

RIBBLE VALLEY BOROUGH COUNCIL

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Dear Councillor

The next meeting of the **LICENSING COMMITTEE** is at **6.30pm** on **TUESDAY, 15 SEPTEMBER 2015** in the **TOWN HALL, CHURCH STREET, CLITHEROE.**

I do hope you will be there.

Yours sincerely

CHIEF EXECUTIVE

To: Committee Members (Copy for information to all other members of the Council)
Directors
Press

AGENDA

Part I – items of business to be discussed in public

1. Apologies for absence.
- ✓ 2. Minutes of the meeting held on 23 June 2015 – copy enclosed.
- ✓ 3. Minutes of Licensing Sub-Committee dated 26 June 2015 – copy enclosed.
4. Declarations of pecuniary and non-pecuniary interests (if any).
5. Public Participation (if any).

FOR DECISION

- ✓ 6. Recommendations on Response to Consultation of the Institute for Licensing on Draft Conditions – report of Chief Executive – copy enclosed.
- ✓ 7. Steering for Success – Recommendation following Consultation on Proposals of the Working Group – report of Chief Executive – copy enclosed.

- ✓ 8. Recommendation following Consultation on Private Hire Vehicle Licence Conditions – report of Chief Executive – copy enclosed
- ✓ 9. Recommendations for Revision of Statement of Licensing Principles – report of Chief Executive - copy enclosed.
- ✓ 10. Recommendations for Revision of Statement of Licensing Principles, Gambling Act 2005 – report of Chief Executive – copy enclosed.
- ✓ 11. Deregulation Act 2015 – Recommendations on Licence Duration, Fees and Sub-Contracting – report of Chief Executive – copy enclosed.

FOR INFORMATION

- 12. Presentation on Safe Guarding and Child Sexual Exploitation – Detective Inspector Baxter.
- ✓ 13. Report on Taxi Enforcement Operation – report of Chief Executive – copy enclosed.
- ✓ 14. Notes of Safety Advisory Group dated 27 August 2015 – copy enclosed.

Part II - Items of business **not** to be discussed in public

None.

Minutes of Licensing Sub-Committee

Meeting Date: Friday, 26 June 2015 starting at 10am
Present: Councillor R Hargreaves (Chairman)

Councillors:

I Brown
S Brunskill

In attendance: Solicitor, Administration and Licensing (Alcohol and Entertainment) Officer, Taxi Enforcement Officer and Administration Assistant (Licensing).

APOLOGIES

There were no apologies for absence from the meeting.

DECLARATIONS OF INTEREST

There were no declarations of interest at the meeting.

LICENSING HEARING – PREMISES

The Committee was asked to determine an application by Forum Whalley Ltd for the grant of a premises licence in respect of 41 and 41a King Street, Whalley, Clitheroe BB7 9SP. A copy of the licence application was included for Committee's information with details of the licensable activities applied for and the proposed hours. The Applicant had agreed to incorporate challenge 25 policy and agreement had also been reached between the Applicant's solicitor and the Council's Pollution Control Officer to include conditions in relation to noise, odour, light, pollution and litter. 16 relevant representations had been received and these were attached to the report for Committee's information.

The Applicant gave a brief résumé of the nature of the application and a little background to the proposed premises as the Applicant already operates a similar premises in Winckley Square, Preston, at which premises they had not received any complaints in 10 years of operation.

The Chairman gave the two residents present an opportunity to speak along with the two ward councillors. They expressed their concern regarding noise, hours of operation and the particular problem of taxis collecting on this part of King Street.

In response Counsel for the Applicant indicated that in reality hours of opening would not be to the extent applied for and the only extension required would be one additional hour on Christmas Eve, Boxing night and New Year's Eve. He acknowledged the issue with regard to taxis at this particular site.

The Committee retired to determine the application and informed the Applicant that he would be notified within 5 days.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That by virtue of the next items of business being exempt information under Category 1 of Schedule 12A of the Local Government Act 1972, the press and public be now excluded from the meeting

LICENSING HEARING – TAXIS

NOTIFICATION OF CONVICTION

Committee considered a report of the Head of Legal and Democratic Services regarding whether a Hackney Carriage driver be a fit and proper person to hold a Hackney Carriage driver's licence. Details were given relating to a particular incident that had taken place and the subsequent actions of the Court. The licence holder was given the opportunity to make representations to the Sub-Committee who then considered all the circumstances, taking into account the Council's convictions policy.

RESOLVED: That Committee agree that the driver remains a fit and proper person to hold a Hackney Carriage driver's licence.

PRIVATE HIRE DRIVER'S LICENCE

Committee considered a report of the Head of Legal and Democratic Services which included the infringements that had taken place.

The driver was given the opportunity to make representations to the Sub-Committee who then considered all the circumstances, and determined the use of sanctions against the licence holder.

RESOLVED: That Committee agree that the 15 infringement points remain on the driver's private hire driver's licence until they naturally expire, but it should be made clear that under the Council's Infringement Scheme, 'more than one accumulation of penalty points in excess of a personal threshold in any three year period will result in the Committee reviewing whether the individual is suitable to continue holding licences with the Authority'.

PRIVATE HIRE DRIVER'S LICENCE

Committee considered a report of the Head of Legal and Democratic Services which included the infringement points accrued.

The driver was given the opportunity to make representations to the Sub-Committee who then considered all the circumstances, and determined the use of sanctions against the licence holder.

RESOLVED: That Committee agree that the accrued infringement points remain on the driver's private hire driver's licence until they naturally expire, but it should be made clear that under the Council's Infringement Scheme, 'more than one accumulation of penalty points in excess of a personal threshold in any three year period will result in the Committee reviewing whether the individual is suitable to continue holding licences with the Authority'.

