personal names and addresses (in particular those provided in respect of Club Gaming Permit and Club Machine Permit applications) confidential; however, the Council cannot give an assurance that this confidentiality can be maintained in all circumstances because under the FOIA, there is a statutory Code of Practice with which the Council must comply and which deals, amongst other things, with obligations of confidence.
- 26.13 Persons who wish to access information about themselves that the Council may hold should submit a FOIA request.

Confidentiality of those making representations

- 26.14 Representations, including personal information, will be subject to publication in accordance with the necessary regulatory processes associated with the processing of applications and reviews. In addition, representations, including personal information, may be subject to release to other parties or to disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA), The General Data Protection Regulation (GDPR) (May 2018) and the Environmental Information Regulations 2004).
- 26.15 If persons making representations want information, including personal data that they have provided to be treated as confidential, they must be aware that, under the FOIA, there is a statutory Code of Practice with which the Council must comply and which deals, amongst other things, with obligations of confidence.
- 26.16 In view of this, where persons want information and personal data to be treated as confidential, the Council expects persons making representations to explain why they regard the information and/or personal data they have provided as confidential. The Council will take full account of the explanation provided but cannot give an assurance that the requested confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by an IT system will not, of itself, be regarded as binding on the Council.
- 26.17 The Council will give due consideration to all representations and treat any information and/or personal data as confidential where it may, on the balance of probabilities, have a disproportionate and unnecessary adverse impact on any individual or business, particularly where they are not directly affected by the application or review that is the subject of the representation. Nevertheless, for the same reasons that are set out above, the Council cannot give an assurance that the information it may deem ought to be treated as confidential can be maintained as such in all circumstances.

27.0 Working in partnership

- 27.1 The Council aims to work in partnership when dealing with matters relating to the licensing/permitting of gambling establishments and activities, including the adoption of a partnership approach to address problems that may arise. Such partnerships will include (but are not restricted to) the Gambling Commission, relevant gambling trade associations, other local authorities, West Mercia Police, consumer groups and problem gambling support groups. With respect to betting shops, the Council will pay due regard to the 'LGA – ABB framework for local partnerships on betting shops'.
- 27.2 The Council works in partnership with the Gambling Commission specifically on a shared regulation approach. In doing so, the Council takes the lead on regulating local gambling and the Commission focusses on operators and issues of national or regional significance.

27.3 The Council will work cooperatively with local businesses to reduce the risk to the licensing objectives to acceptable levels. However, it must be recognised that the Council, as the primary local regulator, will ensure that all relevant provisions relating to the effective administration of the licensing functions are robustly enforced to take account of the Gambling Act licensing objectives and the fundamental purpose of this Policy.

28.0 Setting fees

28.1 The Council's compliance and enforcement work and the costs of dealing with illegal gambling is covered by fees from premises licences and permits.

28.2 The Council aims to ensure that the income from fees, as nearly as possible, equates to the costs of providing the service to which the fees relate; in this respect, the Council is committed to continuous improvement across the fee setting process.

28.3 The Council aims to make its fee setting as transparent as possible. Costs are tracked to enable the Council to evidence, as much as is reasonably practicable, how it arrives at the specified fee levels. Fees are calculated on a cost recovery basis only.

28.4 The Strategic Licensing Committee reviews and sets the fees annually under delegated authority from the Council.

PART 3

**ACTIVITIES
SUBJECT TO
AUTHORISATIONS**

PART 3 – ACTIVITIES SUBJECT TO AUTHORISATIONS

29.0 Introduction

- 29.1 This part of the Policy focusses on the activities that are subject to authorisations and sets out how applicants obtain and hold a licence, permit or registration and, where relevant, how they provide notifications. These steps will include the standards that applicants must attain and the conditions that apply.
- 29.2 Where appropriate and unless specifically indicated to the contrary, any reference to 'licence' is deemed to include a licence, permit, registration and notice and any reference to 'applicant' is deemed to include existing licence/permit/registration holders.

30.0 Appointments

- 30.1 The Council runs an appointment system for all licensing matters. Where an applicant wishes to see an officer for any reason, they must make an appointment as they will otherwise not be seen.

31.0 General principles relevant to all licence types

- 31.1 The appropriate application form must be fully completed and accurate, contain or be accompanied by all the relevant information and documents and be accompanied by the appropriate fee. If any part of the application form is incomplete or the relevant information or documents are not provided, the applicant will be requested to provide the missing information/documentation and informed that the application has not been correctly made and will not be processed until such time as all the information/documentation is provided. The full fee for the licence is payable at the time the application is submitted.
- 31.2 The Council will aim to visit all premises before granting any new licence.
- 31.3 Where the law is not specific about a consultation period, the Council will allow 28 days for responsible authorities/interested parties to make representations.
- 31.4 Applicants will be permitted to make minor changes to their proposals, but the Council will not permit applicants to make material changes to their application during the process. Material changes to an application are likely to result in an applicant being invited to withdraw their application and submit a new application, accompanied by the appropriate fee, or it may result in an application being refused.
- 31.5 The Council will provide assistance to applicants to help them through the application process; however, the responsibility for providing information rests with applicants. The Council will treat repeated delays in providing

information as a strong indicator that it ought to consider refusing the application.

- 31.6 The Council expects applicants to work with it in an open and cooperative way and to disclose anything which the Council would reasonably expect to know. The Council will attach significant weight to an applicant's failure to work in an open and cooperative way.
- 31.8 Where an applicant has failed to declare relevant information or provided false information, the application is likely to be refused; where this relates to an existing licence, the licence is likely to be revoked. Applicants are reminded that it is an offence without reasonable excuse to provide false or misleading information.
- 31.9 All fees for applications/notices are payable at the time the application/notice is submitted. Where an application/notice is withdrawn or not granted the fee will not be refunded except in exceptional circumstances at the discretion of the Council.
- 31.10 Annual fees are non-refundable. Outgoing licence/registration holders will not be eligible for a refund of any part of an annual fee paid by them. Similarly, if a licence/registration is surrendered or lapses, no part of the annual fee will be refundable.
- 31.11 In the event that an application for a licence is paid by cheque, the application will not be valid until such time as the cheque has cleared. In the event that the cheque does not clear and the licence has been issued, the Council will cancel the licence on the basis of non-payment of the application fee.
- 31.12 Where a licence has lapsed, been surrendered or revoked a new application must be submitted in accordance with the relevant new licence procedures before the Council will consider the application.
- 31.13 Where renewals and annual fees apply, the Council will notify licence holders that their licence is due to expire at least four weeks before the actual expiry date. Where the licence holder fails to pay the fee, the licence will cease to exist.
- 31.14 When a licence expires and is subject to renewal provisions, the Council will not permit any 'periods of grace', beyond those set down in the relevant legislation, for the submission of a renewal application unless there is satisfactory evidence of exceptional circumstances that are accepted by the Council.
- 31.15 Where changes are made to a premises layout, an application for a variation to the premises licence will only be required where there are material changes to the layout of the premises. What constitutes a material change will be a

matter for the Council to determine but the Council will adopt a common-sense approach in this regard.

- 31.16 All applicants must be aged 18 or over.
- 31.17 All applicants must provide evidence of Public Liability Insurance with a minimum cover of £5,000,000.00, except for the purposes of Small Society Lotteries.
- 31.18 The relevant application forms and manner in which applications must be made, together with the forms to notify relevant responsible authorities, can be found on the Council's licensing web pages.
- 31.19 The Council will accept applications electronically (fax or email) and by post.
- 31.20 For those licence types that require a local risk assessment the Council expects applicants, as a minimum, to use their risk assessment to assess specific risks to the licensing objectives in the local area, determine the extent to which mandatory and default conditions mitigate the risks and to assess whether and what additional control measures are required.
- 32.0 Meaning of 'premises'**
- 32.1 'Premises' is defined as including 'any place' and no more than one premises licence can apply to any place. However, a single building can be subject to more than one premises licence, providing each licence is for different parts of the building, and the different parts of the building can reasonably be regarded as being different premises.
- 32.2 Premises licences can be granted for passenger vessels. A vessel is defined as:
- anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water;
 - a hovercraft; or
 - anything, or part of any place, situated on or in water (structures that are an extension of the land are not vessels, even if they arch over water, e.g. piers, bridges are not vessels and they remain caught by the definition of 'premises').
- 32.3 Vehicles (trains, road vehicles, aircraft, sea planes and amphibious vehicles, other than a hovercraft) may not be the subject of a premises licence and, therefore, all forms of commercial betting and gaming is unlawful in a vehicle in Great Britain. Certain allowances are made for private and non-commercial gaming or betting to take place in a vehicle, but these are subject to a number of stringent requirements to ensure that the gambling cannot, at any point, become a commercial activity.
- 32.4 Specifically with respect to temporary use notices, the Act refers to a 'set of premises' and provides that a set of premises is the subject of a TUN where

'any part' of the premises is the subject of a notice. The reference to 'a set of premises' prevents one large premises from having a TUN in effect for more than 21 days in a year by giving notification in relation to different parts of the premises and re-setting the clock. Note that this definition of a 'set of premises' differs to the definition of 'premises'.

- 32.5 A licensed family entertainment centre (FEC) is classified as 'premises' and only premises that are wholly or mainly used for making gaming machines available may hold a FEC premises licence. As a result, it is generally not permissible for such premises to correspond to an entire shopping centre, airport, motorway service station or similar. Typically, the machines would be in a designated and enclosed area.

33.0 Principles to be applied in relation to the meaning of premises

- 33.1 Where large, multiple unit premises such as pleasure parks, tracks or shopping malls apply for a number of discrete premises licences, the Council will pay particular regard to ensuring that appropriate safeguards are in place. Any issues concerning the sub-division of a single building or plot will be closely examined and significant emphasis will be given to compliance with the mandatory conditions relating to access between premises.
- 33.2 In most cases the Council will expect that a single building will be the subject of an application for a premises licence. However, the Council accepts that this does not mean that a single building cannot be the subject of separate premises licences for separate parts of the building, e.g. the basement and ground floor, providing they are configured in an acceptable manner; the location and the suitability of any division will be matters that the Council will wish to discuss with the operator. Nevertheless, the Council is likely to consider those applications where a single building is the subject of a single premises licence application more favourably.
- 33.3 The Council does not consider that areas of a building that are artificially or temporarily separated, e.g. by ropes or moveable partitions, can properly be regarded as different premises.
- 33.4 Where a premises to which a premises application relates is located within a wider venue, the Council will request a plan of the whole venue on which the premises must be identified as a separate unit.
- 33.5 The Council is unlikely to issue a premises licence unless the proposed premises are genuinely separate premises that merit their own licence. Where there is any indication that the premises is an artificially created part, of what is readily identifiable as a single premises, the Council is likely to refuse such an application.
- 33.6 An application must be made to the Council where the premises is wholly or partly situated within Shropshire. In circumstances where the premises lie within Shropshire but also in another licensing authority's area, the Council would expect the operator to discuss the matter with both (or all, if more than

- two) authorities and reach agreement about which authority they will submit their application to. The operator will then have to notify the 'other' authority of the application and that 'other' authority will be entitled to make representations as a responsible authority.
- 33.7 Premises licences for vessels will be accepted by the Council only in relation to vessels that are usually moored or berthed within the Shropshire area.
- 33.8 The Council accepts premises licence applications for pleasure boats providing they are usually moored or berthed within the Shropshire area. As with multi-purpose buildings, the Council will licence the part(s) of the vessel where gambling takes place and will expect the usual restrictions on access for children to be robustly applied.
- 33.9 Where a premises licence is sought in connection with a vessel that will be navigated while licensable activities take place, the Council will be concerned with the promotion of the licensing objectives on board the vessel. It will not focus on matters relating to safe navigation or operation of the vessel, the general safety of passengers or emergency provision. (All such matters are subject to regulations which must be met before the vessel is issued with its Passenger Certificate and Safety Management Certificate.)
- 33.10 With respect to multiple activity premises, i.e. different licensed activities taking place within an area, such as at a track or holiday park, e.g. an area could include family entertainment centres (FECs), adult gaming centres (AGCs) and bingo, whilst also having an alcohol licence. In such circumstances, the Council will pay particular attention, through checks on plans and site visits, to ensure that the relevant gaming machine entitlements (machines available for use) are not exceeded and, where applicable, that appropriate signage to prevent unlawful entry is in place.
- 33.11 The Council considers that it is not permissible for gaming machines, which should be contained within a FEC premises, to be located in corridors and walkways which form part of the larger building. This is because the machines are not subject to the controls necessary to minimise gambling-related harm and to protect children and vulnerable people. Locating machines in corridors and walkways exposes young people to ambient gambling that the Act was designed to prevent through the removal of machines from takeaways, taxi offices, etc.

34.0 Criminal record disclosure

- 34.1 Criminal record disclosure is relevant to those persons who wish to apply for Unlicensed Family Entertainment Centre Gaming Machine Permits and Prize Gaming Permits because the Council has a responsibility to ensure the suitability of the applicant for these particular permits. In addition, this is also applicable to persons submitting Small Society Lottery applications. Refer to **Appendix F** for further details in this respect.

34.2 For all other permits and premises licence applications, the Council will not consider the suitability of the applicant, including in relation to any crime; this will already have been considered by the Commission under the procedures for granting operator and personal licences.

Part 3A - Premises Licences

35.0 Where an individual or company uses premises, or causes or permits premises to be used, to offer gambling, they must apply for a premises licence. Premises licences, and the regulatory tools associated with them, are a key means by which the Council ensures that risks to the licensing objectives are mitigated effectively.

35.1 The Council can grant premises licences without conditions or subject to conditions and it can also review or revoke such licences. Premises licences are issued by the Council and authorise the provision of gambling facilities on:

- casino premises
- bingo premises⁹
- betting premises, including tracks
- adult gaming centres
- family entertainment centres

35.2 Except in the case of tracks (where the occupier of the track who holds the premises licence may not be the person who actually offers the gambling), premises licences may only be issued to those who hold a relevant operating licence, or who have applied for one. Premises licences may be transferred to someone else holding a valid operating licence.

35.3 In addition to licences, there are other forms of authorisation that the Council may grant, including authorisations for the temporary use of premises, occasional use notices and different permits for unlicensed family entertainment centres, prize gaming, gaming machines on alcohol-licensed premises and club gaming and club machine permits. The Council also registers persons who wish to provide small society lotteries.

35.4 The following sections of the Policy set out the Council's specific principles on which it proposes to determine applications for the different licence types (these are in addition to the general principles set out in Section 2 of the Policy), together with the practical steps that applicants are required to take in order to submit valid applications.

36.0 Casinos

36.1 The Council has not passed a resolution not to issue casino premises licences under Section 166 (1) of the Act. Should the Council decide to do so

⁹ Bingo is equal chance gaming and is commonly either cash bingo or prize bingo. The Commission has published its view of what bingo is and how it differs from other forms of gambling. This can be found in the Commission's advice note 'What Constitutes Bingo'.

in the future details of the resolution will be included in this Policy, including the date on which such a resolution will take effect.

- 36.2 Despite the fact that the Council has not passed such a resolution, the Council is currently not enabled by the Secretary of State (in accordance with regulations made under Section 175 of the Act) to grant a premises licence for a small or large casino. In practice, this means that the Council cannot grant such a licence.

37.0 Other premises licenses (not provisional statements)

Description

- 37.1 A premises licence is issued in accordance with Part 8 of the Gambling Act 2005.
- 37.2 Any person who operates premises for the purposes of the following activities, must hold the appropriate premises licence:
- playing bingo
 - using Category B gaming machines (adult gaming centre)
 - using Category C gaming machines (family entertainment centre); or
 - betting

Principles

- 37.3 The Council will check with the Gambling Commission to ensure the applicant has a valid operator's licence issued by the Gambling Commission.
- 37.4 Whilst operators can apply for a premises licence in respect of premises that have yet to be constructed or altered, the Council expects operators, wherever practicable, to ensure that premises are completely constructed or fully altered, in accordance with scaled plans, before submitting a premises licence application. This is to assist the Council in its approach to be satisfied that the premises is going to be ready for use in the near future and to enable Council officers, and any other body with inspection powers, to fully inspect the premises for compliance with all necessary legal requirements.
- 37.5 Where buildings are not completely constructed or fully altered, the Council expects operators to avail themselves of the provisional statement application process in relation to the licensing of premises. Operators need to refer to the principles set out in relation to provisional statements.
- 37.6 Where an operator prefers to submit a full premises licence application in relation to buildings that are not completely constructed or fully altered, the Council would prefer to discuss with the individual operator which route, i.e. full premises licence or provisional statement, is most appropriate in order to avoid the operator having to pay a fee for an application that the Council is

unlikely to be in a position to grant. Nevertheless, where an operator chooses to submit a full premises licence application, the Council will determine any such application on its merits. The Council will, however, consider such applications in a two-stage process:

- first, the Council will decide whether, as a matter of substance after applying the principles in Section 153 of the Act, the premises ought to be permitted to be used for gambling; and
- second, in deciding whether or not to grant the application the Council will consider if appropriate conditions can be put in place to cater for the situation that the premises is not yet in the state in which it ought to be before gambling takes place.

- 37.7 Where conditions are put in place in respect of buildings not completely constructed or fully altered, the Council will require evidence that the completed works comply with the original (or changed) plan attached to the premises licence. Depending upon the individual circumstances, the Council is likely to achieve this either through physical inspection of the premises by a Council officer, written confirmation from the applicant or a report from an independent surveyor that relevant conditions have been satisfied.
- 37.8 Where plans, submitted at the time of an original premises licence application, are changed in any *material respect* during the fitting of the premises after the grant of the licence, the Council expects operators to make a fresh premises licence application in order to preserve the rights of interested parties and responsible authorities to make representations in respect of the application.
- 37.9 Where an application to vary a premises licence for betting is received in order to extend the opening hours, the Council will pay particular regard to ensuring that the reason for the application is in line with the requirements of the operating licence conditions.
- 37.10 With respect to adult gaming centres (AGC), the Council will have particular regard to the location of and entry to the AGC to minimise the opportunities for under 18 year olds to gain access. This will be of particular importance in areas where young people may be unsupervised, e.g. where an AGC is in a complex, such as a shopping centre.

Period of licence

- 37.11 A premises licence does not have a defined period of validity; it does not have an 'expiry date'. Once granted, a premises licence continues to have effect unless and until it ceases to have effect in accordance with other relevant provisions of the Act.
- 37.12 A licence ceases to have effect when:
- it is surrendered
 - the holder of the licence fails to pay the annual fee
 - it lapses

- the company ceases to exist or goes into liquidation
- the licence holders dies
- the licence holder becomes bankrupt
- the licence holder becomes incapable by reason of mental or physical incapacity

Application process

37.13 The following sets out a summary of the main application process requirements as it relates to:

- new applications;
- applications to vary or transfer a licence;
- applications for the reinstatement of a lapsed licence.

37.14 However, it is essential that applicants consider the requirements of the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 (SI 2007/459), as amended, to ensure they fully satisfy the application requirements.

37.15 All applicants must hold an operating licence issued by the Commission (or have made an application for such a licence) authorising them to carry on the specific gambling activity for which their premises licence application relates prior to applying for a premises licence from the Council.

37.16 In addition, applicants must:

- Submit a completed application form
- Pay the appropriate fee
- Where applicable, provide evidence if the premises has previously been granted a provisional statement
- Provide evidence that they hold an operating licence
- Provide evidence that they have the right to occupy the premises to which their application relates
- Provide a scale plan of the premises; specific elements must be shown on the plan and these are dependent on the actual gambling activity for which the licence is being sought
- Provide evidence that the building is completely constructed so that it can be fully inspected
- Set out how they intend to satisfy the relevant mandatory and default conditions applicable to the type of gambling activity that will be undertaken at the premises
- Submit their local risk assessment (refer to Social Responsibility Code provision 10.1.1) in accordance with Ordinary Code provision 10.1.2
- Set out the specific steps that will be taken to promote the licensing objectives
- Provide notice of their application to the relevant responsible authorities
- Publish notice of their application in a local newspaper and on the premises to which the application relates (not applicable to the transfer or reinstatement of a licence)

37.17 Where the issue date and the effective date of the licence are the same, the first annual fee for the licence must be paid within 30 days of that date. Where the issue date and the effective date of the premises licence are not the same, different timescales apply.¹⁰

38.0 Provisional Statement

Description

38.1 Provisional statements are issued in accordance with Part 8 of the Gambling Act 2005.

38.2 For any premises that are yet to be constructed or altered or where the person has not yet acquired a right to occupy the premises, an application may be submitted to the Council for a provisional statement where premises will be operated for the purposes of the following activities:

- playing bingo
- using Category B gaming machines (adult gaming centre)
- using Category C gaming machines (family entertainment centre); or
- betting

Principles

38.3 Where the Council is considering an application for a provisional statement and the applicant has also applied to the Commission for an operating licence, the Council will not speculate on or otherwise take into account the likelihood of an operating licence being granted.

38.4 Once the Council has granted a provisional statement, it is constrained in the matters it can consider when an application for a premises licence is made subsequently in relation to the same premises. The Council will not take into account any further representations from responsible authorities or interested parties unless they concern matters that could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. Consequently, the Council will only refuse the premises licence, or grant it on terms different to those attached to the provisional statement, by reference to matters:

- that could not have been raised by way of representations at the provisional licence stage
- that, in the Council's opinion, reflect a change in the applicant's circumstances
- where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application; this must be a substantial change to the plan.

¹⁰ Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (SI2007/479)

- 38.5 With respect to where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application, the Council will discuss any concerns they have with the applicant before making a decision.

Period of licence

- 38.6 A provisional statement does not have a defined period of validity; it does not have an 'expiry date'. Once granted, a provisional statement continues to have effect until it is replaced by a full premises licence or is surrendered or lapses. A provisional statement lapses if:

- the company ceases to exist or goes into liquidation
- the provisional statement holder dies
- the provisional statement holder becomes bankrupt
- the provisional statement holder becomes incapable by reason of mental or physical incapacity

Application process

- 38.7 The following sets out a summary of the main application process requirements as it relates to a provisional statement.
- 38.8 However, it is essential that applicants consider the requirements of the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 (SI 2007/459), as amended, to ensure they fully satisfy the application requirements.
- 38.9 The application form must be fully completed, contain or be accompanied by all the relevant information and documents and be accompanied by the appropriate fee. If any part of the application form is incomplete or the relevant information or documents are not provided, the applicant will be requested to provide the missing information/documentation and informed that the application has not been correctly made and will not be processed until such time as all the information/documentation is provided. The full fee for the licence is payable at the time the application is submitted.
- 38.10 Applicants must:
- Submit a completed application form
 - Pay the appropriate fee
 - Provide a scale plan of the premises; specific elements must be shown on the plan and these are dependent on the actual gambling activity for which the licence is being sought
 - Set out how they intend to satisfy the relevant mandatory and default conditions applicable to the type of gambling activity that will be undertaken at the premises
 - Submit their local risk assessment (refer to Social Responsibility Code provision 10.1.1) in accordance with Ordinary Code provision 10.1.2

- Set out the specific steps that will be taken to promote the licensing objectives
- Provide notice of their application to the relevant responsible authorities
- Publish notice of their application in a local newspaper and on the premises to which the application relates

Part 3B – Permits

39.0 Unlicensed Family Entertainment Centre Gaming Machine Permit (UFEC)

39.1 A UFEC permit is issued in accordance with Schedule 10 of the Gambling Act 2005.¹¹

Description

39.2 UFEC are premises (not vessels or vehicles) which are ‘wholly or mainly’ used for making category D gaming machines available. The permit cannot, for example, be granted for an entire shopping centre, airport or bowling alley.