PRIVATE HIRE DRIVER'S LICENCE

Committee considered a report of the Head of Legal and Democratic Services which included the infringement points accrued.

The driver was not present to make any representations to the Sub-Committee.

RESOLVED: That Committee agree that the accrued 12 infringement points remain on the private hire driver's licence until they naturally expire, but it should be made clear that under the Council's Infringement Scheme, 'more than one accumulation of penalty points in excess of a personal threshold in any three year period will result in the Committee reviewing whether the individual is suitable to continue holding licences with the Authority'.

PRIVATE HIRE DRIVER'S LICENCE

Committee considered a report of the Head of Legal and Democratic Services which included the accrued infringement points.

The driver was not present to make representations to the Sub-Committee.

RESOLVED: That Committee agree that the accrued 13 infringement points remain on the private hire driver's licence until they naturally expire, but it should be made clear that under the Council's Infringement Scheme, 'more than one accumulation of penalty points in excess of a personal threshold in any three year period will result in the Committee reviewing whether the individual is suitable to continue holding licences with the Authority'.

The meeting closed at 1pm.

If you have any queries on these minutes please contact Diane Rice (414418).

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

Agenda Item No. 6

meeting date: 15 SEPTEMBER 2015
title: RECOMMENDATION ON RESPONSE TO INSTITUTE OF LICENSING
CONSULTATION ON DRAFT CONDITIONS
submitted by: CHIEF EXECUTIVE
principal author: MAIR HILL - SOLICITOR

1 PURPOSE

- 1.1 To seek Committee's approval to respond to the consultation in the terms set out in this report.
- 1.2 Relevance to the Council's ambitions and priorities
 - Community Objectives - }
 - Corporate Priorities - } The Council aims to be a well-managed authority
these proposals support that objective.
 - Other Considerations - }

2 BACKGROUND

- 2.1 The Institute of Licensing (IoL) is the professional body for licensing practitioners from all sectors. Its members include: police; local authority; private legal practitioners; trade operators and trade representatives. The IoL is consulting members and stakeholders about its draft Guidance on Premises Licence Conditions for the Licensing Act 2003.
- 2.2 The project is a response from the IoL to the legacy of the Licensing Act transition, and its experience of the continuing inconsistency in the approach to licence conditions, illustrated through licences overloaded with conditions, together with unenforceable and inappropriate conditions.
- 2.3 In undertaking the project, the IoL aims to provide clear guidance to all parties on the proper and effective use of conditions, with guiding principles and precedent conditions designed to provide appropriate wording of conditions that can be individually considered for inclusion on a premises licence where it is appropriate to do so.

3 ISSUES

- 3.1 In order to achieve the aims set out above the IoL have issued a consultation document. A copy of this is enclosed as **Appendix 1** to this report. The IoL has also requested that a survey be completed upon the terms of the consultation document and that this be submitted by 30 September 2015.

3.2 The Head of Legal and Democratic Services, the Council's solicitor and the Licensing Officer met on 11 August 2015 to jointly consider the consultation document. Based upon the results of that meeting the Solicitor has completed the survey in draft. A copy of this is enclosed as **Appendix 2** to this report.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – resources would be expended in completing and submitting the survey
- Technical, Environmental and Legal - No implications identified.
- Political - No implications identified.
- Reputation – No implications identified.
- Equality & Diversity – No implications identified.

5 RECOMMENDED THAT COMMITTEE

5.1 Authorise the Head of Democratic and Legal Services to submit the survey to the IoL as set out in **Appendix 2**.



MAIR HILL
SOLICITOR



MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS (If any)

Appendix 1 – consultation document

Appendix 2 – survey response to consultation

For further information please ask for Mair Hill, extension 3216.

REF: MJH/LICENSING/15 September 2015

Restaurant

**Consultation:
Guidance on
Premises Licence**

Authors:

Myles Bebbington - *Head of Service for Environmental Health & Licensing, South Cambridgeshire District Council*

James Button - *Solicitor, James Button & Co*

Gary Grant - *Barrister, Francis Taylor Building*

Sue Nelson - *Executive Officer, Institute of Licensing*

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Introduction and mission statement

1. Conditions are important. Done well, they may permit a licence to be granted that would otherwise have been refused. Done badly, they may overload a licence with so many restrictions that the licence becomes unworkable and a business unviable. In an age when it is increasingly common to encounter premises licences with 30, 40 or more conditions attached to them, this question now needs to be asked: are all these conditions genuinely appropriate, necessary and proportionate or is a different approach required? The Institute of Licensing believes that a sea-change in approach is required to promote the twin goals of promoting the licensing objectives whilst allowing safe and responsible licensed premises to flourish.
2. This Guidance on Premises Licence Conditions aims to assist operators, local authorities, responsible authorities and residents alike. It sets out general principles and then lists examples of conditions honed by experience and proven to be both effective and enforceable. Our focus is on premises licences issued under the Licensing Act 2003, although much of this guidance is equally applicable to club premises certificates. We have considered many thousands of conditions used by numerous licensing authorities and owe a great debt of gratitude to the officers who drew them up. Some we have adopted, others revised and updated. There will inevitably always be local preferences that eschew a one-size fits all approach. That is an entirely appropriate approach to a licensing system specifically designed to let those who know their locality best, mould their licensing policy and practice accordingly. Nevertheless, we hope and intend that this guidance and the precedent conditions will provide a useful lodestar to guide all interested parties when licence conditions are being considered under the Licensing Act 2003.



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3. This consultation seeks views, both on the general principles set out in this guidance and the specific conditions proposed. Our strength as an Institute flows from the unparalleled expertise and broad experience of its membership. We invite and welcome comments and suggestions from everyone - whether sceptical or enthusiastic, approving or critical. If this consultation serves to ignite a debate on licence conditions, then our project will have been worthwhile.
4. Prior to the introduction of the Licensing Act 2003, licensing justices very rarely found it necessary to impose more than a handful of conditions on a justices' alcohol licence and, more usually, imposed none at all. In contrast, local authorities considering public entertainment licences ("PEL") would generally impose several conditions, often by importing all of the "Standard Conditions for a Public Entertainment Licence" or "Rules of Management for Places of Public Entertainment" into a PEL. When the brave new world of licensing was born after the introduction of the Licensing Act 2003, the two worlds of alcohol licensing and public entertainment licensing were unified. Local authorities were placed in primary control of the whole system as the "licensing authority". At the time, concerns were raised that local authorities would unnecessarily load premises licences with conditions, as they had been inclined to do with PEL's. Now, a decade after the Licensing Act 2003 came into force, those concerns have proven to be justified in some cases.
5. We believe that if any blame is to be attached at all it must be borne equally by the trade, responsible authorities and local authorities. Too many irrelevant conditions were being offered by some operators (often with the encouragement of their legal advisors) seeking to pad out ambitious applications to make them appear more acceptable to concerned residents, responsible authorities or the local authority. Similarly, responsible authorities would often ask for every condition they could reasonably imagine to be attached to a licence when making representations in response to an application, without proper consideration of the individual circumstances of the case. Often, for understandable reasons, local authorities were less than assiduous in pruning out those conditions that were inappropriate, unnecessary or disproportionate before attaching them to a licence either through delegated powers (when the licence application was unchallenged) or at a hearing.
6. The situation was compounded by the rush to implement the new licensing regime and the transition provisions themselves. Wreathes of old, otiose and occasionally conflicting conditions were cut from old

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pre-2003 Act licences and pasted wholesale onto the new ones, where they still hang like an opaque and dead weight.¹

7. Whatever the causes, the result has often been the issuance of premises licences with far too many unfocused, irrelevant, unnecessary, inappropriate, disproportionate, illegal or unenforceable conditions. This works to the detriment of all those with a legitimate interest in licensing.
8. We believe that a further important reason for the situation we are now in is the sub-conscious blending together of requirements that, on the one hand, are actually required to be *conditioned* into a licence and, on the other, those useful and responsible operational steps that are better described as “good management practices”.
9. We suggest that conditions that simply reflect good management practices should not generally appear on premises licences without very good reason. However requirements that would help determine the fundamental issue of whether a premises can operate in a particular locality in a manner that prevents the licensing objectives being undermined, would be justified as conditions rightly to be attached to licences. No more and no less.
10. The distinction may be clearer by way of an example. If a new pub has a beer garden adjoining residential properties, then limiting the use of that beer garden to a certain reasonable hour at night may well be the deciding factor in whether to grant the licence or not. That situation would entirely justify a condition on the licence relating to the use of the beer garden. However where, for example, a fine-dining restaurant hopes to open in a non-problematic location then the keeping of an incident log at the premises and full CCTV coverage may very well be good management practices. But the individual circumstances hardly justify the incident log or CCTV requirement being conditioned into the licence at all, because they are not, on proper scrutiny, required to safeguard the licensing objectives. They are no more than an add-on or padding and have no proper role to play as conditions in these circumstances. (We note that in relation to the near blanket imposition of CCTV conditions on premises licences that the Home Office recently felt it necessary to issue guidance specifically deterring this practice²).

¹ Indeed the transitional provisions often required it, see Schedule 8 of the Licensing Act 2003 (Transitional Provisions etc) and DCMS guidance on embedded conditions published in May 2005 (reproduced in Paterson’s Licensing Acts 2015 at p.633)

² Surveillance Camera Code of Practice, Home Office (published 4 June 2013)

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11. We have been very impressed with the approach of certain licensing authorities which publish Codes of Good Practice to which all licence holders are expected to have regard, instead of routinely attaching scores of conditions to a premises licence. If problems arise with a premises then the relevant Code provides a yardstick by which the quality of management practices can be judged. After all, the primary responsibility for ensuring that a licensed premises operates in a manner that promotes the licensing objectives rests firmly on the licence holder. They should take whatever reasonable steps are required to achieve this goal, regardless of the existence or absence of conditions on their licence. A breach of a condition may or may not impact on a licensing objective. If the breach is deserving of punishment it can be the subject of a criminal prosecution³. But the critical factor is whether or not the management are taking *effective* steps to prevent crime and disorder and public nuisance, to safeguard public safety and protect children from harm. It is *not* simply whether the operator is complying with the precise terms of a condition on their licence or not. This is as true for the current operator as it may be for a future operator. If problems arise they can be dealt with informally at first and, ultimately, through the review process. Similarly, the primary focus of review proceedings should be on the impact of the particular premises on the licensing objectives, rather than on the secondary issue of whether the precise terms of a condition is or is not being complied with (though an operator who routinely breaches the condition of his licence will naturally find it difficult to persuade a tribunal that he is able to manage the premises competently in the future). We encourage all local authorities to consider publishing their own Codes of Good Practice - to which all responsible operators will be expected to have regard - in addition to any conditions that may be on their premises licences.
12. Conditions are better if they more closely resemble a laser than a blunderbuss. However comprehensive, the latter approach cannot possibly cater for, or predict, every eventuality or issue that may arise given the infinite ways in which humans engage with each other and behave.
13. The great majority of licensed premises operate in a socially responsible and professional way. However, those are precisely the premises that rarely create controversy and so only infrequently cross the radar of local authorities: either because they do not make unrealistic applications or do not attract

³ Under section 136 Licensing Act 2003

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intervention by the responsible authorities or licensing officers. We must all be alive to the need not to tar the whole licensed trade with the same brush rightly applied to the reckless and irresponsible minority of operators.