Principles

39.3 The Council will:

- have regard to the licensing objectives and the Guidance to licensing authorities 5th Edition (September 2016) issued by the Gambling Commission
- give weight to protecting children and other vulnerable persons from being harmed or exploited by gambling
- expect applicants to demonstrate how they intend to protect children and other vulnerable persons from being harmed or exploited
- where other activities have been introduced into an UFEC premises resulting in gaming machines being ancillary to the business, the Council will notify the permit holder that the premises are no longer being used as a UFEC and the permit will lapse

39.4 The Council cannot attach conditions to a UFEC permit however, it can refuse to grant the permit by notifying the applicant of the intention to refuse and the reasons for it and then giving the applicant an opportunity to make representations.

Period of licence

39.5 A permit ceases to exist after a period of 10 years unless it is renewed, lapses, is surrendered or forfeited by the Court. A permit lapses if:

- the company ceases to exist or goes into liquidation
- the permit holder ceases to occupy the premises
- the permit holders dies

¹¹ Travelling fairs may provide an unlimited number of Category D gaming machines provided that facilities for gambling amount to no more than an ancillary amusement at the fair. They do not require a permit to provide these gaming machines but must comply with legal requirements about how the machine operates.

- the permit holder becomes bankrupt
- the permit holder becomes incapable by reason of mental or physical incapacity
- the Council informs the permit holder that the premises are not being used as an UFEC

Application Process – new and renewal applications

39.6 For new applications, applicants must:

- Submit a completed application form
- Pay the appropriate fee
- Provide a satisfactory basic criminal record disclosure from the Disclosure and Barring Service (see **Appendix F**)
- Provide evidence that they have the right to occupy the premises to which their application relates
- Provide a scale plan of the internal layout of the premises including the position of the machines, staff/supervisor locations and any restricted access provision
- Provide evidence that the premises will be used as a UFEC
- Provide a business plan
- Provide evidence that they fully understand the maximum stakes and prizes of the gambling permissible in UFEC
- Submit a local risk assessment (refer to Social Responsibility Code provision 10.1.1) in accordance with Ordinary Code provision 10.1.2
- Provide a staff training programme particularly to ensure staff have a full understanding of:
 - the harm and exploitation that is caused by problem gambling
 - their responsibilities to safeguard children, young persons and adults with care and support needs
 - measures to reduce crime and disorder associated with gambling
 - the relevant legal provisions that restrict the use of gaming machines and other gambling activities
 - the maximum stakes and prizes of the gambling permissible in UFEC
- Provide information of category D machine suppliers that the applicant intends to use; they must be Commission-licensed suppliers
- Provide evidence as to how they intend to protect children and other vulnerable persons from being harmed or exploited

Renewal applications

39.7 The renewal application process is the same as the process set out above for new applications.

39.8 The renewal application must be submitted no more than 6 months before but no less than 2 months before the expiry date of the permit. Failure to apply within the prescribed time period will result in the renewal application being refused. Where the applicant wishes to continue to apply for a permit, they

will then be required to submit a new application in accordance with the procedures above.

Right of Appeal

- 39.9 The applicant or the holder of a permit may appeal if the Council has
- rejected an application for a UFEC permit or renewal of a UFEC permit
 - given notice that the premises are not being used as an UFEC
 - given notice that the holder is incapable of carrying out an UFEC business by reason of mental or physical incapacity

Change of permit holder's name and lost, stolen or damaged permit

- 39.10 There are specific provisions that allow a permit holder to make changes to their name and to obtain a copy of a lost, stolen or damaged permit providing the correct application is submitted and the required fee paid and for the purposes of a lost or stolen permit evidence that the loss or theft has been reported to the Police, e.g. crime reference number.

40.0 Club Gaming Permit and Club Machine Permit

- 40.1 These permits are issued in accordance with Schedule 12 of the Gambling Act 2005 applicant's attention is also drawn to the Gambling Act 2005 (Club Gaming and Club Machine Permits) Regulations 2007, as amended (SI2007/1834 & SI2007/2689), and Gambling Act 2005 (Gaming in Clubs) Regulations 2007 (SI2007/1942).
- 40.2 A 'fast track' procedure exists for members' clubs and miners' welfare institutes that hold a club premises certificate under Section 72 Licensing Act 2003. Further details are available from the licensing team.

Description

- 40.3 A club gaming permit is a permit authorising gaming in members' clubs and miners' welfare institutes; specific detailed provisions apply. A club machine permit is a permit authorising up to three gaming machines (categories B, C or D) in members' clubs, miners' welfare institutes and commercial clubs. There are a number of legal requirements that must be satisfied before an application can be submitted.
- 40.4 Where applicants are considering making an application for these permits, the Council recommends they contact the licensing team prior to making the application to ensure the correct permit is applied for.

Principles

- 40.5 The Council will accept permit applications for clubs that do not have permanent premises or hold alcohol premises licenses.

- 40.6 The Council cannot attach conditions to a club gaming and club machine permit; however, it can refuse to grant the permit by notifying the applicant of the intention to refuse and the reasons for it.
- 40.7 Where the Council is satisfied that the club is not a 'true' members' club, miners' welfare institute or commercial club or the premises are used wholly or mainly by children and/or young persons the Council will refuse the application.
- 40.8 Where an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities, a permit held by the applicant has been cancelled in the previous ten years or an objection has been lodged by the Commission or the police, the Council may refuse the application.

Period of licence

- 40.9 A permit ceases to exist after a period of 10 years unless it is renewed, lapses, is surrendered or forfeited by the Court. A permit lapses if:
- the club ceases to be a members' club, miners' welfare institute or commercial club

Application process – new and renewal applications

- 40.10 Applicants must:
- Submit a completed application form
 - Pay the appropriate fee
 - Provide a staff training programme particularly to ensure staff have a full understanding of:
 - the harm and exploitation that is caused by problem gambling
 - their responsibilities to safeguard children, young persons and adults with care and support needs
 - measures to reduce crime and disorder associated with gambling
 - the relevant legal provisions that restrict the use of gaming machines and other gambling activities
 - the maximum stakes and prizes of the gambling permissible in the club
 - Provide details of the categories of machine to be used
 - Provide information of the machine suppliers that the club intends to use; they must be Commission-licensed suppliers
 - Provide a scale plan of the internal layout of the premises including the position of the machines, staff/supervisor locations and any restricted access provision
 - Submit a copy of the club constitution (see further requirements below)
 - Submit substantial evidence of club activities, including bridge and whist activities
 - Submit register of members to include full names and addresses

- Annual accounts for the previous three years unless the application relates to a new constituted club

40.11 As a minimum the club constitution must make the following clear:

- What is the primary purpose and aims of the clubs activities?
- Who makes commercial decisions on behalf of the club?
- What are the governance arrangements?
- What is the position in respect of permitting access to children into the club premises?
- Whether there are any shareholders?
- Is the members' club permanently established?
- What periods of membership are available?
- Any age restrictions applicable to membership of the club
- How long between applying for membership and participating in any gaming activity is required?
- What if any long-term membership benefits exists?
- What are the profits used for?
- What is the process for members to permit guests into the club premises?

40.12 The club must also provide the following information:

- That the constitution has been approved by members of the club
- List of committee members and evidence of their election by members of the club
- Copies of club meeting minutes for the previous 12 months
- The number of nights per week that gaming is made available
- How does the club advertise gaming?
- What are the stakes and prizes offered?
- Do you have weekly/monthly/annual league winners?
- Is the club tied in with other clubs through tournaments or leagues? If yes, provide details.
- What percentage of members do not participate in gaming activity?
- What activities are provided for club members via the internet?
- Do you teach members to promote gaming?
- Does your club receive any sponsorship? If yes, who by?
- What, if any, gaming participation fees are charged?
- Is the club advertised and listed in directories including on the internet? If yes, provide details.

Renewal

40.13 The renewal application process is the same as the process set out above for new applications.

40.14 The renewal application must be submitted no more than 3 months before but no less than 6 weeks before the expiry date of the permit. Failure to apply within the prescribed time period will result in the renewal application being refused. Where the applicant wishes to continue to apply for a permit, they

will then be required to submit a new application in accordance with the procedures above.

Variation and lost stolen or damaged

- 40.15 There are specific provisions that allow a club to vary their permit and to obtain a copy of a lost, stolen or damaged permit providing the correct application is submitted and the required fee paid and for the purposes of a lost or stolen permit evidence that the loss or theft has been reported to the Police e.g. crime reference number.

Right of Appeal

- 40.16 The applicant or holder of a permit may appeal if the Council has:
- rejected an application for a Club Gaming Permit/Club Machine Permit or renewal of a Club Gaming Permit/Club Machine Permit
 - cancelled a permit

Annual Fee

- 40.17 Permit holders must pay to the Council the first annual fee within 30 days of the issue of the permit and an annual fee before each anniversary of the issue of the permit thereafter. Failure to do so will result in the permit being cancelled.

41.0 Licensed Premises Gaming Machine Permit

- 41.1 Licensed premises gaming machine permits are issued in accordance with Schedule 13 of the Gambling Act 2005.

Description

- 41.2 A licensed premises gaming machine permit authorises a premises, holding an alcohol premises licence in accordance with the Licensing Act 2003 (providing the premises have a bar at which alcohol is served), to make available category C and D machines. This replaces and is not in addition to the automatic entitlement to two machines.

Principles

- 41.3 The Council will expect that gambling will remain ancillary to the main purpose of the premises. Should it become aware that this is not the case and the holder of the permit has not complied with reasonable requests by authorised officers to reduce the level of gambling or applied for the appropriate gambling premises licence, the Council will take appropriate enforcement action including utilising licence review provisions under either the Gambling Act 2005 or the Licensing Act 2003.
- 41.4 The Council cannot attach conditions to a Licensed Premises Gaming Machine Permit; however, it can refuse to grant the permit by notifying the

applicant of the intention to refuse and the reasons for it. In addition, where the Council intends to grant a permit, it can do so for a smaller number of machines and/or a different category.

- 41.5 Where an operator of an alcohol licensed premises wishes to make gaming machines available in any areas of their premises that are not licensed for the purposes of selling/supplying alcohol, the operator will be required to apply for an adult gaming centre premises licence.

Period of licence

- 41.6 A permit does not have a defined period of validity; it does not have an 'expiry date'. Once granted, a permit continues to have effect unless and until it ceases. A permit ceases if:

- the alcohol premises licence ceases to have effect
- the permit holder ceases to be the holder of the alcohol premises licence
- the permit is surrendered
- the permit is cancelled, including where the permit holder fails to pay the annual fee
- the permit is forfeited by the court

Application Process – new applications

- 41.7 Applicants must:

- Submit a completed application form
- Pay the appropriate fee
- Provide a copy of the valid alcohol premises licence or evidence that an alcohol premises licence is being or has been applied for
- Specify the number and category of gaming machines
- Provide information of the machine suppliers that the club intends to use; they must be Commission-licensed suppliers
- Submit a business plan setting out the main purpose of the business together with details indicating the contribution that the gaming machines provide to the overall business
- Provide a staff training programme particularly to ensure staff have a full understanding of:
 - the harm and exploitation that is caused by problem gambling
 - their responsibilities to safeguard children, young persons and adults with care and support needs
 - measures to reduce crime and disorder associated with gambling
 - the relevant legal provisions that restrict the use of gaming machines and other gambling activities
 - the maximum stakes and prizes of the gambling permissible in the club
- Provide a scale plan of the internal layout of the premises including the position of the machines, staff/supervisor locations and any restricted access provision.

Right of Appeal

- 41.8 The applicant or holder of a permit may appeal if the Council has:
- rejected an application for a permit
 - granted an application for a permit for a smaller number of machines and/or different category
 - gives a notice that cancels or varies the entitlements of the permit

Variation, transfer, change of name and lost stolen or damaged

- 41.9 There are specific provisions that allow a permit holder to vary, transfer or change the name on their permit and to obtain a copy of a lost, stolen or damaged permit providing the correct application is submitted and the required fee paid and for the purposes of a lost or stolen permit evidence that the loss or theft has been reported to the Police e.g. crime reference number.

Annual Fee

- 41.10 Permit holders must pay to the Council the first annual fee within 30 days of the permit being issued and an annual fee before each anniversary of the issue of the permit thereafter. Failure to do so will result in the permit being cancelled.

42.0 Automatic entitlement to two gaming machines

- 42.1 This notification is issued in accordance with Section 282 of the Gambling Act 2005.

Description

- 42.2 There are specific notification procedures available to alcohol premises licence holders to make available two gaming machines of category C or D for use in alcohol licensed premises with a licence for on sales.

Principles

- 42.3 All alcohol licensed premises which provide gaming machines for use on the premises must comply with any relevant Code of Practice issued by the Gambling Commission under Section 24 of the Gambling Act 2005
- 42.4 The Council recognises that it has no discretion to consider notifications or to turn them down, other than in respect of whether the applicant holds an on-sales alcohol premises licence and the fee has been paid. However, the Council is strongly of the opinion that, although the automatic entitlement is a light touch approach under the Act, there remains a risk which operators should be aware of and take into consideration. As such, operators giving notifications are strongly encouraged to consider the development of a staff training programme, particularly to ensure staff have a full understanding of:

- the harm and exploitation that is caused by problem gambling
- their responsibilities to safeguard children, young persons and adults with care and support needs
- measures to reduce crime and disorder associated with gambling
- the relevant legal provisions that restrict the use of gaming machines and other gambling activities

42.5 The Council will give serious consideration to removing, subject to it following the correct procedures, the 'automatic authorisation' where there is evidence that:

- 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 relating to the location and operation of gaming machines;
- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises.

Notification Process

42.6 Applicants must:

- Submit a completed notification form
- Pay the appropriate fee

Period of Notification

42.7 The notification duration is indefinite as it is linked to the Licensing Act 2003 premises licence. If the premises licence holder changes, for example because the licence is transferred, the new licence holder will need to give a new notification.

43.0 Prize Gaming Permit

43.1 A Prize Gaming permit is issued in accordance with Schedule 14 of the Gambling Act 2005.¹²

Description

43.2 Gaming is classed as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid or raised by the gaming. Normally the prizes are determined by the operator before play commences. A Prize Gaming Permit is a permit issued by the Council to authorise Prize Gaming on specified premises. Vessels and vehicles are not premises.

¹² Section 292 of the Gambling Act 2005 provides that travelling fairs are also able to offer equal chance prize gaming without a permit, provided that, taken together, the facilities for gambling are an ancillary amusement at the fair.

Principles

43.3 The principles that the Council proposes to apply when considering applications for a Prize Gaming Permit are set out below. The Council will:

- have regard to the licensing objectives and the Guidance to licensing authorities 5th Edition (September 2016) issued by the Gambling Commission
- give weight to protecting children and other vulnerable persons from being harmed or exploited by gambling
- expect applicants to demonstrate how they intend to protect children and other vulnerable persons from being harmed or exploited

43.4 The Council cannot attach conditions¹³ to a Prize Gaming permit; however, it can refuse to grant the permit by notifying the applicant of the intention to refuse and the reasons for it and then giving the applicant an opportunity to make representations.

Period of licence

43.5 A permit ceases to exist after a period of 10 years unless it is renewed, lapses, is surrendered or forfeited by the Court. A permit lapses if:

- the company ceases to exist or goes into liquidation
- the permit holder ceases to occupy the premises
- the permit holder e.g. a partnership otherwise ceases to exist
- the permit holders dies
- the permit holder becomes bankrupt
- the permit holder becomes incapable by reason of mental or physical incapacity

Application Process – new applications

43.6 Applicants must:

- Submit a completed application form
- Pay the appropriate fee
- Provide a satisfactory basic criminal record disclosure from Disclosure and Barring Service (see **Appendix F**)
- Provide evidence that they have the right to occupy the premises to which their application relates
- Provide a scale plan of the internal layout of the premises
- Set out the types of gaming that will be offered
- Provide a business plan
- Provide evidence that they fully understand the maximum stakes and prizes of the gambling permissible for a Prize Gaming Permit and that the gaming offered is within the law

¹³ Specific requirements are set out in the Gambling Act 2005 that amount to 'conditions'.

- Provide a staff training programme particularly to ensure staff have a full understanding of:
 - the harm and exploitation that is caused by problem gambling
 - their responsibilities to safeguard children, young persons and adults with care and support needs
 - measures to reduce crime and disorder associated with gambling
 - the relevant legal provisions that restrict the use of gaming machines and other gambling activities
 - the maximum stakes and prizes of the gambling permissible for a Prize Gaming Permit and that the gaming offered is within the law
- Provide evidence as to how they intend to protect children and other vulnerable persons from being harmed or exploited

Renewal applications

- 43.7 The renewal application process is the same as the process set out above for new applications.
- 43.8 The renewal application must be submitted no more than 6 months before but no less than 2 months before the expiry date of the permit. Failure to apply within the prescribed time period will result in the renewal application being refused. Where the applicant wishes to continue to apply for a permit, they will then be required to submit a new application in accordance with the procedures above.

Right of Appeal

- 43.9 The applicant or the holder of a permit may appeal if the Council has
- rejected an application for a Prize Gaming permit or renewal of a Prize Gaming permit

Change of permit holder's name and lost, stolen or damaged permit

- 43.10 There are specific provisions that allow a permit holder to make changes to their name and to obtain a copy of a lost, stolen or damaged permit providing the correct application is submitted and the required fee paid and for the purposes of a lost or stolen permit evidence that the loss or theft has been reported to the Police e.g. crime reference number.

44.0 Part 3C - Temporary and Occasional Use

Temporary Use Notice (TUN)

- 44.1 A TUN is issued in accordance with Part 9 of the Gambling Act 2005 and Gambling Act 2005 (Temporary Use Notices) Regulations 2007 (SI2007/3157).

Description

- 44.2 A TUN allows the use of premises (not vehicles, but does include vessels whether moored or moving) for gambling where there is no premises licence but where an operator wishes to use the premises temporarily for providing gambling facilities.
- 44.3 Certain restrictions exist in relation to a TUN. These restrictions are:
- it can only be used to offer gambling of a form authorised by the operator's operating licence
 - gambling under a TUN may only be made available on a maximum of 21 days in any 12-month period for any or all of a named set of premises
 - it can only be used to permit the provision of facilities for equal chance gaming, and where the gaming in each tournament is intended to produce a single overall winner
 - gaming machines may not be made available under a TUN
 - cash games are not permitted under a TUN; cash games are where each hand provides a winner

Principles

- 44.4 As a result of the six week timescale specified in the Act for the purposes of fully completing the TUN process, the Council strongly encourages operators to make contact with the licensing service to discuss their plans and requirements as soon as possible (ideally at least six months) prior to the anticipated date of the gambling event.
- 44.5 Where applicants chose to submit a TUN by post, the Council expects the applicant to take steps to ensure the notice has been received by the Council within three days of the date of posting to assist the Council to process the notice within the tight timescales laid down in the Act.
- 44.6 The Council will send a written acknowledgement confirming receipt of the TUN as soon as reasonably practical.
- 44.7 Where the Council considers it necessary to object to a TUN it will give a notice of objection within fourteen days beginning with the date when which the TUN was received by the Council.
- 44.8 When making objections to a TUN the Council, and other relevant bodies, will have regard to the same principles that the Council considers when determining premises licence applications, in particular, the aims of the licensing objectives.
- 44.9 Where the Council issues a counter-notice, the principles that will be applied are the same as those in determining premises licence applications; in particular, the Council will aim to permit the provision of facilities for gambling under a TUN providing to do so accords with the Commission's relevant code

and guidance and the Council's Policy, and is reasonably consistent with the licensing objectives.

- 44.10 The Council will give serious consideration to objecting to a TUN where it appears that the effect would be to permit regular gambling in a place that could be described as one 'set of premises' (refer to section above setting out the meaning of 'premises').
- 44.11 Where the Council is made aware or establishes that the premises to which a TUN relates has been the subject of one or more TUN for more than a total of 21 days in the past 12 months, the Council will issue a counter-notice that has the effect of stopping the TUN coming into effect.
- 44.12 Where the Council receives a TUN from a high profile operator (e.g. a casino) to hold an event in a larger venue (e.g. a stadium or an arena) and this TUN includes the need to hold a remote operating licence, the Council will contact the Commission for further advice and guidance before processing the TUN.

Notification process

44.13 Applicants must:

- Submit a completed notification form (must be received by the Council at least three months and one day before the day on which the gambling event will begin and must be received within seven days of the date the notice has been signed)
- Pay the appropriate fee
- Provide evidence that they hold an operating licence
- Set out how they intend to satisfy the relevant mandatory and default conditions applicable to the type of gambling activity that will be undertaken at the premises
- Submit their local risk assessment (refer to Social Responsibility Code provision 10.1.1) in accordance with Ordinary Code provision 10.1.2
- Provide a copy of the notice to the Gambling Commission, West Mercia Police and the HMRC (the notice must be received within seven days of the date the notice has been signed) (where the TUN relates to a vessel please refer to paragraph 21.0 regarding responsible authorities)
- Where applicable, provide a copy of the notice to any other Licensing Authority in whose area the premises is also situated (the notice must be received within seven days of the date the notice has been signed)

44.14 Where no objections are made within 14 days of the date of the TUN, the Council will endorse the TUN as valid and return it to the person who gave the TUN.

Objection process

44.15 Where written objections are received, the Council will enter into constructive discussions with the applicant and objectors with the aim of resolving the

objections. Where resolution cannot be achieved, the Council will hold a hearing to listen to representations from:

- the person who gave the TUN;
- all objectors; and
- any person who was entitled to receive a copy of the notice.

44.16 Where modifications are accepted by the applicant, the applicant must submit a new TUN, incorporating the modifications, and the Council will treat the original notice as withdrawn. The person who made the original objection and proposed the modification may not object to the new TUN, but others to whom it is copied may object. Where no new objections are made, there will be no need for a hearing.

44.17 After a hearing has taken place or has been dispensed with and the Council considers that the TUN should not have effect, the Council will issue a counter-notice (copying it to all those who received copies of the TUN) setting out the reasons for its issue and providing for the TUN:

- not to have effect;
- to have effect only in respect of a specified activity;
- to have effect only in respect of activity carried on during a specified period of time or at specified times of day; or
- to have effect subject to compliance with a specified condition.

44.18 Where the Council decides not to issue a counter-notice, the TUN will take effect. The Council will give notice of its decision to the person who gave the TUN and to others to whom the TUN was copied.

Conditions

44.19 While the gambling is taking place, the operator must ensure a copy of the TUN must be displayed prominently on the premises.

Right of appeal

44.20 An appeal against the Council's decision may be made by the applicant, or any person entitled to receive a copy of the TUN, to the Magistrates' Court within 14 days of receiving notice of the Council's decision. There is a further right of appeal to the High Court on a point of law.

Lost, stolen or damaged endorsed notice

44.21 There are specific provisions that allow a notice holder to obtain a copy of a lost, stolen or damaged endorsed notice, providing the correct application is submitted and the required fee paid.