14. Conditions may well be required in order to fundamentally shape or fine-tune licences so that premises are able to operate in a manner that does not cause crime and disorder, public nuisance, threaten public safety or jeopardise the safety of children. But in all cases they must be appropriate, necessary and proportionate. All parties considering offering or imposing a condition should carefully reflect on whether the particular condition is *really* required for this particular premises, or is it simply unnecessary padding ?
15. We have deliberately used the phrase “necessary” in this guidance, despite the dilution of this well-regarded and generally understood threshold test for imposing conditions after its replacement with the “appropriate” test. We have done so because the Secretary of State’s Guidance issued under section 182 of the Licensing Act 2003 (henceforth “section 182 Guidance”)⁴ makes it clear that all decisions relating to conditions must be both “appropriate” and “proportionate”. The senior courts have defined the concept of “proportionality” as including the requirement that, among other things, the step taken satisfies both the “appropriate” and “necessary” tests⁵. Therefore, it seems both logical and lawful for conditions to be imposed only if it is necessary to do so. This approach accords with basic public law and human rights principles when the State is seeking to restrict an otherwise lawful activity. We adopt it, whilst respectfully acknowledging the use of the term “appropriate” in the amended Licensing Act 2003. We strongly suspect that the terminological differences may have little practical impact in licensing determinations in any event. Licensing authorities, balancing the commercial interests of an operator with the public interest (as reflected in the licensing objectives) are rarely minded to impose a condition that is unnecessary. Indeed, we ask rhetorically, is a step that is unnecessary ever likely to be considered appropriate?
16. For reasons discussed above, we have very purposefully not included in our draft conditions a great many conditions that are habitually encountered across the country in what, we hope, will prove to be the

⁴ March 2015 edition.

⁵ See Lord Bingham CJ in *R v Secretary of State for Health ex parte Eastside Cheese* [1999] 3 CMLR 123

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bygone-age of overloaded licences. Instead we have restricted ourselves to those conditions we believe are most likely to be genuinely worthy of attaching to a licence, as opposed to simply being good management practices; although we appreciate a degree of overlap is inevitable. The reader will therefore note that many ubiquitously encountered conditions are absent from our draft conditions. We will listen carefully to our consultees, and if we are persuaded that in a particular instance we have wielded the scalpel too liberally, we are fully prepared to be contrite and re-consider.

17. Before turning to the types of conditions, and our guiding principles, this critical point needs to be made. There must be absolutely no imposition of “standard” or “blanket” conditions on premises licences. Each and every decision to impose a condition must be justified according to the individual circumstances of the specific case. If a party is asked why a specific condition is required in relation to a particular premises, they must be able to provide a clear and cogent answer. If none is forthcoming the condition should disappear - either gracefully or with a thud.

Premises licence plans

18. The role of the plan in the context of a premises licence is often misunderstood. The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, require plans to be submitted with an application for a premises licence or club premises certificate. The plans are required by the Regulations to contain prescribed information relating to the premises and the application being made.
19. The Regulations require the plans to form part of the premises licence or club premises certificate. The plans are required to show the areas of the premises used for licensable activities, and as such will define those areas for the purpose of the licence once issued. It provides the opportunity too for specific arrangements to be conditioned within the licence where considered necessary for the promotion of the licensing objectives. Examples can be found within these conditions.

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Types of conditions

20. There are three types of conditions that may be attached to a premises licence (or club premises certificate)

- Mandatory
- Proposed
- Imposed

Mandatory

21. The “mandatory conditions” (including the somewhat misnamed “mandatory code”) will be automatically imposed on a licence by process of law and so involves no exercise of discretion. Therefore the mandatory conditions fall outside the scope of this guidance though, for reference purposes, we include them in Appendix A. The reader is referred to Chapter 10 of the section 182 Guidance for further explanation of, and commentary on, the mandatory conditions.

Proposed

22. Applicants will generally propose steps they intend to take to promote the licensing objectives within the operating schedule of their licence application form. If there are no relevant representations received in response to the application then the licence will be granted without the need for a hearing and the licensing authority’s discretion is not *fully* engaged. Conditions that are consistent with steps proposed in the operating schedule will usually be attached to the licence by a licensing officer acting under delegated authority. These conditions will then form part of the premises licence that is issued. This important issue then arises: what does a licensing officer do if the steps described within the operating schedule lack clarity or precision or are clearly unnecessary to promote the licensing objectives?

23. Operating schedules will often be completed by persons whose interests and strengths lay in fields other than legal drafting and without the benefit of expert advice. So should a licensing officer slavishly replicate the inadequate step proposed in the operating schedule by including an inadequate condition

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on the premises licence? Both the courts⁶ and the section 182 Guidance⁷ provide the clear answer: “No”. Officers can, indeed must, translate the proposed measure into a clear, precise and enforceable condition if it is possible to do so.

24. We would go further and suggest that if a step included within the operating schedule is clearly unnecessary or inappropriate to promote the licensing objectives, then it should not be added to the licence at all. There is judicial support for this approach and the courts have observed that the Licensing Act 2003 provides local authorities with a *power* to impose conditions consistent with the operating schedule, but they are not under a *duty* to do so⁸. We add this important word of caution: it may be that a step offered in the operating schedule is the very reason that a person felt able to withhold making a representation in the first place. In that case our hypothetical person may be thought to have a justified grievance if an officer, through unilateral administrative action, removed the very measure that gave him comfort and the confidence not to object to the application. For this reason we suggest that measures proposed in operating schedules are only completely removed from the issued licence in the clearest of cases where the proposed measure is wholly inappropriate or unnecessary to promote the licensing objectives.

Imposed

25. Additional conditions are frequently and properly imposed by licensing authorities at hearings when considering applications for a new licence, a variation of an existing one or at a review. The condition may have been put forward at the hearing by the applicant, a responsible authority or other person who has made a representation or indeed by the Members of the sub-committee themselves.

26. It is best practice, as well as a matter of elemental fairness, that at a hearing the licensing authority ensures that the parties are aware of any condition the licensing authority is proposing to add of its own volition to a licence, in advance of the decision being made. Often the condition in question will have been canvassed in the course of the hearing and so probably needs no further investigation. However

⁶ See *R (Bristol City Council) v Bristol Magistrates' Court* [2009] EWHC 625 (Admin)

⁷ See paragraphs 10.6 to 10.7 of March 2015 Guidance

⁸ See John Howell QC, sitting as a Deputy High Court Judge in *R (Bristol City Council) v Bristol Magistrates' Court* [2009] EWHC 625 (Admin) at paragraph 35, construing section 18 of the Licensing Act 2003

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when Members are considering adding a condition that has not been addressed during the hearing, for example because it is raised after the Members have retired to consider their decision, the parties should be given an opportunity to address the Members on the new condition being considered. This can be done informally, for example by the legal advisor or committee clerk passing a message to the waiting parties. If the proposed condition proves controversial the parties should be afforded the opportunity of addressing the Members further on both the principle of the condition or its specific wording. This is likely to serve the interests of all parties, including the Members who will be better informed about the impact and practicability of their proposal. Moreover, a failure to follow this approach risks attracting criticism from the appeal courts. The appeal court may well conclude that a party who has been ambushed by a surprise condition, without the opportunity to make submissions about it in advance, has been treated unfairly by the tribunal below.⁹

The guiding principles

27. These guiding principles are designed to be just that, a guide. They are not intended to be a straightjacket or treated as immutable. We would emphasise that each and every decision to impose a condition must be justified by reference to the particular circumstances of the individual case. If any condition does not suit the individual case it must be tailored accordingly.
28. Nevertheless, we suggest that the decision to offer or impose a condition is more likely to be justified if the proposed condition complies with the seven principles set out below.
29. Conditions imposed on a licence should be:
- 1) Appropriate, necessary and proportionate;
 - 2) Precise, clear and unambiguous;
 - 3) Practical, realistic and enforceable;
 - 4) Non-duplicative of existing statutory requirements or offences;
 - 5) Self-contained;
 - 6) Modern and fit for purpose;

⁹ In this regard, see *R (Westminster City Council) v Merran* [2008] EWHC 1202 (Admin)



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And, finally:

7) The fewer conditions the better.

30. We consider each of these guiding principles in turn.

1) Appropriate, necessary and proportionate

31. Conditions must be appropriate, necessary and proportionate. We have explained above why we employ the threshold test of “necessary” rather than simply “appropriate”. By necessary, we mean, as everyone understands, the following: if in order to move from unsatisfactory position A to required position C we must take the intervening step B, then B is a “necessary” step. Thus, if a condition is required to convert a licensed operation from one that is likely to undermine the licensing objectives into one that does not, then that condition is “necessary”.

32. “Proportionality” is perhaps best explained by the old adage that “one should not take a sledgehammer to crack a nut”. Or, as more formally expressed by the courts:¹⁰

“...when there is a choice between several appropriate measures recourse must be had to the least onerous, and the disadvantages caused must not be disproportionate to the aims pursued.”

33. If the objective is, for example, to permit a pub to operate so long as it does not disturb nearby residents late at night, then it may well be necessary and proportionate for conditions to be imposed that restrict outside drinking to a reasonable hour at night. But a decision to totally ban outside drinking or to reject the application outright is unlikely to be a necessary or proportionate one - because a lesser measure could have achieved the same worthy objective.

34. Conditions will always have the effect of restricting a lawful business or imposing additional requirements. They may directly lead to significant expense (for example through the installation costs of a CCTV system or by the employment of additional door supervisors). The number and effect of conditions on a licence may well make the difference between a viable business and one that fails, with

¹⁰ *R v Secretary of State for Health ex parte Eastside Cheese* [1999] 3 CMLR 123

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the consequent loss of local employment opportunities and the disappearance of a valuable community asset and potential source of human enjoyment.

35. For all these reasons, conditions should only be imposed if they are appropriate, necessary and proportionate steps that promote the licensing objectives.

2) Precise, clear and unambiguous

36. The wording of conditions must be precise, clear and unambiguous. For a condition to be effective it must be complied with. But in order for that to happen it must be clearly understood. Those responsible for ensuring compliance must know precisely what is required to be done or not done. This should be immediately obvious from a straight-forward reading of the condition by experts and non-experts alike. Current operators, future operators, staff members, local residents and businesses, in addition to police and council officers, must all be able to look at a licence condition and understand precisely what it means.
37. When conditions are added to a licence they must be expressed in the imperative, using words such as “must” and “shall” rather than “should” or “might”.
38. It may well be that when a condition was originally proposed or imposed on a licence “everyone knew what it meant”. But that, of course, is not good enough¹¹. A breach of a licence condition may amount to a criminal offence punishable with up to 6 months imprisonment and an unlimited fine. Such serious consequences should not be left to chance interpretation.
39. So, for example, where a condition requires “inaudibility” at the nearest noise sensitive premises, what exactly do we mean by the word “inaudibility”? Inaudible to whom? An average teenager’s ability to hear high-frequency sound is measurably better than a thirty-something’s. Is the condition complied with in the case of a thirty-year old, but breached when a teenager is present? The quiet hum of an air-conditioning unit in an office would fail the “inaudibility” test, but is that what the condition was aimed to prevent? And where, precisely, do we mean when we say “nearest noise sensitive premises”? Do we

¹¹ The purpose of Stonehenge was no doubt abundantly clear to our forefathers, less so now.