45.0 Occasional Use Notice (OUN)

45.1 An OUN is issued in accordance with Section 39 of the Gambling Act 2005.

Description

45.2 A OUNs is a permit that allows licensed betting operators to use tracks for short periods for conducting betting, where the event upon which the betting is to take place is of a temporary, infrequent nature. A betting premises licence for the track is not required in these circumstances.

Principles

45.3 An OUN must be submitted for each day that betting activity will be conducted on the premises.

45.4 Betting activity is only allowed for a maximum of 8 days in a calendar year, if betting activity is to be held over a period of 8 consecutive days, the operator will be required to submit 8 separate notices.

45.5 The period of 8 days applies to the venue and not the individual who has submitted the OUN.

45.6 An event running past midnight and ending on the following day accounts for two occasional use days, even though in practice it is one event.

45.7 If the maximum number of days is reached in a calendar year the OUN will not be accepted by the Council.

45.8 There is no need for a track to be permanently established for an OUN to be given.

45.9 The Council expects the betting to be limited to betting on the outcomes of a race, competition or other sporting event taking place at the track.

45.10 Betting operators cannot provide gaming machines at a track by virtue of an OUN.

Application process

45.11 All applicants must be a person who is either responsible for the administration of events on the track or the occupier of the track.

45.12 Applicants must:

- Submit a completed notification form
- Provide evidence that the applicant is either responsible for the administration of events on the track or the occupier of the track
- Specify the day(s) the notice is to have effect
- Provide a copy of the notice to West Mercia Police

46.0 Lotteries

46.1 Large Society Lotteries are regulated by the Gambling Commission through operating licenses and are not the concern of the Council.

46.2 There are several other types of lottery which do not require registration with the Council:

- Incidental Non Commercial Lotteries are lotteries that are incidental to a non-commercial event (such as a school fete).
- Customer Lotteries, which are lotteries promoted by the occupiers of business premises, who sell tickets only to customers present on their premises.

46.3 There are also three types of private lotteries as defined in the Gambling Act 2005 which do not require registration with the Council, referred to as:

- Private Society Lotteries (such as might be organised internally by a private members club),
- Work Lotteries (such as when employees at a workplace organise a sweepstake on the Grand National), and
- Resident's Lotteries (such as when persons all residing in a single premises organise a lottery amongst themselves).

46.4 Further details on these types of lotteries can be found in the Gambling Commission advice note "Organising Small Lotteries", which can be found at: <http://www.gamblingcommission.gov.uk/PDF/Organising-small-lotteries.pdf>

47.0 Part 3D - Lotteries

47.1 Small Society Lotteries

A small society lottery (SSL) registration is issued in accordance with Schedule 11 of the Gambling Act 2005.

Description

47.2 Society lotteries are lotteries promoted for the benefit of a non-commercial society. A society is non-commercial if it is established and conducted:

- for charitable purposes (as defined in Section 2 of the Charities Act 2006)
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity
- for any other non-commercial purpose other than that of private gain.

47.3 A small society lottery:

- does not have proceeds (the total value of tickets sold) that exceed £20,000 for a single draw
- does not have aggregated proceeds from lotteries in excess of £250,000 in any one year.

- has a maximum prize for any draw not exceeding £25,000.

47.4 Small society lotteries do not require a licence but must be registered with the local authority in the area where the principal office of the society is located.

Principles

47.5 The Council expects operators of SSL to ensure that:

- the total value of prizes combined with the expenses of running the lottery do not exceed 80% of the total proceeds of that lottery.
- rollovers between lotteries are only permitted where every lottery affected is also a SSL promoted by the same society, and the maximum single prize is £25,000
- every ticket in the lottery must cost the same and the society must take payment for the ticket fee before entry into the draw is allowed
- SSL are conducted in a socially responsible manner
- effective measures are in place to minimise the risk of lottery tickets being sold to children under the age of 16
- tickets (physical or virtual e.g. email or text message) issued must include¹⁴:
 - the name of the promoting society;
 - the price of the ticket, which must be the same for all tickets;
 - the name and address of the member of the society who is designated as having responsibility at the society for promoting small lotteries or, if there is one, the External Lottery Manager (ELM); and
 - the date of the draw, or information which enables the date to be determined.
- written records are maintained of any unsold and returned tickets for a period of one year from the date of the lottery draw
- tickets are not sold by persons under the age of 16
- tickets are not offered for sale in a street except from a kiosk or similar static structure (Note: The Council is minded to prohibit the sale of tickets in the street by applying such a condition to the registration.¹⁵)
- any other necessary permissions, e.g., street trading consents, are in place
- it is made clear to consumers before they buy a lottery ticket exactly which society or charity the lottery proceeds are going to
- publish what proportion of money raised for lottery ticket sales in the previous year was returned directly for the purposes of the society

47.6 SSL operators will need to be careful when employing external help that such an individual or firm is correctly licensed by the Commission as an ELM, if

¹⁴ The requirement to provide this information can be satisfied by providing an opportunity for the participant to retain the message electronically or print it.

¹⁵ This is to bring the sale of small society lottery tickets in line with the way in which the Commission requires societies running large lotteries to operate.

required to be so. That requirement depends on the extent to which they, or the SSL itself, will be in control of:

- how the scheme operates
- banking arrangements for handling the proceeds
- who is selling the tickets, and who is paying the prizes
- who is promoting the lottery

47.7 During the currency of a registration the applicant and any appointed persons must notify the council in writing within 7 days of any cautions or convictions relating to the offences listed in Schedule 7 of the Act.

47.8 Where the Council has refused or revoked a registration and the applicant has submitted representations, the Council will reconsider the decision and notify the applicant of the outcome including the reasons for the decision.

48.0 Application process – new

48.1 Applications for new SSL registrations must:

- Submit a completed application form
- Pay the appropriate fee
- Provide a satisfactory basic criminal record disclosure from the Disclosure and Barring Service (DBS) (see note below and **Appendix F**)
- Confirm that it does not also hold a duplicate registration with another Council where the aims and objectives of the societies are the same.
- Provide copies of both the societies terms and conditions and constitution or similar document
- Submit a declaration, stating that the person making the application on behalf of the society represents a bona fide non-commercial society.
- Provide evidence that they have procedures in place for:
 - checking the age of apparently underage purchasers of lottery tickets; and
 - taking action where there are unlawful attempts to purchase tickets.

Note:

48.2 The requirement to provide a satisfactory basic criminal record disclosure from the DBS applies to the applicant and both appointed persons. The Council recognises that an applicant may also be an appointed person.

48.3 The basic criminal record disclosure from the DBS must be no more than three years old at the time the application is submitted.

48.4 A satisfactory enhanced DBS report will be accepted as an alternative to the basic criminal record disclosure from the DBS.

48.5 Once a registration has been issued the Council will add the details of the registration to a register available to the public or the Gambling Commission on request.

49.0 Returns to the Council¹⁶

49.1 The following information must be submitted as a return to the Council:

- the arrangements for the lottery – specifically the date on which tickets were available for sale or supply
- the dates of any draw
- the value of prizes, including any donated prizes and any rollover
- the total proceeds of the lottery
- the amounts deducted by the promoters of the lottery in providing prizes, including prizes in accordance with any rollovers
- the amounts deducted by the promoters of the lottery in respect of costs incurred in organising the lottery
- the amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds)
- whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds, and, if so, the amount of expenses and the sources from which they were paid.

49.2 Returns must:

- be sent to the Council no later than three months after the date of the lottery draw, or in the case of ‘instant lotteries’ (scratch cards) within three months of the last date on which tickets were on sale
- be signed (electronic signatures are acceptable if the return is sent electronically) by two members of the society, who must be aged eighteen or older, they must be appointed for the purpose in writing by the society or, if it has one, its governing body, and be accompanied by a copy of their letter or letters of appointment

50.0 Annual Fee (Renewal)

50.1 Small Society Lotteries incur an annual fee, however the Council processes these as if they are ‘renewals’ and the renewal registration process is the same as the process set out above for new registrations, with the exception that:

- a satisfactory basic criminal record disclosure from the DBS is only required where the previously submitted disclosure is more than three years old on the date the application is submitted

¹⁶ Paragraph 39, Schedule 11

- copies of the society's terms and conditions and constitution or equivalent document are only required where there have been changes
- evidence of procedures for checking the age of apparently underage purchasers of lottery tickets and taking action where there are unlawful attempts to purchase tickets are only required where there have been changes

51.0 Decisions of the Council

51.1 The Council shall refuse a registration if within the previous five years:

- an operating licence held by the applicant has been revoked
- an application for an operating licence made by the applicant has been refused

51.2 The Council may refuse a registration if it thinks that:

- the applicant is not a non-commercial society
- a person who will or maybe connected with the promotion of the SSL has been convicted of a relevant offence
- information provided is false or misleading

51.3 The Council may revoke a registration:

- if it is considers that it would be obliged or permitted to refuse an application for the registration were it being made anew.
- where the society fails to submit the required returns within three months of a lottery
- where the society fails to comply with the requirements on operators as listed in the statement of principles above

51.4 Where the Council intends to refuse or revoke a registration it will notify the applicant of the intention to refuse or revoke and the reasons for it and giving the applicant an opportunity to make representations.

52.0 Right of Appeal

52.1 Where the Council takes a final decision to refuse to grant the registration or revokes it the society may appeal.

53.0 Part 3E - Activities Not Requiring Permissions

53.1 There are a number of gambling activities, under limited circumstances, that are permitted without any specific permissions. These are:

- non-commercial gaming
- non-commercial prize gaming

- non-commercial equal chance gaming
- incidental non-commercial lotteries
- private gaming, including poker as private gaming
- non-commercial betting
- non-commercial 'casino night' or 'poker night'
- casino night or poker night as non-commercial prize gaming
- casino night or poker night as non-commercial equal chance gaming
- casino night as private gaming
- non-commercial 'race night'
- race night as non-commercial gaming
- incidental non-commercial lottery
- race night as non-commercial prize gaming
- non-commercial equal chance gaming
- race night as private gaming
- race nights as betting events

53.2 Children and young persons are permitted to participate in non-commercial and private gaming and betting.

PART 4

**INSPECTION,
COMPLIANCE,
ENFORCEMENT
AND COMPLAINTS**

PART 4 – INSPECTION, COMPLIANCE, ENFORCEMENT AND COMPLAINTS

54.0 Summary

- 54.1 This part of the Policy sets out the principles that will be applied when the Council carries out the inspection of premises and when it institutes criminal proceedings in respect of specified offences under the Act.
- 54.2 This includes the principles that will be applied in respect of general compliance, enforcement and the manner in which complaints will be dealt with.
- 54.3 The focus of the Council's inspection, compliance and enforcement role is on premises licences/permits/registrations for which it has responsibility to authorise.
- 54.4 The Gambling Commission will undertake compliance, regulation and enforcement as it applies to operator and personal licences. In addition, any concerns about the manufacture, supply or repair of gaming machines will be notified to the Gambling Commission and not dealt with by the Council.

55.0 Inspection, compliance and enforcement

- 55.1 The Council will generally use the least intrusive regulatory tool to achieve compliance and will ensure that any regulatory action is proportionate to the importance of the matters to which it relates, having regard to relevant risk assessments.
- 55.2 Council officers may undertake inspection, compliance and enforcement activities for the purpose of assessing compliance under the Act and to determine whether an offence is being committed. In doing so, the Council's officers will work closely with the gambling trade representatives and other enforcement authorities to achieve compliance with the relevant legislation, licence/permit/registration requirements and specific conditions of each licence/permit/registration.
- 55.3 The Council will undertake all inspection, compliance and enforcement work in accordance with the Council's Better Regulation and Enforcement Policy (or such similar policy that may from time to time be adopted) which is available on the Council's website at <http://shropshire.gov.uk/shropshire-council/policies/>. The Better Regulation and Enforcement Policy sets out clearly the overall approach adopted by the Council towards inspection, compliance and enforcement. It also specifically sets out the principles by which the Council intends to manage all criminal investigations; these principles also apply to the way in which criminal proceedings will be managed in relation to gambling related criminal offences specified under Section 346 of the Act.
- 55.4 The Council recognises that combating illegal gambling is of significant benefit to the licensed community as the provision of illegal unregulated gambling

impacts upon the reputation of the industry as a whole. The persistent and widespread existence of illegal gambling also reduces the incentive on operators to be correctly licensed.

- 55.5 Accordingly, where the Council uncovers evidence of illegal gambling it will work in partnership with the Commission to undertake criminal investigations into such activity with a view to prosecuting the individuals and companies responsible.
- 55.6 The Council will generally take prosecutions against those providing or facilitating illegal gambling, in effect gambling without a licence or permit, where the criminality is contained in one premises. The Commission will generally take the lead in prosecuting the offence for providing facilities for gambling where it is committed in the context of illegal gambling that appears organised and has a potentially national or regional impact, or where there are deliberate, reckless or significant breaches by a licensed operator.
- 55.7 The Council will generally agree to lead a multi-agency coordinated approach into investigations relating to illegal poker or illegal/illegally sited gaming machines in a specific premises, with the Commission, the police and, where appropriate, HMRC providing support, advice and expertise.
- 55.8 In relation to the prevention, investigation and prosecution of offences under the Act, and other offences related to gambling, the Council will give priority, based on the level of risk posed to the licensing objectives, to crimes in which there is a greater risk of harm or exploitation to children and vulnerable persons.
- 55.9 Whilst breaching a licence condition is a criminal offence, the Council will default, in the first instance, to its regulatory rather than criminal powers when considering such a breach. These regulatory powers include revocation, suspension and adding/removing/amending conditions. However, where there are significant breaches of licensing conditions that satisfy the criteria for invoking criminal powers in accordance with the Council's Better Regulation and Enforcement Policy this will mean that the Council will investigate matters with a view to instituting criminal proceedings irrespective of whether it has used its regulatory powers or not.
- 55.10 The Council will abide by the statutory principles of good regulation and the Regulators' Code. Inspection and enforcement activities will be carried out in a way that is transparent, accountable, proportionate, consistent and targeted, and promotes efficient and effective regulatory approaches that improve outcomes without imposing unnecessary burdens on business.
- 55.11 The Council will apply a risk-based approach to inspection and where relevant this will be informed by the Council's local area profile. Overall, it is the Council's intention to resource inspections of high-risk premises to a greater level than those deemed to be of a lower risk. This will ensure that resources are more effectively concentrated on potential problem premises. However, inspections of lower-risk premises will be undertaken at an appropriate level in

order to allow the Council to maintain a presence at such premises and to target controls on emerging risks.

55.12 Whilst the Council recognises that industry codes, developed through trade associations and similar organisations, do not have the force of a licence condition or code, the Council will use such codes to assist officers to conduct premises inspections.

56.0 Test purchasing and age verification

56.1 The Council will, where appropriate, utilise test purchasing operations to measure the compliance of licence/permit holders. The Council will follow current guidance (Age Restricted Products and Services: A Code of Practice for Regulatory Delivery published by the Better Regulation Delivery Office, April 2014), in order to ensure that tests are carried out in a manner that is risk-based and fair, with due regard to the welfare of young people involved in the test purchasing.

56.2 The Council will focus its regulatory test-purchasing on evaluating underage controls in place in licensed premises. The Council, where it is practical to do so, may consider test-purchasing in connection with evaluating the effectiveness of measures concerning self-exclusion and anti-money laundering policies and procedures (e.g. to regulate FOBT), but will only do so where it receives guidance and support from the Commission to undertake such operations.

56.3 The Council strongly encourages licence/permit holders to manage the business risk associated with preventing underage access to premises and permitting a young person to gamble, including the underage use of gaming machines. Where a licence/permit holder commissions a third party to test the effectiveness of their policies and procedures or put its own testing in place and where the results of the tests are shared with the Council and/or the Commission, the Council will be less inclined to conduct test purchasing.

56.4 Where the Council has concerns about underage access and age verification policies or where there are particular premises it plans to test purchase, the Council will, in the first instance, consult with the Commission and then also with relevant licence/permit holders and operators. This will enable the Council to avoid creating conflict between any ongoing investigation/enforcement activities being undertaken by the Commission, to identify what programmes are in place to manage the business risk and to take these into account when planning a test purchasing operation.

56.5 The Council will share its test purchasing results with the Commission.

56.6 The Council will follow any national inspection plans and strategies that are published on the Primary Authority register when considering proactive age restricted gambling sales activity including testing.¹⁷ However, where it is

¹⁷ Where other areas, e.g. Health and Safety, are covered by a Primary Authority Agreement the Council will also follow any requirements of that agreement.

necessary, the Council will undertake reactive test purchasing (Primary Authority plans do not prohibit this approach); the Council will still undertake relevant consultation, with appropriate parties, before doing so.

57.0 Complaints

57.1 Where appropriate, complainants will be encouraged to raise complaints with the relevant licence holder or business concerned. However, the Council will also respond to complaints in line with its Better Regulation and Enforcement Policy and will use complaint information to assist in the determination of licensing decisions and enforcement action.

58.0 Publication of information relating to the Council's regulatory functions

58.1 The Council will not normally publish details of the information found or the conclusions reached during its inspections and investigations. An exception may be made where there is speculation in the public domain and/or where those involved have made public statements which need to be responded to in order to avoid misconceptions arising.

58.2 The Council will normally publish details of all formal regulatory action taken under the Act. Such information will be published as soon as practicable after a decision has been taken, whether or not the decision is the subject of an appeal.

58.3 When investigating criminal matters, the Council will generally consider making a public announcement when suspects are arrested, when search warrants are executed, when charges are laid and at the conclusion of any trial. A public announcement may also be made at other stages of an investigation when this is considered appropriate.

58.4 The Council will, upon request, review any compliance or enforcement-related notices that are published on the Council's website in order to determine whether continued publication is appropriate, or whether publicity should be removed or amended.

PART 5

CONSULTATION

59.0

PART 5 – CONSULTATION

59.1 This section will be completed at the end of the proposed formal consultation period.

60.0 Proposed consultees (this list is not exhaustive)

Name of Organisation	Contact Details
All businesses holding gambling premises licence/permit/registration with Shropshire Council	By email and on Shropshire Council's website
Action with Communities in Rural England (ACRE)	contact@acre.org.uk
Association of British Bookmakers	mail@abb.uk.com
Aquarius	headoffice@aquarius.org.uk
Be Gamble Aware (National Gambling Treatment Service and Responsible Gambling Trust)	info@gambleaware.org research@gambleaware.org
British Amusement Catering Association	info@bacta.org.uk
British Horseracing Board	info@britishhorseracing.com
Casino Operators Association	gensec@coa-uk.org.uk
Charity Commission	enquiries@charitycommission.gov.uk
Done Brothers t/a Betfred	support@betfred.com
Gambling Commission	info@gamblingcommission.gov.uk RBurkitt@gamblingcommission.gov.uk
Gamcare	info@gamcare.org.uk
Gamblers Anonymous	telford@gamblersanonymous.org.uk info@gamblersanonymous.org.uk
Gordon Moody Association	help@gordonmoody.org.uk
HMRC	nru.betting&gaming@hmrc.gsi.gov.uk
IMPACT AAS	info@impactaas.co.uk
John Gaunt and Partners	info@john-gaunt.co.uk
Keeping Adults Safe in Shropshire Network	SSCPBusinessUnit@shropshire.gov.uk
Mind	info@mind.org.uk
National Problem Gambling Clinic	gambling.cnwl@nhs.net
National Casino Industry Forum	director@nci-forum.co.uk
National Leisure t/a Talarius	customercare@quicksilver.co.uk
Poppleston Allen	Form submitted https://www.popall.co.uk/contact/
Samaritans	jo@samaritans.org
Shropshire Safeguarding Community Partnership	SSCPBusinessUnit@shropshire.gov.uk

Shropshire Recovery Partnership	shropshireinfo@addaction.org
Shropshire Chamber of Commerce	enquiries@shropshire-chamber.co.uk
Shropshire Clinical Commissioning Group	stwccg.generalenquiries@nhs.net
Shropshire Rural Communities Charity	enquiries@shropshire-rcc.org.uk
Shropshire Fire and Rescue Service	licensingapplications@shropshirefire.gov.uk
Shropshire Association of Local Councils – for distribution to all town and parish councils	alc@shropshire.gov.uk
Shropshire Council: Development Management Planning Policy Information Governance Public Health Safeguarding Children Safeguarding Adults Housing Economic Growth Visitor Economy	Planningpolicy@shropshire.gov.uk Planning.northern@shropshire.gov.uk Planning.southern@shropshire.gov.uk Information.request@shropshire.gov.uk Jayne.randall@shropshire.gov.uk Gabriel.agboado@shropshire.gov.uk Rachel.robinson@shropshire.gov.uk Ellie.jones@shropshire.gov.uk Sarah.hollinshead-bland@shropshire.gov.uk Laura.fisher@shropshire.gov.uk economicgrowth@shropshire.gov.uk visitor.economy@shropshire.gov.uk
The Charity Commission	RAUemailteam@charitycommission.gov.uk
TLT LLP	Ellie-Nicole.Davis@TLTsolicitors.com
West Mercia Police	licensing.shropshire@westmercia.pnn.police.uk
William Hill	customerhelp@williamhill.co.uk

PART 6
LICENSING CONTACT
DETAILS

61.0 PART 6 – LICENSING CONTACT DETAILS

61.1 Contact details

61.2 For information, advice and guidance relating to this Policy and the licensing and permitting of gambling establishments and activities, please contact:

Licensing
Trading Standards and Licensing
Shropshire Council
Abbey Foregate
Shrewsbury
Shropshire
SY2 6ND
Tel: 0345 678 9026
Email: licensing@shropshire.gov.uk

61.3 Website: <http://www.shropshire.gov.uk/licensing/>

62.0 Licence Fee Payments Telephone: 0345 678 9026

Online: <http://www.shropshire.gov.uk/pay-for/>

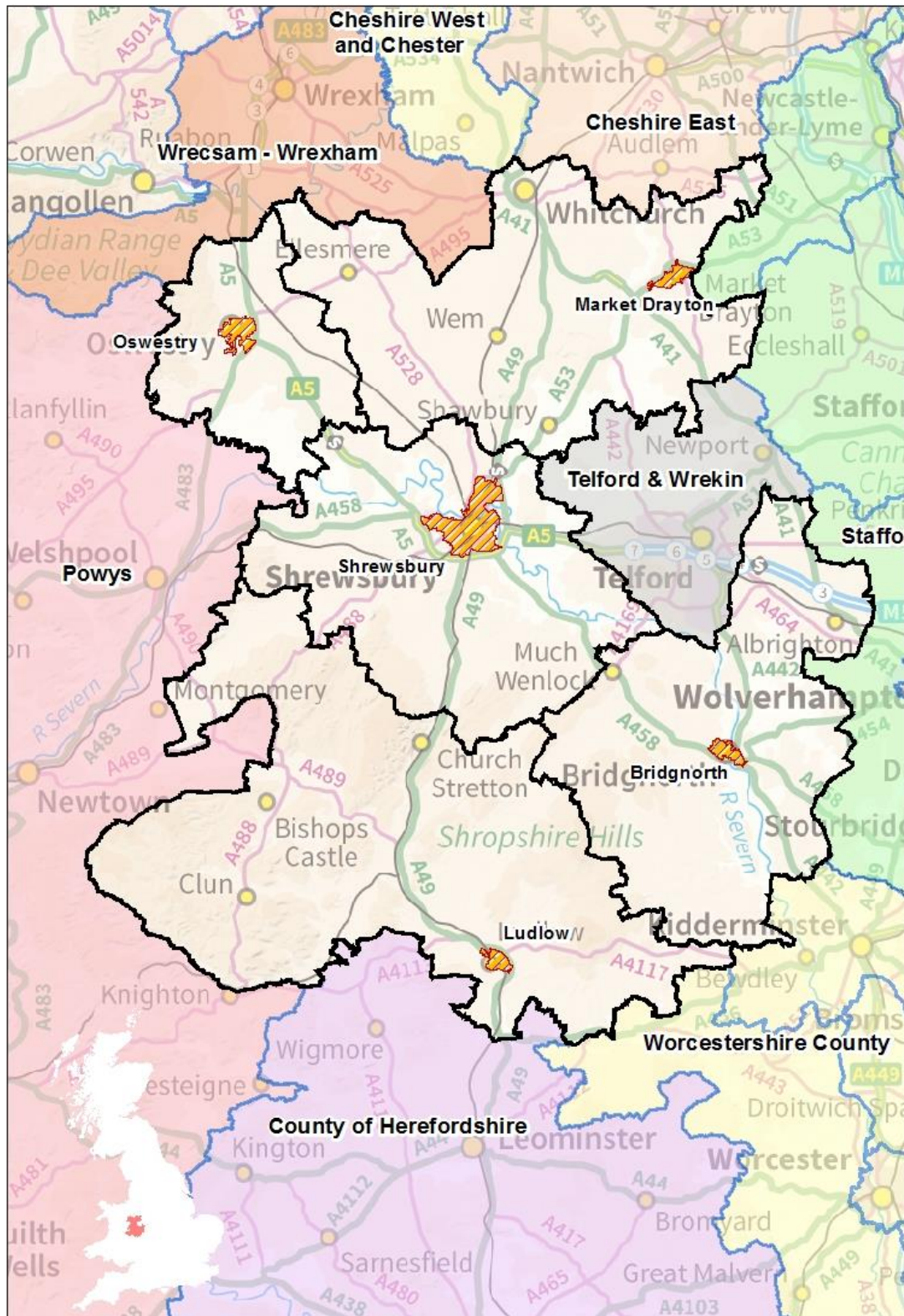
APPENDICES

Consultation copy

APPENDIX A

MAP OF GEOGRAPHICAL AREA OF THE ADMINISTRATIVE AREA OF SHROPSHIRE COUNCIL

Consultation Only



Key

Yellow shaded area shows settlements of a population of over 10,000 people.

APPENDIX B

LOCAL AREA PROFILE



OFFICIAL

PROBLEM PROFILE:

LOCAL AREA PROFILE – GAMBLING PREMISES

AUTHOR:

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INTELLIGENCE ANALYST

BUSINESS AND CONSUMER PROTECTION SERVICE

CREATED DATE:

17 JANUARY 2024

VERSION	DATE
V1	17012024
V2	09022024

Trading Standards & Licensing

Business and Consumer Protection Service

Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND. Tel: 01743 258765

- INTRODUCTION

The Gambling Act 2005 outlines provisions relating to gaming, betting and lotteries. The Act also established a system of shared regulation; the Gambling Commission are the national regulator, with Licensing Authorities acting as the local regulators.

There are 3 key objectives of the Gambling Act 2005 which guide the way regulators perform their functions, as well as the way that gambling businesses conduct their activities:

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

Local Licensing Authorities (LA's) have regulatory obligations under the Act for licensing gambling premises and issuing permits, in order to manage gambling provision locally. Licensing Authorities also have the ability to set fees in England and Wales.

LA's have a range of specific responsibilities, including:

- licensing and regulating premises for gambling activities
- considering notices given for the temporary use of premises for gambling
- granting permits for gaming and gaming machines in clubs and miners' welfare institutes
- regulating gaming and gaming machines in alcohol licensed premises
- granting permits to family entertainment centres for the use of certain lower stake gaming machines
- granting permits for prize gaming
- considering occasional use notice for betting at tracks
- registering small society lotteries¹⁸

In September 2015, the Gambling Commission revised the recommended approach to gambling licensing and regulation with a number of changes for licensing authorities that fall under three broad themes:

- increased focus on risk and regulation
- greater attention to local area risk, and
- encouraging partnership and collaboration between stakeholders to mitigate risk

In addition, from April 2016 all industry operators will be required to undertake local area risk assessments to identify the risks gambling venues pose to the licensing objectives.

Licensing Authorities have a requirement to develop, consult on, and publish a Gambling Act 2005 Policy Statement every three years in order to set out the approach to regulation and assist operators in terms of compliance. LA's are currently revising this statement ahead of implementation during 2025. The Gambling Commission encourages LA's to produce a policy

¹⁸ www.gamblingcommission.gov.uk

statement reflective of local issues in order to identify and reduce risks to the licensing objectives (as outlined above). This increased focus on risk requires an understanding of local areas in terms of vulnerable groups and geographical locations potentially linked to gambling related harm. Therefore, the need to develop a local area profile has been identified in order to inform and support the Gambling Act 2005 Policy Statement. An effective licensing regime can ensure vulnerable groups can be sufficiently supported, and high-risk localities managed via regulatory requirements.

- **AIM OF THE REPORT**

The following local area profile aims to summarise existing national research regarding gambling-related harm, as well as providing a local evidence base regarding vulnerable groups and geographical areas of potential risk. Data from various sources will be utilised to provide an understanding of current and emerging issues in order to support the Gambling Act 2005 Policy Statement, as well as identifying risks that will need to be considered by operators during the application process.

The report will also serve to support the decision-making process in relation to future licence applications in order to minimise the risks associated with gambling premises. Ultimately the findings will assist the Licensing Authority in terms of meeting the objectives and ensuring the specific needs of local communities are considered and vulnerable groups are protected.

It is acknowledged that there are additional datasets that need to be obtained in relation to the vulnerable groups identified locally, and data gaps will be addressed in order to produce a final report. The initial draft report is based on the analysis of data made available within specific time constraints.

All population rates are based on ONS mid-2020 population estimates for Shropshire, and geographical analysis has been completed at electoral ward level. Please note, COVID-19 restrictions will have had an impact on reporting trends during 2020/2021.

- **BACKGROUND: EXISTING RESEARCH – VULNERABLE GROUPS**

There is increasing public health concern regarding harmful gambling. Gambling related harms have considerable cost to the government and society (estimated to be between £1.05 – 1.77 billion), however no consensus on effective policies and interventions to reduce risk and prevent harm has been reached. The Gambling Act 2005 is now under review with an objective to find ways of better protecting vulnerable people¹⁹.

The Gambling Act 2005 identifies children and vulnerable people as a priority for regulatory focus. Existing research aims to understand the impact of gambling on vulnerable groups, however there is a lack of clarification regarding who is vulnerable and why. Similarly, the Act does not define what is meant by ‘harm’. The Gambling Commission has stated that whilst

¹⁹ Policies and Interventions to Reduce Gambling Related Harm, August 2022

they did not want to explicitly define who vulnerable people are, for regulatory purposes this is likely to include people who gamble more than they want to:

*'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, for example, mental health, a learning disability or substance misuse relating to drugs or alcohol'*²⁰.

The 2016 study 'Exploring area-based vulnerability to gambling related harm: Developing the gambling-related harm risk index' aimed to consider the types of people who may be at greater risk of harm from gambling and where they might be located. Via a process of consultation with key stakeholders, evidence assessment, and the availability of sufficient local data, the following criteria were utilised to develop indices of risk to gambling-related harm:

- Problem gamblers who are seeking treatment
- Substance abuse/misuse
- Poor mental health
- Unemployment
- Ethnic groups
- Youth
- Financial difficulties/debt
- Homelessness

Since then, a number of other research studies have been undertaken into the impact of gambling on groups that may be more vulnerable to the harms caused by gambling. As a result, the gambling vulnerability index has been revised to take account of new findings. The key at risks groups or behaviours have been identified as follows:

- Young people
- Unemployed and constrained economic circumstance
- Area deprivation
- Homeless
- Mental ill health
- Substance abuse/misuse
- Personality traits/cognitive distortions
- People who experience gambling harms and are seeking treatment

In 2020, it was reported that nationally 13% of the population were experiencing some level of gambling harm²¹, and it is recognised that there are inequalities in the extent to which groups of the population are affected by gambling. During 2021, Public Health England (PHE) published a comprehensive gambling-related harms evidence review which identified people

²⁰ Gambling Commission 2012

²¹ 2020 YouGov Treatment and Support Survey

at the greatest risk of harm are more likely to be unemployed and living in more deprived areas, have poor health, low life satisfaction and wellbeing, and have an indication of probable psychological health problems²². The categories of harm used for the review included the following:

- financial
- relationship disruption, conflict or breakdown
- mental and physical health
- cultural
- employment and education
- criminal activity

It is acknowledged that more work is needed to assess the scale of gambling related harm nationally and understand the factors that influence gambling behaviour in order to focus on prevention strategies. The Office for Health Improvement and Disparities (OHID) has committed to work in partnership with other government departments and key stakeholders to:

- address the knowledge gaps identified to improve data collection
- deliver effective and implementable responses to gambling-related harms

In order to explore vulnerability and harm at a local level, analysis will focus on key demographic and socio-economic datasets incorporating the above criteria where possible, in order to provide an evidence base in support of licensing objective 3 and ultimately assist in reducing the exposure of vulnerable people to gambling premises. It is recognised that there are gaps in terms of datasets utilised, however priority has been given to reliable local information made available in line with the time frame for completing this profile. Crime and Anti-Social Behaviour data has also been analysed, as these indicators are specifically linked to objective 1. The data has been mapped against ward boundaries, with the location of gambling premises also displayed in order to identify geographical areas of risk and correlations with other criteria.

- **GAMBLING PREMISES**

The UK has one of the biggest gambling markets in the world, generating a profit of 15.1 billion in 2022/23. For the year to March 2023, overall participation in any gambling activity (in the last four weeks) remained at 44% in line with the year previous²³.

Shropshire Council currently regulate 512 authorisations under the Gambling Act 2005; see overleaf for a full breakdown of the licence type.

²² PHE Gambling Related Harms Evidence Review 2021

²³ Gambling Commission: Gambling participation and problem gambling prevalence data

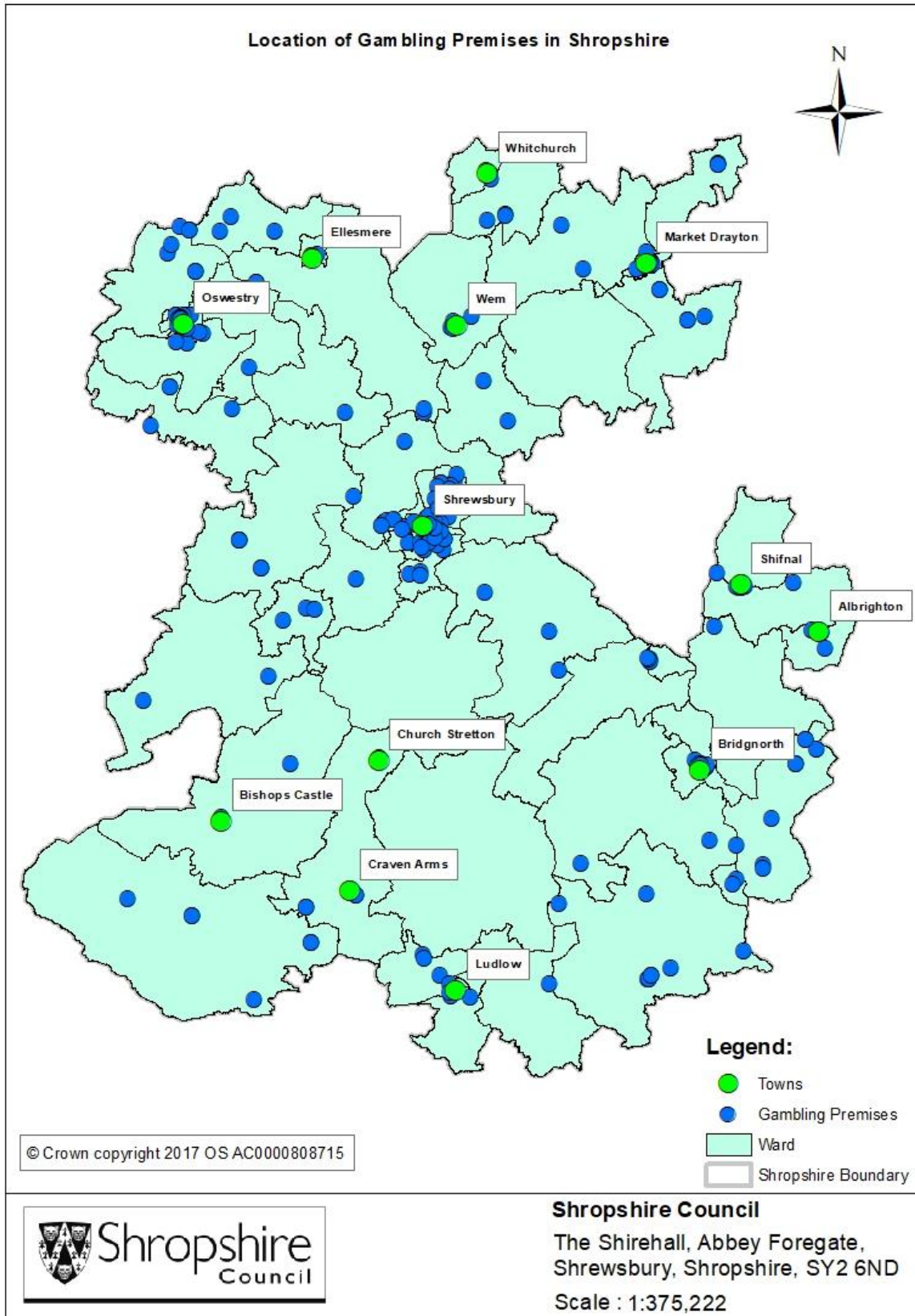
LICENCE TYPE	TOTAL
Small Society Lottery Registration	230
Alcohol Licensed Premises - Notification	221
Alcohol Licensed Premises - Permit	22
Betting Premises Other Than a Track	16
Club Machine Permits	13
Club Gaming Permits	5
Adult Gaming Centre	3
Betting Premises in Respect of a Track	1
Bingo Premises	1
Grand Total	512

Figure 1: Breakdown of licencetype

National research indicates a clear association between gambling at all levels of harm and increased alcohol consumption. As illustrated above, there is a clear link locally with premises licensed to sell alcohol; 47% of all gambling premises are also licensed to sell alcohol indicating further risk factors and vulnerable groups. For example, electronic gaming machines are often prevalent within licensed premises which increases the likelihood of impulsive gambling. This highlights availability and convenience as important regulatory concerns in relation to gambling provision.

For the purpose of this risk analysis, small society lotteries have been excluded from the remainder of the report; as people do not attend these premises in order to gamble, they do not pose a risk to those vulnerable to gambling related harm. Such premises are often schools, churches or community groups utilising raffles in order to raise financial funds, as such their inclusion will potentially distort the results in terms of identifying geographical areas of risk.

The place where a person gambles is an important factor in the management of risk to the licensing objectives, and local policies and plans should reflect the need for limits on gambling establishments in hotspot locations and areas of risk identified via the following profile. The map below displays the current location of gambling premises across Shropshire, and indicates cluster sites in the main county towns, with a higher concentration of premises in the Shrewsbury and Atcham district.



As illustrated, the highest number of premises are located in Shrewsbury. At a lower geographical level, the tables below identify the number and rate of premises licensed for gambling activities in relation to the top hotspot 5 wards.

WARD	TOTAL
Quarry and Coton Hill	28
Oswestry South	13
Bridgnorth East and Astley Abbots	13
Ludlow North	11
Whitchurch North	10
Bayston Hill, Column and Sutton	9
Cleobury Mortimer	9

Figure 2: Number of premises per ward

WARD	RATE PER 1000 POPN
Quarry and Coton Hill	5.67
Ludlow North	2.88
Oswestry South	2.88
Alveley and Claverley	1.93
Bridgnorth East and Astley Abbots	1.88
Belle Vue	1.52

Figure 3: Rate of premises per 1000 population by ward

Key findings: Quarry and Coton Hill in Shrewsbury recorded both the highest number and rate of premises licensed for gambling activities per 1000 population, indicating a key hotspot location regarding the supply and level of gambling activity. This ward encompasses Shrewsbury town centre; it is predominantly urban in nature and densely populated. The ward provides a wide range of shops, entertainment venues and other amenities, and also has a comparatively higher number of premises licensed to sell alcohol. The only bingo hall in Shropshire is also located in Quarry and Coton Hill. In 2021 there were 1208 recorded businesses within this particular ward, and the largest job sector is retail.

Aside from the physical location of premises licensed for gambling, local data is limited regarding the scope of gambling activity and further information is required in order to determine local participation levels. This issue has been acknowledged nationally, recognising a need to collate data across a range of services where harmful gambling has been a contributory factor in cases. Data collected in November 2022 as part of the Annual Great Britain Treatment and Support Survey, estimates that 1.9% of the local population are classed as problem gamblers, and 62% would like treatment, support or advice to deal with their gambling²⁴. The fiscal cost of problem gambling in Shropshire is £4.3 million. Open source research has identified a weekly Gamblers Anonymous group meeting in Telford, and several rehabilitation centres located in Shropshire. The 24-hour helpline number hosted by GamCare is provided via the Shropshire Council website in order to promote access to support services.

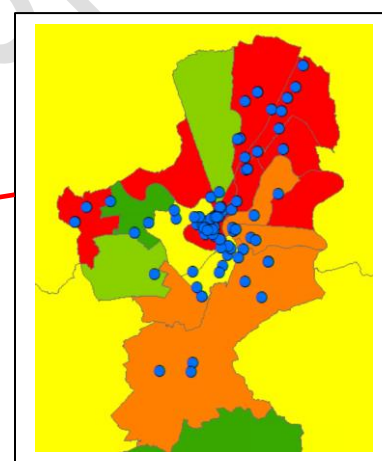
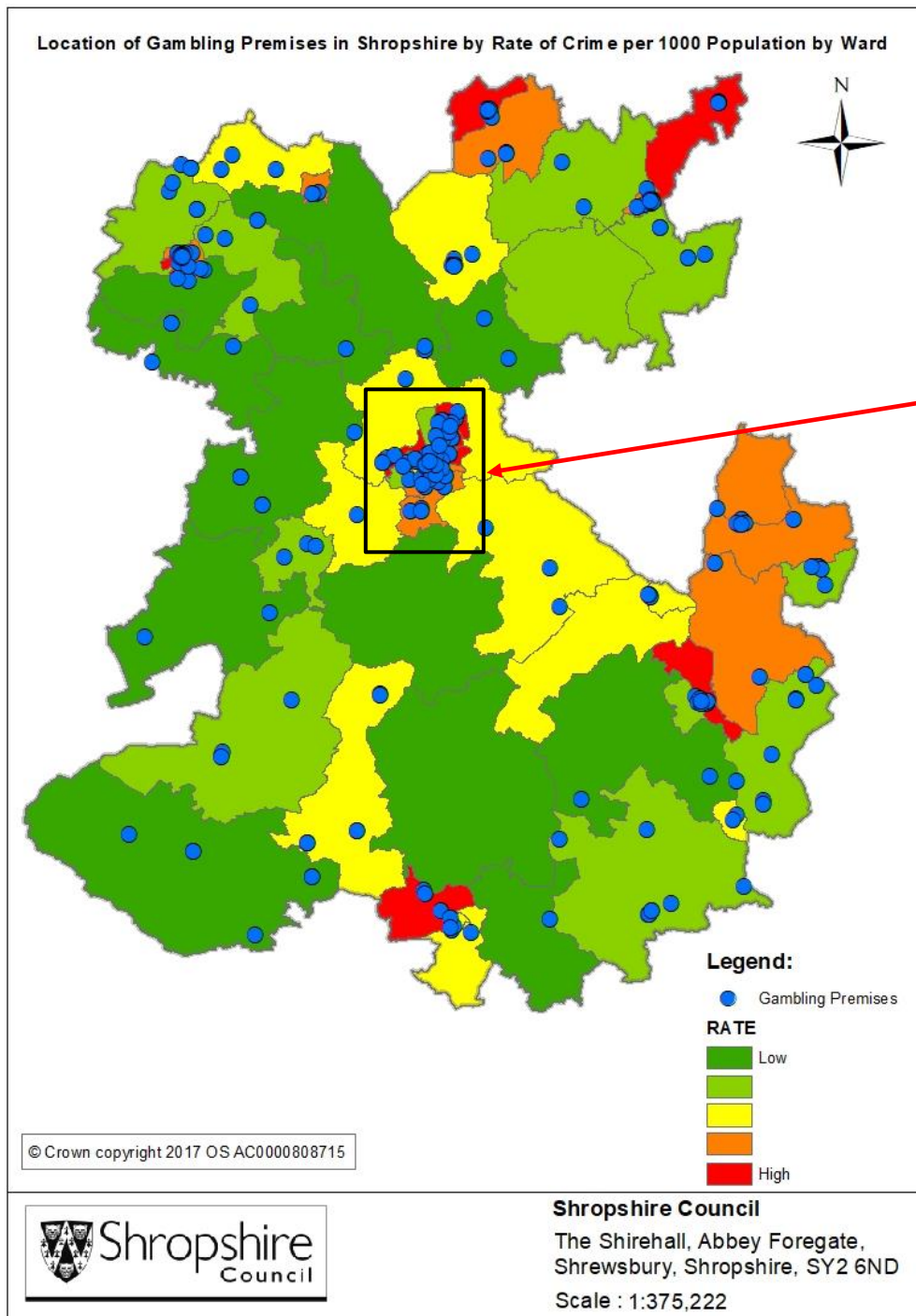
The remainder of the report focuses on risks associated with objective 1 of the Gambling Act, as well as identifying locations where individuals at risk of gambling related harm are located or more likely to frequent, in support of objective 3.

²⁴ [Gambling Prevalence, Harm & Support Map - Great Britain \(begambleaware.org\)](https://www.begambleaware.org/gambling-prevalence-harm-support-map-great-britain)

- CRIME AND ANTI-SOCIAL BEHAVIOUR

Objective 1 of the Gambling Act focuses on preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime. In order to identify hotspot areas, and any correlation with the location of existing gambling premises, crime data obtained from West Mercia Police has been analysed for the period April 2020 – March 2023.

The map below displays the location of gambling premises, alongside the rate of crimes per 1000 population by ward in Shropshire.



The tables below identify the top 5 hotspot wards with regard to both the number and rate of recorded crimes.