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mean the block of retirement flats 30 metres away or the student accommodation 20 metres away? If the problems associated with this commonly encountered noise condition are seen as far-fetched or overly pedantic, then the reader can turn to the High Court where a similarly worded condition was recently struck down for lack of clarity and precision.¹²

40. An operator may be required by a condition to use his “reasonable endeavours” to keep his customers quiet. But what amounts to “reasonable endeavours”? Is it putting up a sign requesting customers to respect neighbours, or is it by selective use of a gag?
41. Whilst the courts often have to grapple with the “reasonableness” test, and we recognise that it cannot always be avoided within licence conditions, it would be far better if compliance with a condition did not depend upon the uncertain outcome of a future court’s opinion as to whether an act was or was not reasonable. The word “reasonable” should not be used in conditions whenever it is possible to state precisely what is, or is not, required.
42. The clearer and more precise a condition is, then the more likely it will be understood and complied with. What is more, few criminal courts would be prepared to convict a person of the offence of carrying out licensable activities in breach of a licence condition¹³ if that condition lacks clarity and precision or is ambiguous.¹⁴ A similar approach can be expected from all reasonable Members of a licensing sub-committee convened to consider a review application based on (completely or in part) a breach of such an inadequately expressed condition. A condition that cannot be enforced for lack of clarity or precision is a worthless condition that has no place on a premises licence.

3) Practical, realistic and enforceable

43. Conditions may only be attached to a licence if they are practically capable of being complied with. Therefore, a condition which seeks to control customers after they have left the vicinity of a licensed premises is an improper one, because it cannot realistically be complied with or enforced even by the most responsible of operators.

¹² *Developing Retail Ltd v East Hampshire Magistrates’ Court* [2011] EWHC 618 (Admin)

¹³ Contrary to section 136 of the Licensing Act 2003

¹⁴ See *Crawley Borough Council v Attenborough* [2006] LLR 802 and *DPP v Shaw* 45 Cr App R 113

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44. A condition might require customers to “be seated” whilst in a beer garden after 9pm. But what happens the moment a customer gets up in order to buy another drink or for a matter of personal convenience? Is the licence holder immediately in breach of his licence? Strictly speaking, he is. This cannot have been the intention of the condition’s draftsman, but it is the impractical and unrealistic consequence of an ill-thought out condition.

4) Avoid duplication of existing statutory requirements or offences

45. Where a statutory regime already imposes specific conditions or requirements then it is rarely appropriate or necessary for a licensing condition to replicate exactly the same requirement. For example, the Regulatory Reform (Fire Safety) Order 2005 imposes duties and conditions on operators of licensed premises in relation to fire safety. Those same requirements do not, and should not, be duplicated on a premises licence (indeed such conditions are automatically suspended if they deal with the same matters as the Order itself)¹⁵. Similarly, where it is a criminal offence to do an act it is unnecessary for a condition to deal with the same issue.

5) Self-contained

46. Wherever possible conditions should be self-contained, in the sense that the reader should not need to look outside the condition itself in order to know precisely what is required of him.

47. Requirements that are conditional on a third-party approving or permitting certain steps or activities can be problematic and should be avoided if at all possible. If, for example, a condition for a CCTV system is framed in terms that the CCTV is installed to “the satisfaction of a police officer”, then what would happen if that police officer unreasonably refuses to approve a perfectly satisfactory CCTV system on the grounds of personal preference? What is the position if the system satisfied Pc Dixon but not his successor Pc Plum? On a strict interpretation, the operator is not permitted to carry out licensable activities until the impasse is resolved, possibly by having to embark on the long process of applying for a variation of that condition. Licensing authorities should not generally delegate their functions or

¹⁵ Section 43 of the Regulatory Reform (Fire Safety) Order 2005.

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responsibilities to promote the licensing objectives to a third-party because to do so may amount to an abrogation of their own licensing functions.

48. We are aware of conditions requiring a licence holder or the Designated Premises Supervisor to participate in or belong to their local pubwatch scheme. This is despite frequent calls from the organisers of National Pubwatch not to impose such conditions. If membership of pubwatch is conditioned into a licence then it creates very real difficulties for the scheme if a member needs to be excluded for good reason given the consequences of exclusion to that licence holder. It also creates real problems for licence holders if a local pubwatch scheme were to fade away.
49. A different but connected issue arises when a condition seeks to incorporate the terms of a third-party document or set of guidelines. This may prove equally problematic. We are familiar with conditions that still impose a duty on licence holders to comply with the “Standard Conditions on Public Entertainment Licences” despite that document being designed for a pre-2003 Act regime and being, in many ways, out of date and legally inconsistent with the Licensing Act 2003. We are also aware of conditions that require nightclub operators to operate in accordance with, for example, “Safe and Sound” guidance issued by police forces. But that guidance is subject to change or retraction. What then is a responsible operator wishing to comply with his licence conditions, but unable to, supposed to do? Another consequence is that an inspecting officer may not be able to tell from reading the premises licence what is or is not required by that third-party document or set of guidelines, and so is unable to enforce the licence timeously.
50. An exception, that may require a departure from this guiding principle for strong pragmatic reasons, is in the case of large outdoor events supervised by, for example, a Safety Advisory Group (“SAG”). In these circumstances we can see some force in a condition that the event must comply with requirements of the SAG in order to promote the licensing objectives. Without such a condition events, such as seasonal festivals, may well be refused a licence due to the absence of detailed plans that have not yet been finally settled. This prohibitive effect appears to us to be against the central philosophy of the Licensing Act 2003 that is designed to *permit* activities under proper controls, whenever it is possible to do so.