WARD	TOTAL CRIMES
Quarry and Coton Hill	3680
Bayston Hill, Column and Sutton	1943
Oswestry South	1940
Harlescott	1788
Castlefields and Ditherington	1502

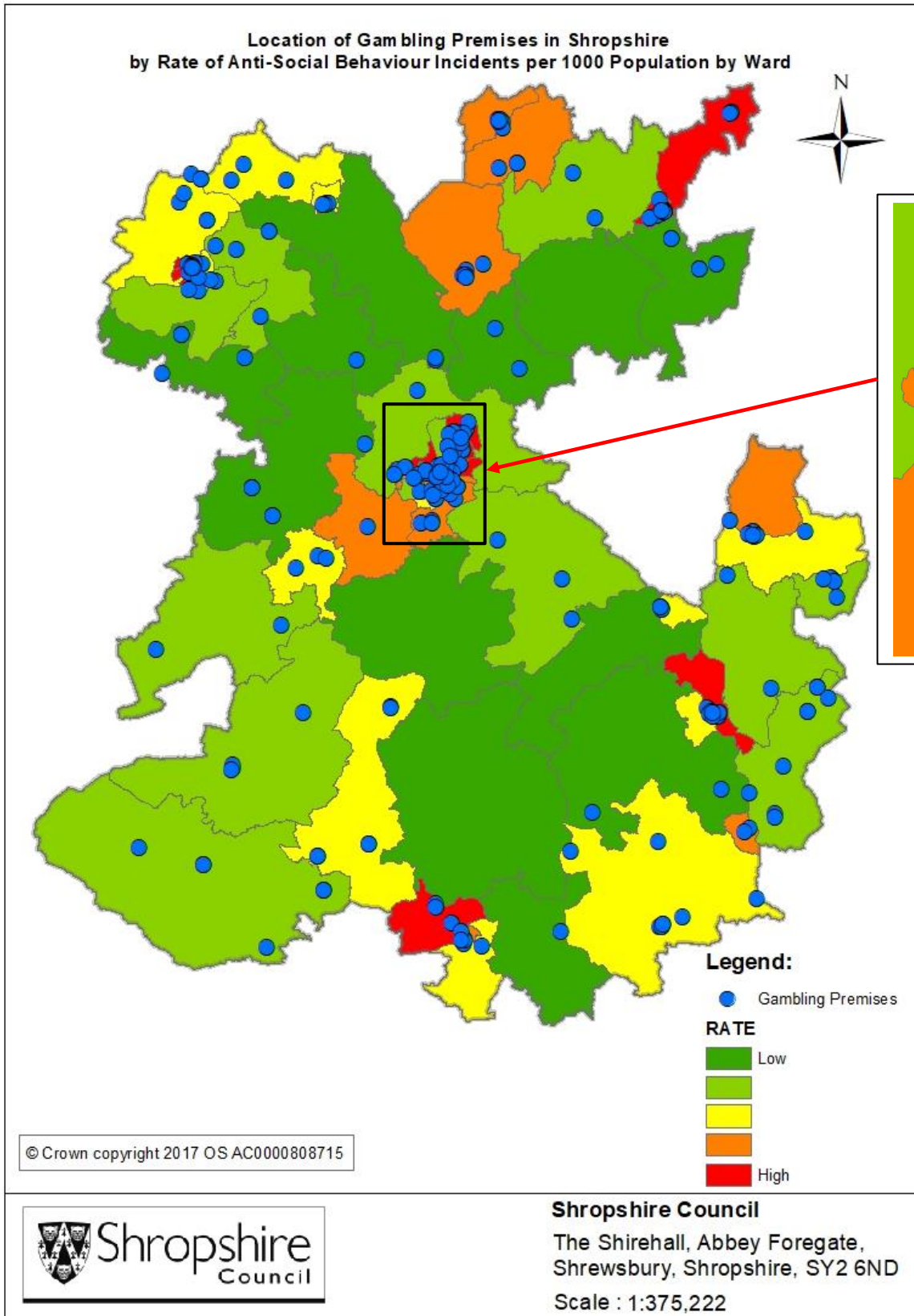
Figure 4: Number of Crimes per ward

WARD	RATE PER 1000 POPN
Quarry and Coton Hill	745.39
Oswestry South	430.44
Harlescott	360.19
Castlefields and Ditherington	325.81
Monkmoor	299.40

Figure 5: Rate of crimes per 1000 population by ward

Key findings: Quarry and Coton Hill has been identified as the hotspot ward in relation to recorded crime. As outlined previously, this ward includes Shrewsbury town centre and therefore incorporates a wide range of amenities including retail and commercial premises. A higher number of licensed premises are also located in this particular ward, indicating a correlation with the night-time economy. Indices of Multiple Deprivation (IMD) data for 2019 indicate that 64% of residents within this ward live in areas of higher deprivation in relation to crime. Oswestry South also features within the top 5 in relation to both crime volume and crime rate, as well as the number and rate of gambling premises.

Due to system changes, geocoded Anti-Social Behaviour (ASB) data provided by West Mercia Police is only available for the period 01 July 2020 – 31 March 2023. The map overleaf displays the location of gambling premises, alongside the rate of ASB incidents per 1000 population by ward.



As illustrated, key cluster sites regarding gambling premises do correlate with wards recording a higher rate of ASB. The tables below identify the top 5 hotspot wards in relation to both the number and rate of ASB incidents.

WARD	TOTAL INCIDENTS
Quarry and Coton Hill	1972
Oswestry South	843
Bayston Hill, Column and Sutton	811
Market Drayton West	692
Bridgnorth East and Astley Abbots	596

Figure 6: Number of ASB incidents per ward

WARD	RATE PER 1000 POPN
Quarry and Coton Hill	399.43
Oswestry South	187.04
Sundorne	129.67
Castlefields and Ditherington	124.51
Ludlow North	116.18

Figure 7: Rate of ASB incident per 1000 population by ward

Key findings: Again, Quarry and Coton Hill has been identified as the hotspot ward in relation to ASB, primarily due to the nature of the town centre location. Of note, more than double the number of ASB incidents were recorded in this ward in comparison to the second most problematic area (Oswestry South). Oswestry South features as a hotspot ward regarding both the volume and rate of incidents; this ward is predominantly urban in nature and 91% of residents live in areas of higher deprivation in respect of living environment.

Recommendation: With regard to future licence applications in relation to premises located in the wards identified above, ensure the required measures are in place to minimise the impact on increased crime and disorder levels; for example door supervision, adequate staffing levels, CCTV and other appropriate crime prevention tactics. Also consider the use of ASB powers to tackle any ongoing nuisance issues at existing gambling premises.

- DEMOGRAPHICS

AGE PROFILE

The third objective of the Gambling Act states that children should be protected from being harmed or exploited by gambling, and as such recognises young people as a vulnerable group. The legal age for most gambling products in the UK is 18, with the exception of lotteries, scratch cards and football pools which is 16²⁵. Recent studies have shown that young people, particularly students are more likely to engage in online gambling which is an area regulated by the Gambling Commission.

The Gambling Commission survey Young People and Gambling 2023, found that 26% of 11-17 year olds were actively involved in gambling in the last 12 months, having spent their own money on gambling activities. However, they were most likely to have spent their money on regulated gambling activities (19%). Removing arcade gaming, only 4% of 11 – 17 year olds spent their own money on regulated forms of gambling. The survey identified 0.7% of 11 – 17 year olds as problem gamblers, 1.5% as at risk and 23% as non-problem gamblers.

²⁵ Gambling Commission 2012

The 2019 Young People and Gambling survey found that the extent of gambling among children and young people (aged 11 to 16) was lower than drinking alcohol but higher than using e-cigarettes, smoking tobacco cigarettes, or taking illegal drugs. There may also be a relationship between these other harmful activities and gambling. Compared with children who have not gambled, those who have spent their own money on gambling are more likely to have consumed alcohol, taken drugs, or smoked either a tobacco cigarette or an e-cigarette.

Local data regarding the participation of young people in gambling activities is limited. However, consideration should be given to interventions which will ensure the prevention of underage gambling, as well as safeguarding measures in relation to the children of problem gamblers.

18% of the population in Shropshire are under 18, and 13% are of school age (aged 5-16 years). The table below displays the top 10 areas in relation to the rate of school children per 1000 population²⁶. The number of children by age is also displayed.

WARD	5	6	7	8	9	10	11	12	13	14	15	16	RATE PER 1000 POPN
Sundorne	58	70	57	60	75	74	53	62	64	66	60	50	177.24
Porthill	31	60	40	69	49	52	56	45	68	126	134	124	172.56
Underdale	63	58	65	68	74	53	60	73	65	44	61	50	162.93
Ruyton and Baschurch	45	50	36	54	45	63	67	70	77	72	77	65	162.46
Copthorne	37	45	42	50	54	61	62	81	65	55	60	55	152.84
Harlescott	74	55	69	73	73	63	51	65	60	54	55	63	152.10
Meole	53	45	49	62	64	59	60	63	57	73	55	51	151.67
Monkmoor	54	43	69	43	64	88	53	59	51	56	48	54	150.59
Whittington	59	43	62	39	53	55	54	56	50	49	51	55	146.98
Cheswardine	61	53	58	47	65	55	65	64	49	47	40	55	145.73

Figure 8: Top 10 wards - Rate of school aged children per 1000 population

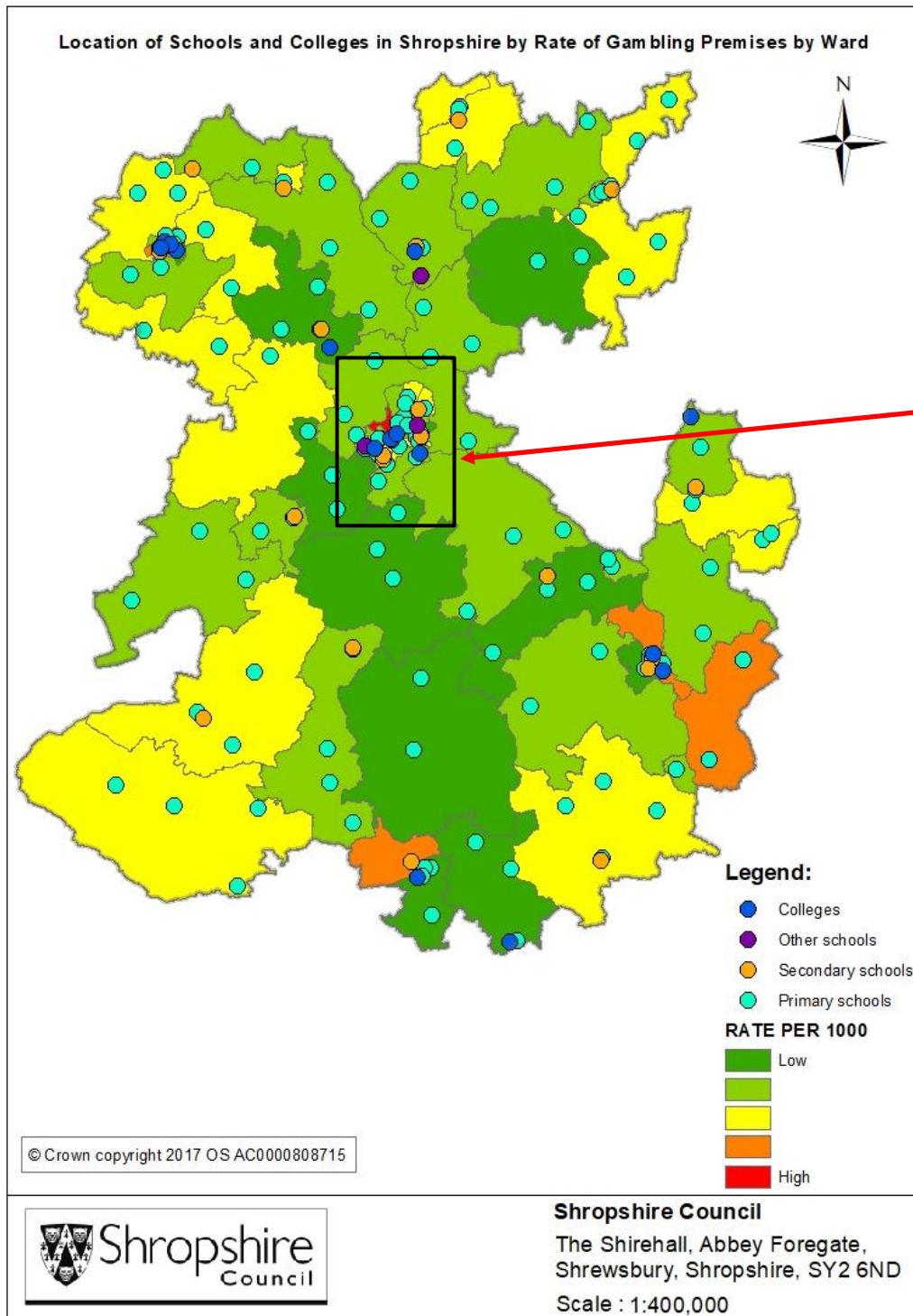
The provision of gambling activity in certain areas should be taken into consideration; for example, the proximity of gambling premises to schools. In order to identify locations where younger people will be present in greater numbers at certain points of the day, the map overleaf displays the location of all Shropshire schools and colleges alongside the rate of gambling premises per ward highlighting at-risk localities.

Key findings: Sundorne has the highest rate of school aged children across Shropshire; this area is predominantly urban in nature and densely populated. Of note, over half of residents in Sundorne live in areas of higher deprivation²⁷. Porthill also has a higher rate of school aged children, and this ward is adjacent to the gambling premises cluster site in Quarry and Coton Hill and as such should be considered a risk area. As outlined previously, the highest number of gambling premises are located in Quarry and Coton Hill ward; this area also contains Shrewsbury Sixth Form College Welsh Bridge Campus, the English Bridge Campus, as well as

²⁶ Mid-2020 Population Estimates, Office for National Statistics

²⁷ Overall IMD 2019

Coleham Primary School located just outside the ward boundary. Bridgnorth East and Astley Abbots ward contains the highest number of schools and colleges, and also features as a hotspot area regarding both the number and rate of gambling premises.



Recommendation: With regard to future licence applications in relation to premises located in the wards identified above, ensure the required measures are in place to prevent underage gambling and to protect young people from gambling related harm; for example age

verification controls, door supervision, prevention material and signposting regarding support services. Consider test purchase exercises in order to monitor compliance.

ETHNICITY

The report 'Exploring area based vulnerability to gambling related harm: Developing the gambling related harm risk index' (2016) found good evidence to support those from certain ethnic groups, such as Asian/Asian British, Black/Black British and Chinese/other ethnicity as being potentially more vulnerable to gambling-related harm. The Gambling Commission (2021) found that while people from ethnic minority communities may be less likely to gamble, those that do gamble may be more at risk of experiencing harm.

2021 Census data has been analysed in order to identify geographical areas with a higher percentage of residents from ethnic minority communities. Used alongside the additional criteria this information provides a useful indicator in terms of identifying the geographical location of groups potentially vulnerable to gambling related harm. The table below displays the top 10 wards.

WARD	NON-WHITE ETHNIC GROUP %
Bowbrook	10.5
Shifnal South and Cosford	8.3
Quarry and Coton Hill	7.9
Radbrook	7.3
Burnell	6.9
Porthill	6.5
Hodnet	6.2
Castlefields and Ditherington	6.0
Albrighton	5.9
Cophorne	5.3
Oswestry South	5.3

Figure 9: Top 10 wards – Percentage of residents from non-white ethnic groups

Of note, 7.1% of residents in Bowbrook are Asian, Asian British or Asian Welsh. All residents in this ward live in areas of higher deprivation in terms of barriers to housing and services, and just over 90% are also living in areas of higher deprivation in respect of living environment²⁸.

Recent studies have identified that new migrants may be disproportionately affected by gambling and can be particularly at risk of harm if coming from countries with stricter gambling restrictions.

Key finding: 6 of the top 10 wards with a higher percentage of residents from ethnic minority communities are located in Shrewsbury where there is a greater provision of gambling activities. At a ward level, Quarry and Coton Hill also has a more diverse population in terms

²⁸ IMD 2019

of ethnic groups and has also been identified as a high-risk locality regarding gambling provision, and crime and anti-social behaviour rates.

- SOCIO-ECONOMIC FACTORS

INDICES OF DEPRIVATION 2019

The Indices of Deprivation 2019 provide a set of relative measures of deprivation for small areas across England, based on seven different indicators which include the following:

- Income Deprivation
- Employment Deprivation
- Education, Skills and Training Deprivation
- Health Deprivation and Disability
- Crime
- Barriers to Housing and Services
- Living Environment Deprivation²⁹.

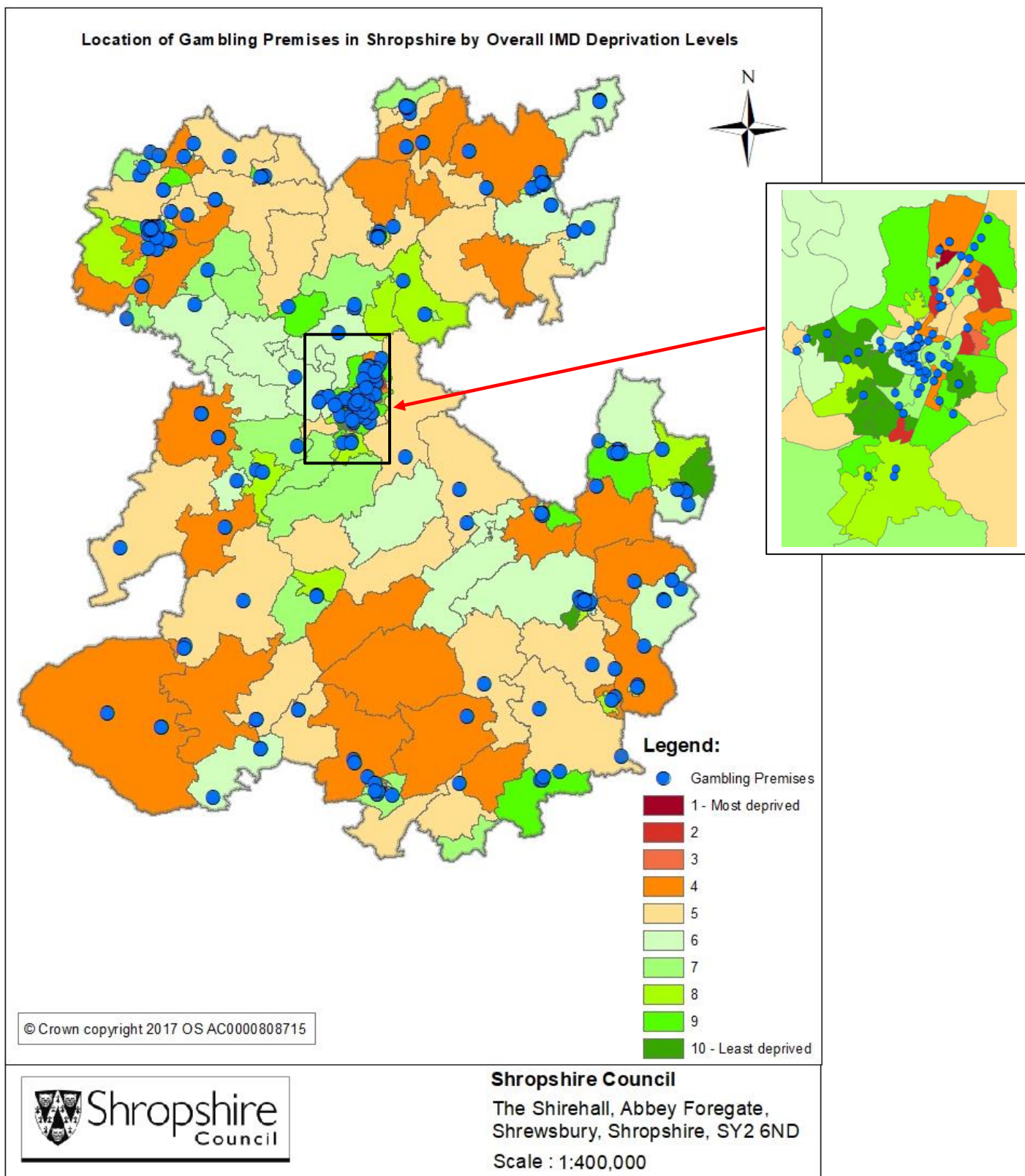
The IMD score is an important tool for identifying disadvantaged areas and can provide a useful indicator in terms of highlighting potential areas of risk in relation to gambling-related harm. National research has identified that the most socio-economically deprived and disadvantaged groups in England have the lowest gambling participation rates, but the highest levels of harmful gambling and they are also the most susceptible to harm. If there are no interventions to improve this situation, harmful gambling is likely to make existing health inequalities worse. In order to establish a picture of overall deprivation at ward level in Shropshire, an average score measure is calculated, and ensures values can be ranked with a rank of 1 (most deprived) assigned to the highest score. The table below displays the 10 most deprived areas in Shropshire.

ELECTORAL DIVISION	AVERAGE SCORE RANK
Harlescott	1
Monkmoor	2
Ludlow East	3
Castlefields and Ditherington	4
Sundorne	5
Worfield	6
Market Drayton East	7
Prees	8
Corvedale	9
Bishop's Castle	10

Figure 10: Top 10 wards – Average Deprivation Score

²⁹ Shropshire Snapshot Indices of Deprivation 2019; Shropshire Council

The map below displays the average deprivation score per ward across Shropshire, alongside the location of gambling premises.



Key findings: 4 of the top 10 wards are located in Shrewsbury; as outlined previously Shrewsbury has the greatest concentration of gambling premises. Harlescott has the highest

deprivation score, and although this ward does not feature as a hotspot in relation to the number or rate of gambling premises, it has been identified as a high-risk locality regarding crime levels. Over 80% of residents in Harlescott live in areas of higher deprivation. Of note, Castlefields and Ditherington features in the top 5 most deprived wards and is adjacent to Quarry and Coton Hill which contains the highest number of gambling premises.

UNEMPLOYMENT

Recent qualitative studies have identified that adult gamblers had lost jobs, were demoted or resigned due to gambling³⁰. There is considerable evidence that gambling directly causes financial harms to gamblers and their close associates. Annual Statistics from the National Gambling Treatment Service 2021/22 found that 63% of people who gamble reported having a debt due to their gambling, and 11% had experienced a job loss because of their gambling. Significant health impacts can arise as a result of unemployment, indicating further pressures on public health services.

The number of economically active unemployed residents (excluding full time students) has been considered in order to identify unemployment levels among resident populations, and indicate a potential precursor or consequence of gambling related harm. This data is based on the 2021 UK Census, and is a measure of whether or not a person was an active participant in the labour market. The table below displays the top 5 hotspot areas regarding the percentage of unemployed residents.

WARD	% UNEMPLOYED
Battlefield	5.5
Meole	3.5
Abbey	3.5
Sundorne	3.2
Harlescott	3.1
Castlefields and Ditherington	3.1
Underdale	3.0

Figure 11: Top 5 wards – % of unemployed residents

In order to further identify areas of increased income and employment deprivation, the table below displays the top 5 wards based on the number of people claiming Jobseeker's Allowance plus those who claim Universal Credit and are required to seek work and be available for work, during the period 01 January 2023 – 31 December 2023.

WARD	TOTAL
Whitchurch North	2125
Oswestry East	2040
Quarry and Coton Hill	1845
Market Drayton West	1680
Wem	1640

Figure 12: Top 5 wards – number of people claiming JSA and UC (Nomis)

³⁰ Gambling Related Harms Evidence Review 2021

Regarding areas of increased income and employment deprivation, the location of job centres, payday loan shops, food banks and homeless shelters are key location types in terms of identifying areas frequented by those likely to be experiencing financial difficulties. The COVID pandemic has had a significant impact on the labour market which has led to greater financial hardship; more specifically increased food poverty has led to a higher number of food banks. Key locations should be identified, and risk assessed in line with hotspot areas previously highlighted in relation to gambling supply.