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6) Modern and fit for purpose

51. The language of conditions should reflect the way English is spoken today rather than in the past. Simple words instead of technical or archaic ones are to be preferred because they are more readily understood by the vast majority of people who need to read and understand the licence. A condition that is only understood by the chosen few is a poor condition.
52. As a result of the genesis of the 2003 Act and its unification of various older licensing regimes, conditions or requirements arising under the old regimes may enjoy an unjustified existence after their rightful date of retirement. We are aware of conditions relating to stage hypnotism (and, rather quaintly, “mesmerism”), fog-machines and on one occasion even “limelight” that still appear on premises licences today. Similarly, references to the terms of the old Licensing Act 1964 and its application to children, to “supper licences”, and to fire-safety capacities, still appear on licences without justification or, often, legal enforceability.
53. It is the benign and useful practice of many licensing authorities to take every opportunity that presents itself to remove these old and otiose conditions from modern licences and lay them to rest. With the agreement of the parties, this could happen at variation or review hearings (or through minor variations), even when the subject matter of the application is unconnected to the historic condition being put out of its misery. Such an approach will invariably meet with the consent and approval of all parties with an interest in the licence and helps to ensure premises licences are relevant, modern, up to date and fit for purpose.

7) The fewer the better

54. Generally, the fewer conditions on a licence the better.
55. The first question for a licensing authority considering adding scores of conditions onto a Premises licence is this: if it is *really* so necessary to micro-manage a licensed operation by attaching 30, 40 or more conditions onto a premises licence, should the licence be granted to this operator or indeed at all?

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56. Secondly, in our experience the more conditions there are on a premises licence, the *less* likely they are to be complied with. The reason may not be indifference by a negligent operator. To use a common-place analogy: those of us who have applied for an online credit card and were cautious enough to click on the “terms and conditions” link may well have wished they had not. Scores of terms overflow into conditions. It usually leads to a rather short inspection as our eyes gloss over and our wandering minds contemplate the limitations on our mortal lives. The same scenario is very possibly true when an operator, or perhaps a new Designated Premises Supervisor, turns to his premises licence and is confronted with 30, 40 or more conditions spread over page after page. However, if we return to our analogy, if the terms and conditions were set out clearly and limited to perhaps half a dozen or so truly essential conditions that we actually need to be aware of and make a real difference, the chances that we will consider them all in proper detail, and comply with them, are immeasurably increased. The same is likely to be true of conditions on premises licences. Less is often more.
57. It may be that circumstances demonstrate that a particularly problematic premises requires more conditions to be imposed on its licence than was originally thought appropriate or necessary at the time of its grant. If so, that is a matter most properly addressed in the course of review proceedings.

Conclusion

58. With these guiding principles set out, we turn now to the draft Conditions themselves, which can also be found on the Institute of Licensing’s website at:
http://www.instituteoflicensing.org/content.aspx?page=GUIDANCE_ON_PREMISES_LICENCE_CONDITIONS
59. The Consultation on this guidance and the conditions will take place until 30 September 2015. The quality of this project will be immeasurably improved by feedback from our Members which can be provided by completing our consultation [survey](https://www.surveymonkey.com/s/loL_Guidance_on_Premises_Licence_Conditions_Consultation_June_2015) here:
https://www.surveymonkey.com/s/loL_Guidance_on_Premises_Licence_Conditions_Consultation_June_2015

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60. Your comments, positive or negative, constructive or caustic, are positively invited and will be most welcome.

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The Conditions

The following conditions have been derived from various existing 'pools' of conditions offered by many licensing authorities for consideration. Throughout the development of this document, the principles outlined above, and the need for a concise reference for conditions has been supported and underlined by the various examples provided both good and bad. The aim of this pool is to provide a starting point for licensing authorities where the need for a condition has been identified – the wording has been examined from every angle and should provide a template for each condition, which can then be tailored to the needs of the specific licence in question.

Under no circumstances should any licensing authority regard these conditions as standard conditions to be automatically imposed on licences.

Admission

1. No person under the age of 18 will be permitted to enter or remain on the premises when any “specified activity” is taking place.
 - Specified activities are:
 - ‘Any live performance; or
 - Any live display of nudity;
 - Which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).
 - Display of nudity means
 - In the case of a women, exposure of her nipples, pubic area, genitals or anus; and
 - In the case of a man, exposure of his public area, genitals or anus,
 - NB – The audience can consist of one person.
2. No person under the age of [insert age] years of age is permitted to enter or remain on the licensed premises when alcohol is being sold or supplied.
3. No customer will be permitted to enter or re-enter the premises between the hours of [specify] save for persons who have temporarily left the premises (e.g. to smoke).
4. Between [specified times] no customer will be permitted to enter or leave the premises by means of [specified entrances].
5. All persons entering or re-entering the premises must be searched by an SIA registered door supervisor [and all searches must be monitored by the premises CCTV system].
6. Any queue [in a designated queuing area] to enter the premises must be supervised at all times by door supervisors.

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7. Any [designated] queuing area must be within suitable barriers.
8. No more than [insert number] customers will be permitted on the premises at any one time.

Designated smoking areas

9. Customers permitted to temporarily leave and then re-enter the premises to smoke must be restricted to a designated smoking area defined as [specify location / mark on plan]. No more than [insert number] of customers will be permitted to remain in the designated smoking area at any one time.