Key findings: The top 5 wards regarding unemployment levels are all located in Shrewsbury. Quarry and Coton Hill ward features as a risk area in relation to income deprivation and has been identified as a hotspot area regarding gambling activity. Due to the town centre location, this ward is also more likely to contain job centres and pay day loan provision.

Recommendation: Research indicates that those living in deprived areas, as well as those experiencing financial difficulties are potentially more vulnerable to gambling related harm. Consideration should therefore be given to future licence applications for premises located in the areas posing a greater risk as identified above, alongside a focus on the availability of gambling awareness literature and support services.

- SUBSTANCE MISUSE

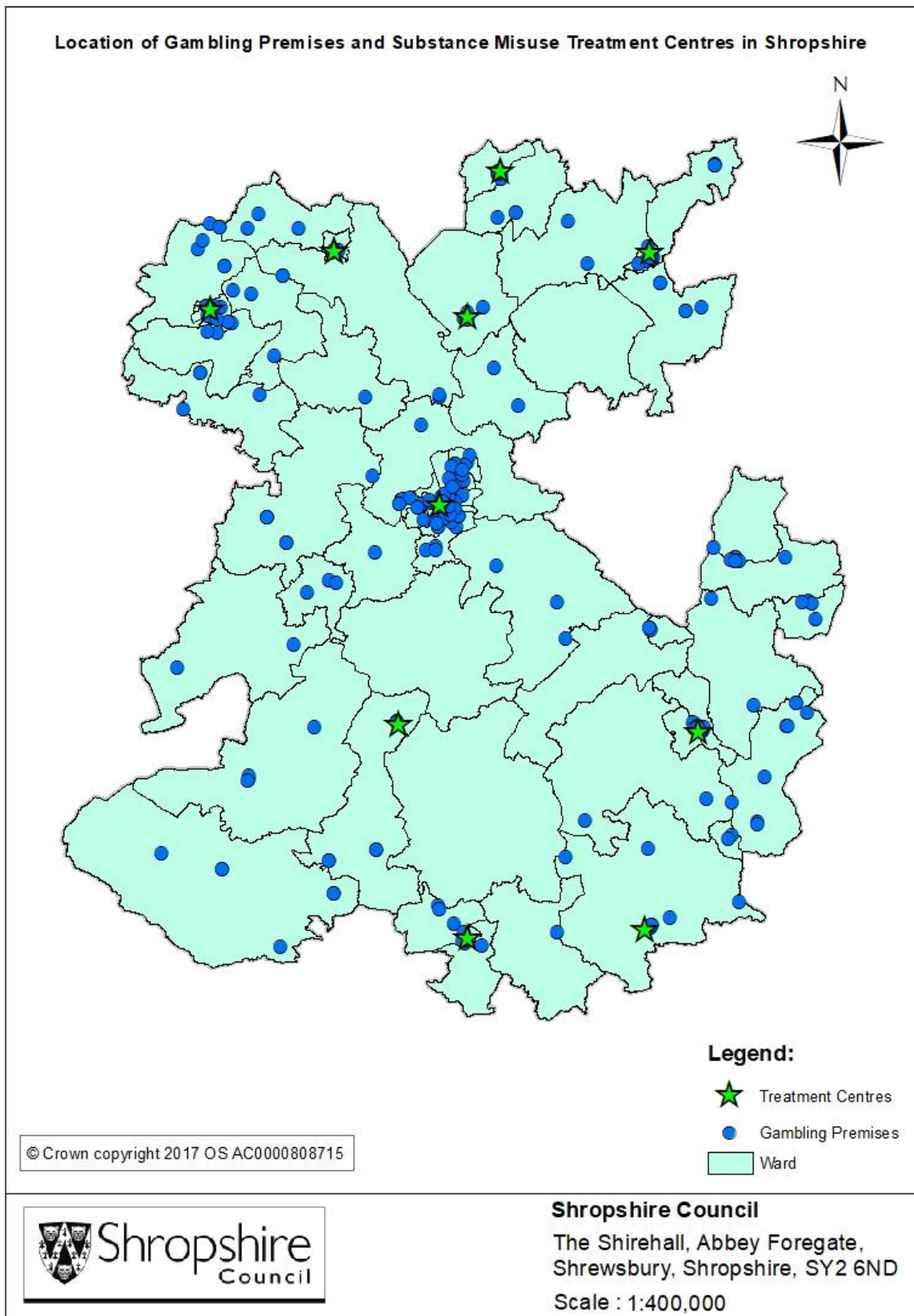
Individuals already experiencing addictions, particularly in relation to substance misuse are potentially vulnerable to gambling related harm. Drug and alcohol treatment centres are therefore likely to draw vulnerable people into specific locations. The map overleaf displays the location of treatment hubs in Shropshire, and their proximity to gambling premises.

Of note, Shropshire had a higher percentage of young people in treatment for alcohol dependence in 2020-21 than nationally, further identifying an at-risk group³¹.

Key findings: As would be expected, treatment hubs are located in town centre locations where the concentration of gambling premises is generally greater, particularly in Quarry and Coton Hill ward. In order to effectively identify geographical areas of concern, further data at ward level is required in relation to individuals accessing services and treatment for substance misuse issues.

Recommendation: As individuals attending drug and alcohol treatment centres are potentially more vulnerable to gambling related harm, ensure the adequate provision of gambling awareness literature alongside effective signposting regarding support services such as GamCare, in order to reduce the risks posed to the licensing objectives in hotspot areas identified.

³¹ Shropshire Drug and Alcohol Needs Assessment 2022/23



- CONCLUSION

Findings indicate that the highest number of risk areas are located within the Shrewsbury and Atcham district, which would be expected as this is the most densely populated area in Shropshire. At a lower geographical level Quarry and Coton Hill ward poses the greatest risk primarily due to the concentration of gambling premises, alongside crime and ASB rates posing risks in relation to objective 1 of the Gambling Act. These findings reinforce links with licensed premises provision and the night-time economy. Outside of Shrewsbury, a higher number of identified risk factors are linked to Oswestry; of note, Oswestry South has the second highest number of gambling premises across Shropshire.

The matrix below details the ward areas across Shropshire posing the greatest risk, alongside the specific indicator. This allows for the identification of risk type; this maybe the location of certain premises, or the location of groups vulnerable to gambling related harm. However, all areas outlined within the profile should be considered risk areas and future applications for gambling premises located in these wards should be evaluated in line with the findings of this report in order to effectively manage and minimise the impact of gambling related harm in line with the three key objectives of the Gambling Act.

WARD	GAMBLING PREMISES - NUMBER	GAMBLING PREMISES - RATE	CRIME RATE	ASB RATE	NO. OF SCHOOLS/ COLLEGES	RATE OF 5-16 YR OLDS	ETHNICITY	DEPRIVATION	UNEMPLOYMENT	CLAIMANTS
Quarry and Coton Hill	*	*	*	*						
Sundorne						*				
Harlescott								*		
Bowbrook							*			
Bridgnorth East and Astley Abbots					*					
Battlefield									*	
Whitchurch North										*

Figure 13: Risk Matrix – High Risk Localities

- RECOMMENDATIONS

This report provides a starting point in terms of identifying local risk factors requiring consideration in order to aid compliance with the key licensing objectives. However, it is important to build on this profile via engagement with other local authority departments and partner organisations in order to enhance the range of local risk factors considered. Additional datasets are required, and further in-depth analysis of key hotspot areas identified may also assist in targeting the provision of public health advice and specialised treatment services in order to ensure effective prevention strategies.

During October 2023, the LGA published the report 'Tackling gambling related harm: A whole council approach' and recommends that local authorities should seek to prevent exposure at a population level to harmful gambling products and practices. However, some individuals

may find certain circumstances, such as mental ill health or economic circumstances, are worsened by gambling, and this can widen inequalities as harmful products and practices are being targeted at those least able to withstand the harms. Many councils are now taking a public health approach to tackling gambling harms which looks at issues from a societal rather than an individual level. Locally, it is important to work alongside public health colleagues in order to further develop the range of indicators assessed via local area profiles.

Further national research on 'Harmful Gambling: Identification, Assessment and Management' is due to be published in spring 2024, and the findings should be fully reviewed and considered at a local level.

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APPENDIX C

SAFEGUARDING OF CHILDREN, YOUNG PEOPLE AND ADULTS WITH CARE AND SUPPORT NEEDS

1.0 SAFEGUARDING OF CHILDREN, YOUNG PEOPLE AND ADULTS WITH CARE AND SUPPORT NEEDS

1.1 Introduction

1.2 Set out below is information for gambling premises licence and permit holders and their employees to help them report, to the relevant authorities, matters of concern that could relate to the safety of children and vulnerable persons, particularly as it relates to child sexual exploitation and trafficking.

2.0 General information

2.1 Shropshire Council's Licensing Service is helping to tackle child sexual exploitation and trafficking by working together with key partners particularly West Mercia Police, Children and Adult Services within the Council and the Safeguarding Children Board. The Board also works with the police, children's social care, schools, health services and the youth offending team, as well as specialist child sexual exploitation organisations such as the child sexual exploitation National Working Group (NWG) Network.

2.2 Through agencies working together and sharing information, we aim to identify and prevent sexual exploitation, disrupt the activities of perpetrators, protect children and young people and prosecute perpetrators of sexual exploitation. Sharing information with West Mercia Police and Children's Social Care helps to protect young people from harm. Safeguarding children and young people is everyone's business and everyone's responsibility.

2.3 Child sexual exploitation is a crime that can affect any child, anytime, anywhere – regardless of their social or ethnic background.

2.4 Sexual exploitation of children and young people involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive something, e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money, etc. as a result of them performing, and/or another or others performing on them, sexual activities. Violence, coercion and intimidation are commonly involved in such exploitative relationships.

2.5 Child sexual exploitation involves perpetrators grooming youngsters and using their powers to sexually abuse them. Sexual exploitation of children and young people can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older boyfriend, or a young person having sex in return for attention, gifts, alcohol or cigarettes.

3.0 How gambling premises licence and permit holders and their employees can help tackle child sexual exploitation

3.1 Gambling establishment licence and permit holders and their employees are in a good position to help identify victims of sexual exploitation because, through the operation of certain gambling activities, licence and permit holders

and their employees regularly come into contact with children, young and vulnerable people. This means that licence and permit holders and their employees are in an ideal position to help protect young and vulnerable people.

- 3.2 In particular, licence and permit holders and their employees should ask themselves the following questions when they see young and vulnerable people in their gambling premises:
- Do any of your customers appear to be under 18 years old?
 - Are they with a much older person and appear to be in a relationship?
 - Do you think that they are under the influence of alcohol or drugs?
 - Are children/young people being brought regularly to your premises by older people? If so, ask yourself why?
- 3.3 **If the answers to any of the questions above gives you even the slightest cause for concern, these concerns should be reported in accordance with the relevant provisions relating to the 'Safety of children and vulnerable persons' detailed in the Council's Gambling Policy Statement.**
- 3.4 **If you have reason to suspect that a child is being abused or at risk of abuse it is your responsibility to report your concerns to and share information with West Mercia Police (Tel: 101) and Children's Social Care (Tel: 0345 678 9021).**
- 3.5 Further information about Shropshire's Safeguarding Children Board can be found at: <http://www.safeguardingshropshireschildren.org.uk>

4 SAFEGUARDING ADULTS

- 4.1 If an adult with care and support needs is experiencing or at risk of abuse or neglect and a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect, you may need to take urgent action to protect the adult. Your first priority is with the adult, to make them safe (including reporting to the police if immediate action is required). Ideally, support the adult to take action to stop the abuse, if they need to raise a concern with Shropshire Council to help them stop the abuse support that person to contact the First Point of Contact (FPoC 0345 678 9021), or you can report to FPoC on behalf of the adult if it is in the public interest to do so. In an emergency contact the police (999) or non-emergency 101.

- 4.2 Further information about the Keeping Adults Safe in Shropshire Board may be found at <https://new.shropshire.gov.uk/adult-social-care/where-can-i-get-help/concerned-about-someone/>

5 Modern slavery and human trafficking

- 5.1 How gambling premises licence and permit holders and their employees can help tackle modern slavery and human trafficking.
- 5.2 Modern slavery is a crime and a violation of fundamental human rights and can take various forms such as slavery, servitude, forced and compulsory labour and human trafficking.
- 5.3 In particular, gambling premises licence and permit holders and their employees should ask themselves the following questions:
- Is the victim in possession of a passport, identification or travel documents? Are these documents in possession of someone else?
 - Does the victim act as if they were instructed or coached by someone else? Do they allow others to speak for them when spoken to directly?
 - Was the victim recruited for one purpose and forced to engage in some other job? Was their transport paid for by facilitators, whom they must pay back through providing services?
 - Does the victim receive little or no payment for their work? Is someone else in control of their earnings?
 - Was the victim forced to perform sexual acts?
 - Does the victim have freedom of movement?
 - Has the victim or family been threatened with harm if the victim attempts to escape?
 - Is the victim under the impression they are bonded by debt, or in a situation of dependence?
 - Has the victim been harmed or deprived of food, water, sleep, medical care or other life necessities?
 - Can the victim freely contact friends or family? Do they have limited social interaction or contact with people outside their immediate environment?
- 5.4 Report something suspicious you spot to police or other authorities - it could be at a house in your street where suddenly large numbers of young women have been moved in and which then receives visitors all times of day and night; a café, nail bar or car wash where workers seem reticent to engage, not appropriately dressed for their work or increasingly ill fed and unkempt.
- 5.5 If there is an immediate danger to the suspected victim or if you think that the suspected victim is under 18, inform the police and call 999 as a matter of urgency.
- 5.6 **Modern Slavery Helpline:** 0800 0121 700

- 5.7 For **England and Wales**, please call our **24-hour confidential Referral Helpline** on **0300 303 8151** anytime of the day or night to refer a victim of trafficking or receive advice.

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APPENDIX D

EXTRACT FROM THE SHROPSHIRE COUNCIL CONSTITUTION SETTING OUT DELEGATIONS

Council Delegations

Gambling Act

Matter to be determined	Cabinet (unless otherwise specified)	Strategic Licensing Committee	Licensing Act Sub- Committee	Licensing Officer* (unless otherwise specified)
Final approval of the Licensing Authority Policy Statement	Council			
Policy not to permit casinos	X			
Fee setting	X			
Exemptions from fees				X (Team Manager responsible for the Licensing Function)
Application for premises licences			X where representations received and not withdrawn	X where no representations received or representations have been withdrawn
Application for a variation to a licence			X where representations received and not withdrawn	X where no representations received or representations withdrawn
Application for a transfer of a licence			X where representations received from Commission or responsible authority	X where no representations received from Commission or responsible authority
Application for a provisional statement			X where representations received and not withdrawn	X where no representations received or representations withdrawn

Appendix A

Initiating a review of a premises licence				X (Head of Service)
Review of a premises licence			X	
Whether representations are irrelevant, frivolous, vexatious or 'certain not to influence the determination'				X
Application for club gaming/club machine permits			X where objections made and not withdrawn	X where no objections made or objections withdrawn
Cancellation of club gaming/club machine permits			X	
Applications for other permits				X
Cancellation of licensed premises gaming machine permits				X
Consideration of temporary use notice				X
Decision to give a counter notice to a temporary use notice			X	

X indicates the lowest level to which decisions can be delegated

*Or equivalent if post designations are amended

APPENDIX E

CRIMINAL RECORD DISCLOSURE

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1.0 Suitability of an applicant to hold a UFEC Permit, Prize Permit and Small Society Lottery Registration

1.1 The Council has a responsibility for determining the suitability of applicants to hold an UFEC or a Prize Permit and to ensure that persons submitting Small Society Lottery applications have no relevant convictions. The principles set out below will be taken into account.

1.2 The Council will not grant a permit to anyone unless it is satisfied that they are a suitable applicant. The Council will consider the following criteria when assessing the suitability of an applicant:

- the integrity of the applicant;
- the competence of the applicant to carry on the permitted activities in a manner consistent with the licensing objectives; and
- the financial and other circumstances of the applicant and in particular the resources likely to be available for the purpose of carrying on the permitted activities.

1.3 In order to ensure the Council is in a position to make as accurate an assessment of the applicant's suitability to hold a permit as is reasonably practicable, all applicants (including sole traders, partnerships and companies) on initial application and renewal must:

- provide a satisfactory basic criminal record disclosure from the Disclosure and Barring Service (applicants can apply to the Disclosure and Barring Service by telephone on 03000 200 190, online at www.gov.uk/request-copy-criminal-record or by email at customerservices@db.s.gsi.gov.uk³²;
- have a satisfactory check in respect of enquiries made through the Council's Care First system (or equivalent if this is replaced or if it necessary to seek details from other local authorities), directly with West Mercia Police (or other relevant force), other local authorities and any other organisation, agency or person that the Council has deemed appropriate to seek information from;
- provide evidence of relevant qualifications, training and/or experience to demonstrate their competence to carry on the permitted activities
- provide evidence of their general level of solvency, in particular in terms of the financial resources they intend to use for the purposes of carrying on the permitted activities; and
- have two satisfactory references from either professional or business sources who have known the applicant for at least two years and are in a position to comment on the applicant's general character, standing in the community, experience of working in the gambling industry and financial position. (NB the Council will not accept references from family members.)

³² The Council follows the Disclosure and Barring Service (DBS) Code of Practice for Registered Persons and Other Recipients of Disclosure Information (April 2009) and abides by the handling of DBS certificate information requirements on the secure storage, handling, use, retention and disposal of disclosure certificates and certificate information. Further information about the DBS can be found on the GOV.UK website at: <https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>. Where practical, the Council encourages the use of the DBS Update Service for all applicants.

NB For partnerships or companies, the above requirements apply to all partners and directors/company secretaries.

- 1.4 Persons who have not been resident within the United Kingdom for the five years prior to submitting an application, will be required to produce a certificate of good conduct or equivalent document (at their own cost) issued by the relevant Embassy or High Commission. The certificate must be authenticated, translated and sealed by the Embassy or High Commission. In the event that an applicant is not able to obtain a certificate of good conduct, they may submit a statutory declaration with regard to their conduct, which must be completed in the presence of a practising solicitor. The Council may contact the relevant Embassy, High Commission, solicitor or other appropriate body to verify any documents provided. Proof of a right to work in the United Kingdom will also be required. Contact details for Embassies and High Commissions can be found from the Foreign & Commonwealth Office (FCO) on the GOV.UK website at <https://www.gov.uk/government/world>. The FCO may be contacted for further assistance by telephone on 020 7008 1500, by email at fcocorrespondence@fco.gov.uk or by post at the FCO, King Charles Street, London, SW1A 2AH.
- 1.5 With specific reference to existing permit holders, where there is any cause for a permit to be reviewed, the Council will request the permit holder obtain a further basic criminal record disclosure, the cost of which lies with the permit holder. Where a permit holder refuses to obtain a further disclosure report, the Council will take this into consideration in determining their continuing suitability to hold a permit.
- 1.6 When assessing the suitability of an applicant to hold a permit, the Council will consider the applicant's criminal history as a whole, together with all other relevant evidence, information and intelligence including their history (e.g. complaints and positive comments from the public, level of previous compliance, and willingness to co-operate with Council officers) whilst holding a permit from the Council or any other authority. Particular attention will be given to patterns of behaviour, irrespective of the time-scale over which they have occurred, both in terms of proven criminal offences and other behaviour/conduct that may call into question the integrity, competence and/or financial standing of the applicant that may, in turn, indicate the safety and welfare of existing and potential customers may be at risk from the applicant.
- 1.7 In addition, the Council considers that an important element associated with the suitability to continue to hold a permit is the appearance and behaviour of the applicant. Consequently, the Council requires all permit holders to maintain a reasonable standard of appearance and behaviour when in contact and dealing with customers, the general public, other licensed/permitted operators, Council officers and elected members at all times.
- 1.8 Applicants and permit holders must also co-operate with any reasonable request made by an authorised officer of the Council, any police officer or other person with relevant enforcement powers under the Act.

- 1.9 The Council will also consider all criminal history, behaviour and conduct irrespective of whether the specific history, behaviour or conduct occurred whilst permit holders were directly engaged in permitted work at the time or whether they occurred during the permit holder's own personal time.

2.0 Criminal record disclosure

- 2.1 The Rehabilitation of Offenders Act 1974 applies to persons who wish to apply for a permit. This means that convictions (not all) and cautions become spent in accordance with the provisions of the 1974 Act.
- 2.2 Although cautions are generally not as serious as convictions, they do require an admission of guilt before they can be issued and are therefore a valuable indication as to an applicant's character and whether they are a suitable person to be granted or hold a permit.
- 2.3 The Council does not deem that a criminal record automatically bars an applicant from holding a permit; however, it will be a significant factor when determining whether a permit ought to be granted or not. Where an applicant has previous criminal convictions, these will be considered in line with the guidance set out under 'Relevance of Criminal Convictions and Cautions' below, taking into account the 'relevant offences' listed in Schedule 7 of the Gambling Act. However, the over-riding consideration will always be to ensure the safety and welfare of the permit holder's existing and potential customers.
- 2.4 Where an applicant is the subject of an outstanding charge or summons, their application may continue to be processed; however, depending on the circumstances, it is unlikely that a decision on the application will be made until the conclusion of the criminal proceedings.
- 2.5 Where the outstanding charge or summons involves a serious offence and/or the individual's offending history and behaviour/conduct indicates a pattern of unlawful or unacceptable behaviour/character traits, then the application is likely to be refused.
- 2.6 Where there is evidence/information that an applicant has been arrested or charged but not convicted of offences but the nature of this evidence/information suggests the applicant may not be a suitable person, the Council will give serious consideration to refusing an application or revoking an existing permit.

3.0 RELEVANCE OF CRIMINAL CONVICTIONS AND CAUTIONS

3.1 Introduction

- 3.2 The purpose of this section is to provide additional guidance to determine whether or not an applicant or an existing permit holder is a suitable person to hold a UFEC or Prize Gaming Permit as it relates specifically to convictions and cautions.

- 3.3 The guidance has been produced to assist the Council in its decision-making and to maintain the consistency of the decisions made. It has also been formulated to provide clearer information to current and potential applicants, with a view to minimising the cost and time spent on the licensing process by both the Council and the applicant.
- 3.4 The aim of the guidance is not to punish the applicant twice for a conviction or caution but to ensure that public safety is not compromised. The Council cannot review the merits of any conviction.
- 3.5 Each case is to be decided on its own individual merits and, where the circumstances demand, the decision-making body may depart from the guidance in which case the reasons for this will be made clear.

4.0 Legislation

- 4.1 Schedule 10 (Paragraph 7) and Schedule 14 (Paragraph 8) of the Gambling Act 2005 sets out that the Council may prepare a statement of principles that it proposes to apply in exercising its functions in relation to UFEC and prize gaming permits and in doing so may, in particular, specify matters that the Council proposes to consider in determining the suitability of an applicant for a permit.
- 4.2 The Council has prepared a statement of principles in respect of UFEC and prize gaming permits and has agreed that unless it is satisfied that the person is a suitable applicant in terms of integrity, competence and financial solvency, it will not issue an UFEC Permit or a Prize Permit.
- 4.3 The wording of the statement of principles makes it clear that the Council will only grant a permit if it is satisfied that the person is suitable.

5.0 Defining 'suitability of an applicant'

- 5.1 There is no legal definition as to what definitively constitutes a 'suitable applicant'. However, because of the potential vulnerability of the customers that permit holders may come into contact with, it is incumbent on the Council to take a very robust stance when deciding whether or not a person is suitable to hold a permit granted by the Council.

- 5.2 In essence, a suitable applicant will be:

- Honest and trustworthy
- Not abusive, violent or threatening
- Knowledgeable and competent in the area of gambling law and practice
- Able to communicate effectively with customers

6.0 The Council's approach when considering convictions

- 6.1 The disclosure of any convictions or cautions will not necessarily mean an applicant is an unsuitable applicant and, therefore, automatically prevented

from being issued a permit. However, the Council will have regard to all live convictions and cautions and they will be assessed accordingly. Consideration will be given, but not restricted to, the following:

- How relevant the offence(s) are to the permit being applied for.
- How serious the offence (s) were.
- When the offence(s) were committed.
- The date of conviction.
- The extent of any mitigating factors.
- Sentence imposed by the court.
- Whether the offence(s) form part of a pattern of offending or indicate a pattern of unacceptable behaviour.
- Any other character check considered reasonable, e.g. personal references.
- Any other factor that may be relevant.

6.2 If the Council has any doubts as to the suitability of an applicant/existing permit holder, then an application must be refused or permit revoked until those doubts can be effectively allayed through the provision of further adequate evidence.

6.3 If the applicant or holder of a permit has notified the Council of a conviction but is appealing against it to a higher court the matter will be referred to the Licensing Act Sub-committee for a decision as to whether the permit ought to be revoked.

7.0 Patterns of behaviour

7.1 A series of offences or a pattern of behaviour/conduct over a period of time is more likely to give cause for concern than an isolated conviction/incident. However, that is not to say that an isolated conviction/incident cannot give cause for concern in its own right, particularly where it relates to a serious matter. In such circumstances, the Council will give significant consideration to refusing to grant a permit or to revoking an existing permit.

7.2 A serious view will always be taken where an applicant shows any tendency towards criminal and/or unacceptable/inappropriate behaviour patterns. In such instances, the Council is unlikely to consider such an applicant/existing permit holder is a suitable proper person to hold a permit and will give significant consideration to refusing to grant a permit or to revoking an existing permit.

8.0 Rehabilitation periods

8.1 Detailed guidance (effective March 2014) on the Rehabilitation of Offenders Act 1974 is available on the GOV.UK website at <https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974>

- 8.2 A person with a conviction for an offence need not be automatically barred from obtaining a permit. However, they would be expected to remain free of conviction for an appropriate period of time (as set out in Tables A and B below) and demonstrate adequate evidence that they are a suitable person to hold a permit. The onus is on the person to produce such evidence.

NB Simply remaining free of conviction will not generally be regarded as adequate evidence that a person is a fit and proper person.

Table A

Sentence	Rehabilitation period (applies from the end date of the sentence, including any licence period)
Custodial sentence* of over 48 months, or a public protection sentence**	Never spent
Custodial sentence* of over 30 months and up to and including 48 months	7 years
Custodial sentence* of over 6 months and up to and including 30 months	4 years
Custodial sentence of 6 months or less	2 years
Community order	1 year

*Custodial sentence includes both an immediate custodial sentence and a suspended sentence.

**Public protection sentence means a sentence of imprisonment imposed for specified sexual and violent offences as set out in Schedule 15 of the Criminal Justice Act 2003. (Equivalent provisions of the Armed Forces Act 2006 are also applicable.)

Table B

Sentence	Rehabilitation period (applies from the date of conviction)
Endorsement for a road traffic offence imposed by the court or a FPN; or if a driving licence is revoked or refused on medical grounds by the DVLA (or other body responsible for issuing the driving licence)	5 years
Penalty points for a road traffic offence	3 years
Driving disqualification*	when the disqualification ceases to have effect
Community order with no specified end date	2 years
Fine	1 year
Conditional discharge	Period of the order
Absolute discharge	None

Conditional caution	3 months or when the caution ceases to have effect if earlier
Simple caution	Spent immediately
Compensation order	On the discharge of the order (i.e. when it is paid in full); individuals must obtain and retain proof of payment from the court
Binding over order; Attendance centre order; Hospital order (with or without a restriction order)	Period of the order

* Disqualified' – refers to the period of disqualification actually served in order to take account of the fact that a court may reduce the period of disqualification; an applicant must provide evidence to prove that the court agreed a reduction in the period of disqualification.

- 8.3 Where a person does not satisfy the rehabilitation periods referred to in the tables above, then the Council will refuse to grant a new permit or revoke an existing permit until the applicant is in a position to satisfy them.
- 8.4 The specific periods of rehabilitation are not intended to be taken as definitive time periods by which an applicant/permit holder is automatically granted a licence simply on the basis that the rehabilitation period has elapsed. Rather they are intended to give parameters for consideration when taken with the overall history of an applicant/permit holder in order to assist the Council to determine whether an applicant/existing permit holder is a suitable person or not. The rehabilitation periods will not be considered in isolation.
- 8.5 The Council will not grant a permit to an applicant who has been convicted of a specified sexual or violent offence unless significant and exceptional circumstances apply.
- 9.0 Gambling offences**
- 9.1 In addition to the consideration of rehabilitation periods, where an existing permit holder is found guilty of gambling related offences or multiple breaches of permit requirements, permit holders will be referred to the Licensing Act Sub-Committee with a view to determining whether the permit should be revoked.
- 10.0 Right of appeal**
- 10.1 Any applicant refused a permit on the grounds that they are not a suitable person, or who has had their permit revoked has a right of appeal by way of written complaint, to the Magistrates' Court within 21 days of the notice of decision.
- 11.0 Conclusion**
- 11.1 Any applicant having a previous or current conviction should not, in principle, debar them from obtaining a permit. However, previous convictions are a

significant factor in the decision-making process and it will inevitably be more difficult for such applicants to obtain a permit. It is this Council's policy to consider the protection of the public above all else by ensuring all holders of permits are honest and trustworthy, will not be a threat to the public, are competent in their role and able to communicate effectively. In doing so, the Council will focus on the background of an applicant as a whole and will not consider individual offences and their rehabilitation periods identified above in isolation from other factors, in particular patterns of unacceptable or inappropriate behaviour and conduct that may not necessarily be linked to proven convictions.

Consultation copy

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Shropshire Council
Equality, Social Inclusion and Health Impact Assessment (ESHIA)
Stage One Screening Record 2023

A. Summary Sheet on Accountability and Actions

Name of proposed service change
Gambling Act 2005 Policy Statement 2025 to 2028

Name of the officer carrying out the screening
Mandy Beever, Transactional Management and Licensing Team Manager

Decision, review, and monitoring

Decision	Yes	No
Initial (Stage One) ESHIA Only?	✓	
Proceed to Stage Two Full ESHIA or HIA (part two) Report?		✓

If completion of a Stage One screening assessment is an appropriate and proportionate action at this stage, please use the boxes above, and complete both part A and part B of of this template. If a Full or Stage Two report is required, please move on to full report stage once you have completed this initial screening assessment as a record of the considerations which you have given to this matter.

Actions to mitigate negative impact or enhance positive impact of the service change in terms of equality and social inclusion considerations
<p>There have not been any significant changes to the revised policy. This should not be perceived as a negative; rather it demonstrates that the fundamental principles that were established in the 2016 – 2025 policies and continued within the 2025 – 2028 policy are sound and remain relevant.</p> <p>Across all nine national Protected Characteristic groupings as set out in the Equality Act 2010, based on feedback from the previous formal consultation, the impact is predicted to be ‘low positive’. The impact in reality is anticipated as being neutral – neither positive nor negative – with no anticipated need to take specific actions to mitigate or enhance the impact. From an intersectionality perspective, the assessment seeks to take into account children and young people who are looked after by Shropshire Council and the families of children in need, when considering the ‘Age’ grouping as well as adults with care and support needs, e.g. adults with learning disabilities and their carers, when considering the ‘Disability’ grouping.</p>

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The changes to the policy do not breach any individual or group's human rights; the policy sets out processes and procedures that aim to protect human rights, in particular those rights that relate to a right to a fair trial, no punishment without law and right to respect for private and family life. If the policy were not followed, there is a risk that human rights may be breached.

There will be ongoing efforts to engage with people in the Protected Characteristic groupings, particularly where low levels of responses to consultation have been received.

Actions to mitigate negative impact or enhance positive impact of the service change in terms of health and wellbeing considerations

It is recognised nationally that there is a greater need to focus on understanding and mitigating gambling related harm more broadly, rather than focussing on problem gambling alone. In this respect, the revised policy statement emphasises the Council's focus on protecting children and young people, particularly in relation to child exploitation, and also young people and adults with care and support needs.

The Gambling Commission has emphasised the need to incorporate the work of Public Health colleagues to further support the greater need to identify areas of concern and focus on gambling related harm. An informal consultation has been undertaken with Shropshire Councils Public Health Team, including the Director of Public Health, their formal response will be incorporated into the draft Gambling Act 2005 Policy Statement 2025 to 2028 at the end of the consultation.

There are additional potential impacts around gambling, for society as a whole, in terms of antisocial behaviour and crime and disorder. The Council is accordingly setting out within the policy how the Council intends to proactively promote the three Gambling Act licensing objectives, namely:

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

The Council's ten Organisational Principles will also impact on the approach taken to implement and deliver the revised policy over its three-year lifetime. The following four Principles are of particular relevance:

- Put Shropshire back in the community
- Make digital the preferred way to work and transact
- Focus on outcomes for customers

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- Make decisions based on current data and intelligence

Actions to review and monitor the impact of the service change in terms of equality, social inclusion, and health considerations

The policy will be the subject of continuous evaluation and, if necessary, formally reviewed at any time. At the time of review all relevant stakeholders will again be consulted. Any gambling industry representative may request a review of the policy at any time. This is made clear in the policy itself. In addition, the Council's 'local area profile' will continue to develop over time and will be influenced by information and intelligence gathered from key partners and other stakeholders. This links into our strategic equality action to proactively collect equality data, as well as our organisation objective to make decisions based on current data and intelligence. As a result, the local area profile will be the subject of additional review and revision outside the wider policy review process.

There will be ongoing dialogue with all stakeholders and, in particular, with gambling industry representatives through direct contact with the Licensing Team. This will provide the opportunity for stakeholders to provide feedback on any matter. A dedicated telephone number and email address is and will continue to be generally publicised on the Council's website for all stakeholders, including members of the public, to provide feedback on the impact of the changes made to the policy. All feedback will be recorded either on the Idox system (or any subsequent replacement system) used to administer the licensing regime or in appropriate electronic files maintained by the Transactional Management and Licensing Team Manager. This approach is likely to advance equality of opportunity and foster good relations on an ongoing basis.

With respect to 'age' and 'disability' groups, in particular around the Council's safeguarding responsibilities, there will be ongoing dialogue with the Shropshire Safeguarding Children Board and the Keeping Adults Safe in Shropshire Board. In addition, dialogue with West Mercia Police and those service areas within the Council that have particular responsibilities for the care of children, young people and adults with care and support needs, i.e. currently Children Services and Adult Services, will occur as a result of the increasing role that officers from these services play in the licensing processes.

The ESHIA screening carried out in 2021/2022 has been updated only to clarify the groupings for whom there will be anticipated direct impacts, and with whom there will continue to be efforts made to ensure that impacts are kept under review, remain as follows: Age, in relation to children and young people; and Disability, in relation to vulnerable adults. From a good practice angle, we have also given consideration to impacts for those individuals and households whom we may describe as vulnerable, within an additional grouping we term 'social inclusion'. This includes armed forces service personnel and ex-armed forces

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personnel. It continues to be the case that, across all nine national Protected Characteristic groupings and this tenth grouping in Shropshire, based on feedback from the formal consultation, the impact is predicted to be 'low positive'. The impact in reality is anticipated as being neutral – neither positive nor negative – with no anticipated need to take specific actions to mitigate or enhance the impact.

Ongoing consideration will be given to the definition of 'vulnerable', as it relates specifically to gambling, through working with the Council's Feedback and Insight Team and taking account of the outcomes of the Local Government Association supported research, being led by Westminster and Manchester Councils, which aims to assess and map area vulnerability to gambling related harm. As and when the outcomes of this research are made available, together with other emerging information, trends and risks, the Council will have to consider the implications for the definition of 'vulnerable' and also the impact on its 'local area profile' and policy statement accordingly.

Elected Member involvement will continue through the Strategic Licensing Committee and the Licensing Act Sub-Committee, with issues brought before these Committees as appropriate.

Associated ESHIAs

ESIIAs directly linked to the Gambling Act 2005 Policy Statement

- Gambling Act 2005 Policy Statement 2022 to 2025 (Consultation June 2021)
- Gambling Act 2005 Policy Statement 2019 to 2022 (June 2018)
- Gambling Act 2005 Policy Statement 2016 to 2019 (February 2016)

ESIIAs linked by general association demonstrating the approach adopted over time to address equality and social inclusion as it relates to licensing matters

- Licensing Act 2003 Statement of Licensing Policy 2019 – 2024 and associated 'Premises Licence Applications – Completing the Operating Schedule and Plan of the Premises Guidance' (October/November 2018)
- Licensing Act 2003 Statement of Licensing Policy 2024 – 2029 and associated 'Premises Licence Applications (November 2023)
- Hackney Carriage and Private Hire Licensing Policy 2015 – 2019 (January 2015)
- Hackney Carriage and Private Hire Licensing Policy 2019 – 2023 (September 2022)

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- Hackney Carriage and Private Hire Licensing Policy 2023 – 2027 (March 2019)
- Proposed Removal of the Existing Five Hackney Carriage Zones (November 2018)
- Equality Act 2010 – Shropshire Council List of Designated Wheelchair Accessible Vehicles (June 2018)
- Amendment to the Hackney Carriage and Private Hire Licensing Policy 2015 – 2019 (March 2018)
- Street Trading Policy 2018 to 2023 (November 2017)

Actions to mitigate negative impact, enhance positive impact, and review and monitor overall impacts in terms of climate change considerations and any other impacts with regard to economic and societal implications

There are currently no direct climate change implications relating to this service/policy change; however, this will be kept under review by the Strategic Licensing Committee in their ongoing oversight role in relation to the administration and enforcement of the Gambling Act 2005.


Of the ten Council Organisational Principles, the four listed below are a key focus in respect of delivering the objectives of the Gambling Act 2005 and the Council's Gambling Act 2005 Policy Statement. These Principles will drive the approach that the Council takes over the lifetime of the revised Policy and beyond and will be used to review and monitor the overall impacts.

- Put Shropshire back in the community
- Make digital the preferred way to work and transact
- Focus on outcomes for customers
- Make decisions based on current data and intelligence

In relation to health and well-being impacts, the Gambling Commission has emphasised the need to incorporate the work of Public Health colleagues to further support the greater need to identify areas of concern and focus on gambling related harm. Informal consultation has been undertaken with Shropshire Council's Public Health Team, including the Director of Public Health, and their response will be submitted during the formal consultation.

Scrutiny at Stage One screening stage


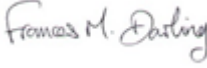
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People involved	Signatures	Date
<i>Lead officer for the proposed service change</i> Mandy Beever – Transactional and Licensing Team Manager		13 February 2024
<i>Officer carrying out the screening</i> Mandy Beever – Transactional and Licensing Team Manager		13 February 2024
<i>Any other internal service area support*</i> Jessica Moores – Public Protection Officer (Professional)		15 February 2024
<i>Any external support**</i> Lois Dale – Rurality and Equalities Specialist		19 February 2024

*This refers to other officers within the service area

**This refers to support external to the service but within the Council, e.g, the Performance and Research Specialist for Rurality and Equalities, Public Health colleagues, the Feedback and Insight Team, performance data specialists, Climate Change specialists, etc.

Sign off at Stage One screening stage

Name	Signatures	Date
<i>Lead officer's name</i> Mandy Beever – Transactional and Licensing Team Manager		13 February 2024
<i>Service manager's name</i> Frances Darling - Head of Business and Consumer Protection		15 February 2024

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**This may either be the Head of Service or the lead officer*

B. Detailed Screening Assessment

Aims of the service change and description

The Council's existing Gambling Act policy statement ('the policy') was adopted from the 31 January 2022 and ceases to have effect on 30 January 2025. The policy requires updating to take account of the latest guidance issued to licensing authorities by the Gambling Commission.

The Gambling Act 2005 requires that local authority Gambling Act Policy Statements give specific consideration to three key licensing objectives. The format and content of the Council's policy aims to ensure these objectives are being met in order to:

- to ensure that safeguarding provisions in relation to children, young people and adults with care and support needs remain robust;
- provide ongoing practical clarity to existing and potential licence holders; and
- assist council officers to correctly apply the legal provisions of the Gambling Act 2005.

In particular:

- There is a need to set out the overarching principles that the Council intends to consider when exercising its functions under the Gambling Act, including those that the Council will specifically consider in relation to each of the three licensing objectives (see additional notes below).
- Nationally, there is a greater need to focus on understanding and mitigating gambling related harm more broadly, rather than focussing on problem gambling alone. In this respect, the policy needs to emphasise the Council's focus on protecting children and young people, particularly in relation to child exploitation, and also adults with care and support needs.
- Nationally, gambling policy and the regulatory environment overall has an increasing focus on risk. Whilst not compulsory, it is now recommended that the Council creates a 'local area profile' to inform its understanding of risk and to allow appropriate decisions to be made and steps taken to mitigate these risks. From April 2016, gambling establishment operators have been required to undertake 'local area risk assessments' before submitting a premises licence application or variation and will be expected to give due consideration to the information available in the Council's 'local area profile'.

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- The Gambling Act singles out children, young people and vulnerable persons for special regulatory attention; consequently, the policy has a focus on protecting these particular groups. In considering this, specific attention has been given to adults with care and support needs.
- The application processes applicable to each different type of licence is clearly set out to ensure that the requirements that must be satisfied before an applicant can obtain and then retain any such licence are met.
- The premises licence review process is clearly set out to ensure all stakeholders understand when and how this process may be utilised in accordance with the provisions of the Act.
- The way in which the Council deals with the exchange of information is robustly addressed.
- The Council's overarching approach to inspection, compliance, enforcement and complaints is clearly set out and appropriate links made to the Council's Better Regulation and Enforcement Policy.

The policy also sets out how the Council intends to proactively promote the three Gambling Act licensing objectives, namely:

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

Intended audiences and target groups for the service change

- Persons who wish to apply for gambling licences and permits
- Persons who hold existing licences and permits, including those that are the subject of review
- The Council, in its capacity as the licensing authority, including licensing officers and members of the relevant licensing committees
- Shropshire's Safeguarding Children Board
- Keeping Adults Safe in Shropshire Board (KASiS)
- The Gambling Commission
- Licensing consultants, solicitors and barristers advising and/or representing applicants and licence/permit holders
- Magistrates and judges hearing appeals against Council decisions
- Members of the public who access gambling premises and activities
- Other local authorities, particularly those that border the Shropshire Council area
- Shropshire Voluntary and Community Sector Assembly (VCSA)

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- Police forces, in particular West Mercia Police
- West Mercia Police and Crime Commissioner
- Shropshire Clinical Commissioning Group
- Local NHS Trusts
- Shropshire Council Public Health
- Public Health England

The above list is not intended to be exhaustive or in order of priority and will be added to and amended as and when appropriate.

Evidence used for screening of the service change

- Legal requirement contained in the Gambling Act 2005 that the policy can only last for a maximum period of three years and then it must be reviewed, consulted upon, approved and re-published by the Council.
- The emphasis on the safeguarding role that local authorities have, which has strong links to all licensing regimes, including those applicable to gambling.
- The Council's drive to increase the robustness of safeguarding practices, particularly with respect to children and adults with care and support needs.
- The Gambling Act 2005
- The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (SI 2006 No. 636)
- Shropshire Council's Gambling Policy Statement (effective 31 January 2019) <https://shropshire.gov.uk/media/12775/gambling-act-2005-policy-statement-2019-to-2022-final.pdf>
- Guidance to Licensing Authorities published by the Gambling Commission <https://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx>
- Statement of gambling licensing policy – A Councillors Guide, March 2018 published by the Gambling Commission <https://www.gamblingcommission.gov.uk/PDF/quick-guides/Councillors-guide.pdf>
- Gambling Regulation Councillor Handbook (England and Wales) June 2015 published by the Local Government Association
- <https://www.local.gov.uk/sites/default/files/documents/L15-230%20Councillor%20handbook%20-%20gambling%20regulation%20FINAL.pdf>
- Gambling Regulation Councillor Handbook (England and Wales) Updated Guidance 2019 published by the Local Government Association [Gambling regulation: Councillor handbook \(England and Wales\) | Local Government Association](https://www.local.gov.uk/sites/default/files/documents/L15-230%20Councillor%20handbook%20-%20gambling%20regulation%20FINAL.pdf)
- The Council's own Local Area Profile – Gambling Premises, which will form part of the actual policy document.
- Exploring area-based vulnerability to gambling-related harm: Who is vulnerable? July 15

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- Exploring area-based vulnerability to gambling-related harm: Developing the gambling related harm risk index (2016)
- Updated Gambling Commission Guidance April 2021
<https://beta.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>
- The Shropshire Plan 2022 to 2025

Specific consultation and engagement with intended audiences and target groups for the service change

It is proposed that formal consultation will be undertaken from the 18 March 2024 to the 9 June 2024, which involved a number of key internal and external stakeholders, including Public Health representatives and gambling industry representatives in order to produce the existing policy.

Officers are currently of the opinion that there will be no need for significant changes. However, Officers will maintain ongoing dialogue with the Gambling Commission and other key stakeholders to ensure any changes that become necessary are captured and addressed accordingly during the lifetime of the policy.

The Local Area Profile has been refreshed and has been incorporated into the draft Gambling Act 2005 Policy Statement 2025 to 2028. The profile maps local areas of concern, including actual and future emerging evidence-based risks that may impact on the licensing of gambling premises and activities. Operators are encouraged to use the profile to help inform them of specific risks prior to submitting licence applications.

The Gambling Commission has emphasised the need to incorporate the work of Public Health colleagues to further support the greater need to identify areas of concern and focus on gambling related harm. Informal consultation has been undertaken with Shropshire Council's Public Health Team, including the Director of Public Health, and their response will be incorporated into the draft Gambling Act 2005 Policy Statement 2025 to 2028 after the formal consultation has been concluded.

The formal consultation process will involve a variety of communication mechanisms including publishing full details on the 'Get involved' web page of the Council's website, together with a press release on the Council's news web page also distributed through corporate and service social media platforms. Direct emails will be sent to key stakeholders alerting them to the consultation on the Council's website.

Following the formal consultation process, an analysis of the responses received will be undertaken and the results collated for the SLC to consider at their meeting on 9 October 2024. A revised policy document is required to be in force by 31 January 2025.

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A full list of the organisations formally consulted will be included in the ESHIA for the final report to full Council.

Initial equality impact assessment by grouping (Initial health impact assessment is included below this table)

Please rate the impact that you perceive the service change is likely to have on a group, through stating this in the relevant column.

Please state if it is anticipated to be neutral (no impact) and add any extra notes that you think might be helpful for readers.

Protected Characteristic groupings and other groupings in Shropshire	High negative impact <i>Stage Two ESHIA required</i>	High positive impact <i>Stage One ESHIA required</i>	Medium positive or negative impact <i>Stage One ESHIA required</i>	Low positive, negative, or neutral impact (please specify) <i>Stage One ESHIA required</i>
<u>Age</u> (please include children, young people, young people leaving care, people of working age, older people. Some people may belong to more than one group e.g., a child or young person for whom there are safeguarding concerns e.g., an older person with a disability)				✓
<u>Disability</u> (please include cancer; HIV/AIDS; learning disabilities; mental health conditions and syndromes; multiple sclerosis; neurodiverse conditions such as autism; hidden disabilities such as Crohn's disease; physical and/or sensory disabilities or impairments)				✓
<u>Gender re-assignment</u> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
<u>Marriage and Civil Partnership</u> (please include associated aspects: caring responsibility, potential for bullying and harassment)				✓

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Pregnancy and Maternity (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
Race (please include ethnicity, nationality, culture, language, Gypsy, Roma, Traveller)				✓
Religion or belief (please include Buddhism, Christianity, Hinduism, Islam, Jainism, Judaism, Nonconformists; Rastafarianism; Shinto, Sikhism, Taoism, Veganism, Zoroastrianism, and any others)				✓
Sex (this can also be viewed as relating to gender. Please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
Sexual Orientation (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				✓
Other: Social Inclusion (please include families and friends with caring responsibilities; households in poverty; people for whom there are safeguarding concerns; people you consider to be vulnerable; people with health inequalities; refugees and asylum seekers; rural communities; and veterans and serving members of the armed forces and their families)				✓

Initial health and wellbeing impact assessment by category

Please rate the impact that you perceive the service change is likely to have with regard to health and wellbeing, through stating this in the relevant column.

Please state if it is anticipated to be neutral (no impact) and add any extra notes that you think might be helpful for readers.

Health and wellbeing: individuals and communities in Shropshire	High negative impact <i>Part Two HIA required</i>	High positive impact	Medium positive or negative impact	Low positive negative or neutral impact (please specify)
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<p>Will the proposal have a <i>direct impact</i> on an individual's health, mental health and wellbeing?</p> <p>For example, would it cause ill health, affecting social inclusion, independence and participation?</p> <p>.</p>			✓ positive	
<p>Will the proposal <i>indirectly impact</i> an individual's ability to improve their own health and wellbeing?</p> <p>For example, will it affect their ability to be physically active, choose healthy food, reduce drinking and smoking?</p> <p>.</p>			✓ positive	
<p>Will the policy have a <i>direct impact</i> on the community - social, economic and environmental living conditions that would impact health?</p> <p>For example, would it affect housing, transport, child development, education, employment opportunities, availability of green space or climate change mitigation?</p> <p>.</p>			✓ positive	
<p>Will there be a likely change in <i>demand</i> for or access to health and social care services?</p> <p>For example: Primary Care, Hospital Care, Community Services, Mental Health, Local Authority services including Social Services?</p> <p>.</p>			✓ positive	

Guidance Notes

1. Legal Context

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It is a legal requirement for local authorities to assess the equality and human rights impact of changes proposed or made to services. It is up to us as an authority to decide what form our equality impact assessment may take. By way of illustration, some local authorities focus more overtly upon human rights; some include safeguarding. It is about what is considered to be needed in a local authority's area, in line with local factors such as demography and strategic objectives as well as with the national legislative imperatives.

Carrying out these impact assessments helps us as a public authority to ensure that, as far as possible, we are taking actions to meet the general equality duty placed on us by the Equality Act 2010, and to thus demonstrate that the three equality aims are integral to our decision making processes.

These are: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations.

These screening assessments for any proposed service change go to Cabinet as part of the committee report, or occasionally direct to Full Council, unless they are ones to do with Licensing, in which case they go to Strategic Licensing Committee.

Service areas would ordinarily carry out a screening assessment, or Stage One equality impact assessment. This enables energies to be focussed on review and monitoring and ongoing evidence collection about the positive or negative impacts of a service change upon groupings in the community, and for any adjustments to be considered and made accordingly.

These screening assessments are recommended to be undertaken at timely points in the development and implementation of the proposed service change.

For example, a Stage One ESHIA would be a recommended course of action before a consultation. This would draw upon the evidence available at that time, and identify the target audiences, and assess at that initial stage what the likely impact of the service change could be across the Protected Characteristic groupings and our tenth category of Social Inclusion. This ESHIA would set out intended actions to engage with the groupings, particularly those who are historically less likely to engage in public consultation eg young people, as otherwise we would not know their specific needs.

A second Stage One ESHIA would then be carried out after the consultation, to say what the feedback was, to set out changes proposed as a result of the feedback, and to say where responses were low and what the plans are to engage with groupings who did not really respond. This ESHIA would also draw more upon actions to review impacts in order to mitigate the negative and accentuate the positive. Examples of this approach include the Great Outdoors Strategy, and the Economic Growth Strategy 2017-2021

Meeting our Public Sector Equality Duty through carrying out these ESHIAs is very much about using them as an opportunity to demonstrate ongoing engagement

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across groupings and to thus visibly show we are taking what is called due regard of the needs of people in protected characteristic groupings

If the screening indicates that there are likely to be significant negative impacts for groupings within the community, the service area would need to carry out a full report, or Stage Two assessment. This will enable more evidence to be collected that will help the service area to reach an informed opinion.

In practice, Stage Two or Full Screening Assessments have only been recommended twice since 2014, as the ongoing mitigation of negative equality impacts should serve to keep them below the threshold for triggering a Full Screening Assessment. The expectation is that Full Screening Assessments in regard to Health Impacts may occasionally need to be undertaken, but this would be very much the exception rather than the rule.

2. Council Wide and Service Area Policy and Practice on Equality, Social Inclusion and Health

This involves taking an equality and social inclusion approach in planning changes to services, policies, or procedures, including those that may be required by Government. The decisions that you make when you are planning a service change need to be recorded, to demonstrate that you have thought about the possible equality impacts on communities and to show openness and transparency in your decision-making processes.

This is where Equality, Social Inclusion and Health Impact Assessments (ESHIA) come in. Where you carry out an ESHIA in your service area, this provides an opportunity to show:

- What evidence you have drawn upon to help you to recommend a strategy or policy or a course of action to Cabinet.
- What target groups and audiences you have worked with to date.
- What actions you will take in order to mitigate any likely negative impact upon a group or groupings, and enhance any positive effects for a group or groupings; and
- What actions you are planning to monitor and review the impact of your planned service change.

The formal template is there not only to help the service area but also to act as a stand-alone for a member of the public to read. The approach helps to identify whether or not any new or significant changes to services, including policies, procedures, functions, or projects, may have an adverse impact on a particular group of people, and whether the human rights of individuals may be affected.

There are nine Protected Characteristic groupings defined in the Equality Act 2010. The full list of groupings is: Age; Disability; Gender Reassignment; Marriage and Civil Partnership; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation.

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There is also intersectionality between these. Eg a young person with a disability would be in the groupings of Age and Disability, and if they described themselves as having a faith they would then also be in the grouping of Religion or Belief.

We demonstrate equal treatment to people who are in these groups and to people who are not, through having what is termed 'due regard' to their needs and views when developing and implementing policy and strategy and when commissioning, procuring, arranging, or delivering services.

For the individuals and groupings who may be affected, ask yourself what impact do you think is likely and what actions will you currently anticipate taking, to mitigate or enhance likely impact of the service change? If you are reducing a service, for example, there may be further use you could make of awareness raising through social media and other channels to reach more people who may be affected.

Social inclusion is then the wider additional category we use in Shropshire, in order to help us to go beyond the equality legislation in also considering impacts for individuals and households with regard to the circumstances in which they may find themselves across their life stages. This could be households on low incomes, or households facing challenges in accessing services, such as households in rural areas, and veterans and serving members of the armed forces and their families, or people that we might consider to be vulnerable, such as young people leaving care or refugee families.

Please note that the armed forces are now a grouping to whom we are required to give due regard under new Armed Forces legislation, although in practice we have been doing so for a number of years now.

When you are not carrying out an ESHIA, you still need to demonstrate and record that you have considered equality in your decision-making processes. It is up to you what format you choose.–You could use a checklist, an explanatory note, or a document setting out our expectations of standards of behaviour, for contractors to read and sign. It may well not be something that is in the public domain like an ESHIA, but you should still be ready for it to be made available.

Both the approaches sit with a manager, and the manager has to make the call, and record the decision made on behalf of the Council.

Carry out an ESHIA:

- If you are building or reconfiguring a building.
- If you are planning to reduce or remove a service.
- If you are consulting on a policy or a strategy.
- If you are bringing in a change to a process or procedure that involves other stakeholders and the wider community as well as particular groupings

Carry out an equality and social inclusion approach:

- If you are setting out how you expect a contractor to behave with regard to equality, where you are commissioning a service or product from them.

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- If you are setting out the standards of behaviour that we expect from people who work with vulnerable groupings, such as taxi drivers that we license.
- If you are planning consultation and engagement activity, where we need to collect equality data in ways that will be proportionate and non-intrusive as well as meaningful for the purposes of the consultation itself.
- If you are looking at services provided by others that help the community, where we need to demonstrate a community leadership approach

3. Council wide and service area policy and practice on health and wellbeing

This is a relatively new area to record within our overall assessments of impacts, for which we are asking service area leads to consider health and wellbeing impacts, much as they have been doing during 2020-2021 and 2021-2022, and to look at these in the context of direct and indirect impacts for individuals and for communities.

A better understanding across the Council of these impacts will also better enable the Public Health colleagues to prioritise activities to reduce health inequalities in ways that are evidence based and that link effectively with equality impact considerations and climate change mitigation.

Health in All Policies – Health Impact Assessment

Health in All Policies is an upstream approach for health and wellbeing promotion and prevention, and to reduce health inequalities. The Health Impact Assessment (HIA) is the supporting mechanism

- Health Impact Assessment (HIA) is the technical name for a process that considers the wider effects of local policies, strategies and initiatives and how they, in turn, may affect people's health and wellbeing.
- Health Impact Assessment is a means of assessing both the positive and negative health impacts of a policy. It is also a means of developing good evidence-based policy and strategy using a structured process to review the impact.
- A Health Impact Assessment seeks to determine how to maximise health benefits and reduce health inequalities. It identifies any unintended health consequences. These consequences may support policy and strategy or may lead to suggestions for improvements.
- An agreed framework will set out a clear pathway through which a policy or strategy can be assessed and impacts with outcomes identified. It also sets out the support mechanisms for maximising health benefits.

The embedding of a Health in All Policies approach will support Shropshire Council through evidence-based practice and a whole systems approach, in achieving our corporate and partnership strategic priorities. This will assist the Council and partners in promoting, enabling and sustaining the health and wellbeing of individuals and communities whilst reducing health inequalities.

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Individuals**Will the proposal have a *direct impact* on health, mental health and wellbeing?**

For example, would it cause ill health, affecting social inclusion, independence and participation?

Will the proposal directly affect an individual's ability to improve their own health and wellbeing?

This could include the following: their ability to be physically active e.g., being able to use a cycle route; to access food more easily; to change lifestyle in ways that are of positive impact for their health.

An example of this could be that you may be involved in proposals for the establishment of safer walking and cycling routes (e.g., green highways), and changes to public transport that could encourage people away from car usage. and increase the number of journeys that they make on public transport, by foot or on bicycle or scooter. This could improve lives.

Will the proposal *indirectly impact* an individual's ability to improve their own health and wellbeing?

This could include the following: their ability to access local facilities e.g., to access food more easily, or to access a means of mobility to local services and amenities? (e.g. change to bus route)

Similarly to the above, an example of this could be that you may be involved in proposals for the establishment of safer walking and cycling routes (e.g. pedestrianisation of town centres), and changes to public transport that could encourage people away from car usage, and increase the number of journeys that they make on public transport, by foot or on bicycle or scooter. This could improve their health and well being.

Communities

Will the proposal directly or indirectly affect the physical health, mental health, and wellbeing of the wider community?

A *direct impact* could include either the causing of ill health, affecting social inclusion, independence and participation, or the promotion of better health.

An example of this could be that safer walking and cycling routes could help the wider community, as more people across groupings may be encouraged to walk more, and as there will be reductions in emission leading to better air quality.

An *indirect impact* could mean that a service change could indirectly affect living and working conditions and therefore the health and well being of the wider community.

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An example of this could be: an increase in the availability of warm homes would improve the quality of the housing offer in Shropshire and reduce the costs for households of having a warm home in Shropshire. Often a health promoting approach also supports our agenda to reduce the level of Carbon Dioxide emissions and to reduce the impact of climate change.

Please record whether at this stage you consider the proposed service change to have a direct or an indirect impact upon communities.

Demand

Will there be a change in demand for or access to health, local authority and social care services?

For example: Primary Care, Hospital Care, Community Services, Mental Health and Social Services?

An example of this could be: a new housing development in an area would affect demand for primary care and local authority facilities and services in that location and surrounding areas. If the housing development does not factor in consideration of availability of green space and safety within the public realm, further down the line there could be an increased demand upon health and social care services as a result of the lack of opportunities for physical recreation, and reluctance of some groupings to venture outside if they do not perceive it to be safe.

***For further advice: please contact
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Sue Lloyd via email susan.lloyd@shropshire.gov.uk***

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Committee and Date

Strategic Licensing
Committee

13 March 2024

Item

Public



Exercise of Delegated Powers Report

Responsible Officer:	Mandy Beever, Transactional Management and Licensing – Team Manager		
email:	Mandy.Beever@shropshire.gov.uk	Tel:	01743 251702
Cabinet Member (Portfolio Holder):	Councillor Chris Schofield, Portfolio Holder for Planning and Regulatory Services		

1. Synopsis

- 1.1 This report gives details of the licences issued and the variations that have been made between 1 September 2023 and the 31 January 2024 and a summary of applications considered by the Committee.

2. Executive Summary

- 2.1 The Shropshire Plan recognises the importance of supporting businesses to provide safer services. The fundamental purpose of the Licensing service is to support businesses to deliver their services in a way which allows them to thrive whilst protecting the safety and welfare of the public who live, work and visit Shropshire; together this will help to achieve a Healthy Economy.
- 2.2 Licensing officers have been given delegated powers to issue or amend licences, providing no objections have been received in the case of licences issued under the Licensing Act or regarding general and public health licences.

- 2.3 Further, procedures have been approved for officers with direct line management responsibility for Licensing to use their delegated powers to refuse, suspend or revoke driver, vehicle, and operator licences.
- 2.4 This report gives details of the licences issued and the variations that have been made between 1 September 2023 and the 31 January 2024 and a summary of applications considered by the Committee.

3. Recommendations

- 3.1. That members note the position as set out in the report.

Report

4. Risk Assessment and Opportunities Appraisal

- 4.1. This is an information report giving Member's information on the work undertaken by the Licensing Team and Committee and therefore a risk assessment and opportunities appraisal has not been carried out.

5. Financial Implications

- 5.1. There are financial implications associated with this report.

6. Climate Change Appraisal

- 6.1. There are no anticipated climate change or environmental impacts associated with the recommendations in this report.

7. Background

- 7.1 Information regarding the issue of licences by Officers under delegated powers is reported to Committee on a quarterly basis.
- 7.2 Officers use their delegated powers in a number of situations, including where:
- a) A licence has been requested and there have been no objections raised by interested parties or Responsible Authorities.
 - b) The application has met the Council's policy criteria for accepting an application.
 - c) There are vehicle applications for new or renewal licences and refusal, suspension, and revocation of licences where the operating criteria as set by the Hackney Carriage and Private Hire Licensing Policy 2023 to 2027 is not met and the officer does not consider there to be any exceptional circumstances demonstrated by the applicant for an exception to be made.

- d) There are driver’s applications for new or renewal licences and refusal, suspension, or revocation of licences where the criteria as set by the Hackney Carriage and Private Hire Licensing Policy 2023 to 2027 is not met and the officer does not consider there to be any exceptional circumstances demonstrated by the applicant for an exception to be made.
- e) There are Private Hire Operator applications for new or renewal licences and refusal, suspension, and revocation of licences where the operating criteria as set by the Hackney Carriage and Private Hire Licensing Policy 2023 to 2027 is not met and the officer does not consider there to be any exceptional circumstances demonstrated by the applicant for an exception to be made.

7.3 The table in **Appendix A** shows the complete range of licences issued by the licensing team during the period of 1 September 2023 and the 31 January 2024. During this period the total number of licences processed was 2148.

7.4 The Table in **Appendix B** shows that there were no Licensing and Safety Sub-Committee hearings held between the 1 September 2023 and the 31 January 2024.

7.5 The Table at **Appendix C** shows that there were two Licensing Act Sub Committee hearings held between the 1 September 2023 and the 31 January 2024.

7.6 Following the decision at the Strategic Licensing Committee on 18 March 2015, vehicles and driver applications are now being considered by Officers using delegated powers. This includes refusal of new licence applications, refusal to renew existing licences and revocation and suspension of existing licences, in relation to any matter concerning a hackney carriage or a private hire driver’s licence or a vehicle licence or any matter concerning a private hire operator’s licence.

The number of licences and actions determined by this process is as follows:-

Driver	Granted	Granted and/or Warning Letter, Suspension	Letter Council is ‘Minded to refuse’ or ‘Revoke’	Refuse to Grant	Revoke	To refer to Committee
New	7		3	8		
Renew	6		1			
Conduct			5		1	
Vehicle	Granted	Granted and/or Warning Letter	Letter Council is ‘Minded to refuse’ or ‘Revoke’	Refuse to Grant	Revoke	To refer to Committee
New	1					
Renewal						
Condition				1		
Operator	Granted	Granted and/or	Letter Council is ‘Minded to	Refuse to Grant	Revoke	To refer to Committee

		Warning Letter	refuse' or 'Revoke'			
New						
Renewal						
Conduct						

8. Conclusions

- 8.1. During the period captured in this report the workload for the Licensing team has continued to be high. The team have worked together to answer all the queries, support businesses and maintain the flow of applications.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Local Member: This report covers all areas of Shropshire.

Appendices

Appendix A – Licences processed between 1 September 2023 and the 31 January 2024.

Appendix B – Hearings held by the Licensing and Safety Sub-Committee between 1 September 2023 and the 31 January 2024.

Appendix C – Hearings held by the Licensing Act Sub-Committee between 1 September 2023 and the 31 January 2024.

APPENDIX A

Licences processed from the 1 September 2023 and the 31 January 2024.

General Licensing	Renewal Period	Total
Acupuncture Personal	For life	
Acupuncture Premises	For life	
Activities Involving Animals Licence	Up to 3 years	22
Caravan Sites	For life	1
Mobile Homes Fit and Proper Person Register	Up to 5 Years	
Cosmetic Piercing Personal	For life	21
Cosmetic Piercing Premises	For life	9
House to House Collection	For the period applied for, no longer than 12 months	16
House to House Exemption Order	Exemption certificate is issued by the Home Office	14
Scrap Metal Site (new/renewal)	3 Years	1
Scrap Metal Collector (new/renewal)	3 Years	1
Sex Establishment Licence	1 Year	
Sex Shop Licence	1 Year	
Street Collection	Covers the dates applied for	61
Street Trading Licence (new/renewal)	1 Year (daily licence also available which covers maximum of 7 days in a 12-month period)	9
Tattooing Personal	For life	
Tattooing Premises	For life	
Electrolysis Personal	For life	
Electrolysis Premises	For life	
Dangerous Wild Animals	2 Years	1
Zoo	New licences last 4 years, upon renewal they can be granted for 6 years	
Distribution of Free Printed Matter	7 consecutive days, 28 consecutive days, 1 year – dependent on what is applied for	2
Storage of Explosives	1 Year	4
Year-round Fireworks Sales	1 Year	2
Pavement Licence	1 Year	26
Pavement Permit	1 Year	18
Total Applications General		208

Taxi Licensing		Renewal Period	Total
Hackney Carriage	N	1 Year	4
Hackney Carriage	R	1 Year	21
Joint HC/PH Driver	N	Up to 3 Years	43
Joint HC/PH Driver	R	Up to 3 Years	76
Private Hire Operator	N	Up to 5 Years	7
Private Hire Operator	R	Up to 5 Years	5
Private Hire Vehicle	N	1 Year	110
Private Hire Vehicle	R	1 Year	202
		For period left on existing licence	2
Hackney Vehicle Transfer			
		For period left on existing licence	10
Private Hire Vehicle Transfer			
		For period left on existing licence	
Private Hire Licensee Transfer			
Trailer Licence		1 Year	
Total Taxi Applications			480

Taxi Licensing (Surrendered)	Total
Private Hire Vehicles	25
Hackney Carriages	2
Total Surrendered Vehicles	27

Licensing Act 2003	Renewal Period	Total
Club Premises Certificate	For Life	
Personal Alcohol (variation/new)	For Life	56
Premises Licence	For Life	15
Temp Event Notice no Alcohol	For the dates applied for	
Temp Event Notice with Alcohol	For the dates applied for	448
Minor Variation Application	For Life	9
Designated Premises Supervisor (DPS) Change/Variation	For Life	91
Disapply DPS	For Life	
Premises Licence Transfer Application	For Life	26
Annual Fee	Due each year on anniversary of granting of original licence	661
Notification of Interest	For Life	1

Premises Licence with Alcohol - Full Variation	For Life	8
Premises Licence without Alcohol - Full Variation	For Life	
Total Licensing Act Applications		1315

Gambling Act 2005	Renewal Period	Total
Bingo Premise Licence	For Life	
Betting Premise Licence (other than track)	For Life	
Betting Premises Licence (track)	For Life	
Licensed Premise Gaming Machine Permit	For Life	
Notification of Intent to have gaming machines	For Life	3
Prize Gaming Permit	10 Years	
Club Machine Permits	10 Years	
Club Gaming Permit	10 Years	
Occasional Use Notice	For the dates applied for	
Temporary Use Notice	For the dates applied for	
Adult Gaming Centre	For Life	
Small Society Lotteries	For Life	13
Change of Promoter	As necessary	
Annual Fee	Due each year on anniversary of granting of original licence	129
Family Entertainment gaming machine permit	10 Years	
Total Gambling Act 2005 Applications		145

Total Applications	2148
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Total Surrendered Vehicles	27
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APPENDIX B

Licensing and Safety Sub-Committee hearings held between 1 September 2023 and the 31 January 2024.

Date of Meeting	Scheduled/ Additional	Item	Meeting Venue	Decisions
None				

APPENDIX C

Licensing Act Sub-Committee hearings held between 1 September 2023 and the 31 January 2024.

Date	Premises	Type of Application	Councillors	Decision	Review Requested by
24 th October 2023	The Tumbledown Hotel and Albion Bar, 10 and 11 Castle Foregate, Shrewsbury, Shropshire, SY1 2DJ	Full variation	Roy Aldcroft Nigel Lumby Kevin Pardy	To allow the full variation to the licence	n/a
23 January 2024	Ludlow Castle (Events), Castle Square, Ludlow, SY8 1AY	New Premises Licence	Roy Aldcroft Peter Broomhall Nigel Lumby	To grant the licence	n/a

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