Alcohol

10. Customers will not be permitted to remove from the premises any drinks supplied by the premises (alcoholic or otherwise) in open containers
11. No beer, lager, cider, ale or spirit mixers with an alcohol by volume content above [insert percentage] will be sold or offered for sale.
12. All sealed containers of alcoholic drinks offered for sale for consumption off the premises must be clearly labelled or marked with the name and postcode of the premises.
13. The premises licence holder must submit to the relevant police officer [insert contact details] a completed risk assessment form as prescribed at least 14 days before any event that is:
 - promoted / advertised to the public at any time before the event; and
 - features DJ's, MCs or equivalent performing to a recorded backing track; and
 - runs anytime between the hours of [insert hours]

Alcohol (Restaurant)

14. The premises must only operate as a restaurant (i) in which customers are seated at a table, (ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iii) which do not provide any take away service of food or drink for immediate consumption, and (iv) where alcohol must not be sold, supplied, or consumed on the premises otherwise than to persons who are taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
15. The supply of alcohol to customers must be by waiter or waitress service only.

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Boxing or Wrestling or indoor sports

16. At any wrestling or other entertainments of a similar nature, members of the public must not occupy any seat within [specify distance] of the ring.

CCTV

The Surveillance Camera Code of Practice (issued by the Home Office in June 2013) makes specific reference to licensing authorities and their use of conditions attached to premises licences, stating:

'When a relevant authority has licensing functions and considers the use of surveillance camera systems as part of the conditions attached to a licence or certificate, it must in particular have regard to guiding principle one in the [Surveillance Camera Code of Practice]. Any proposed imposition of a blanket requirement to attach surveillance camera conditions as part of the conditions attached to a licence or certificate is likely to give rise to concerns about the proportionality of such an approach and will require an appropriately strong justification and must be kept under regular review. Applications in relation to licensed premises must take into account the circumstances surrounding that application and whether a requirement to have a surveillance camera system is appropriate in that particular case. For example, it is unlikely that a trouble-free community pub would present a pressing need such that a surveillance camera condition would be justified. In such circumstances where a licence or certificate is granted subject to surveillance camera system conditions, the consideration of all other guiding principles in this code is a matter for the licensee as the system operator'.

Guiding Principle One is shown below for information:

Principle 1 - Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.

- 3.1.1 Surveillance camera systems operating in public places must always have a clearly defined purpose or purposes in pursuit of a legitimate aim and necessary to address a pressing need (or needs). Such a legitimate aim and pressing need might include national security, public safety, the economic well-being of the country, the prevention of disorder or crime, the protection of health or morals, or the protection of the rights and freedoms of others. That purpose (or purposes) should be capable of translation into clearly articulated objectives against which the ongoing requirement for operation or use of the systems and any images or other information obtained can be assessed.
- 3.1.2 In assessing whether a system will meet its objectives, and in designing the appropriate technological solution to do so, a system operator should always consider the requirements of the end user of the images, particularly where the objective can be characterised as the prevention, detection and investigation of crime and the end user is likely to be the police and the criminal justice system.
- 3.1.3 A surveillance camera system should only be used in a public place for the specific purpose or purposes it was established to address. It should not be used for other purposes that would not have justified its establishment in the first place. Any proposed extension to the purposes for which a system was established and images and information are collected should be subject to consultation before any decision is taken.

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The Data Protection Act 1998 allows for CCTV images which can be used to identify an individual to be handed over for the prevention or detection of crime, the prosecution or apprehension of offenders or where the disclosure is required by law, for example, where an officer of the licensing authority is checking that CCTV is being used in accordance with the conditions of a particular licence.

The requirements of the Data Protection Act 1998 are such that such disclosure should be necessary for investigating or preventing a crime or apprehending or prosecuting an offender. As such the police must be able to justify their requests for CCTV images to be disclosed to them.

17. The premises licence holder must ensure that :

- a. CCTV cameras are located within the premises to cover all public areas including all entrances and exits [The location of cameras could also be specified on the plan attached to the premises licence].
- b. The system records clear images permitting the identification of individuals.
- c. The CCTV system is able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
- d. The CCTV system operates [specify 'at all times while the premises are open for licensable activities' or specify timings]. All equipment must have a constant and accurate time and date generation.
- e. The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
- f. There are members of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).

Deliveries

18. No deliveries or collections relating to licensable activities at the premises will take place between the hours of [insert hours].

Dispersals

19. The dispersal of customers from the premises must be managed in accordance with the following:
- Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly.
 - Public announcements requesting customers to leave quietly to minimise disturbance to nearby residents
 - A [specify minutes] period where [music volume is reduced / lighting increased / alcohol sales cease]

Glass

20. Drinks must only be served in polycarbonate/plastic containers.

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Large Events

21. The Premises licence Holder must comply with the Event Management Plan submitted to and approved by the Licensing Authority and no changes will be made to the Event Management Plan without the prior written consent of the Licensing Authority.²⁰

Late Night Refreshments

22. Customers must not be permitted to remove from the premises late night refreshment provided at the premises between [specify hours/days].

Noise

"Inaudibility" conditions have been popular in the past but have faced sufficient criticism in the courts to be quashed as invalid for lack of precision²¹. Noise conditions are notoriously difficult to pre-empt and should be applied only where professional advice has been obtained from the licensing authority acoustic advisor. Such conditions will be strictly tailored to the premises in question and the concerns to hand in relation to noise attenuation and resultant nuisance.

23. Between [specify hours/ days], the noise climate of the surrounding area must be protected such that the A-weighted equivalent continuous noise level (LAeq) emanating from the application site, as measured [specified distance(usually in metres, between the noise source and the receiver location(s))] from any facade of any noise sensitive premises over any [specify no. of minutes] period with entertainment taking place, must not increase by more than [specify dB tolerance (e.g. +3 dB, +5 dB, etc.)] as compared to the same measure, from the same position, and over a comparable period, with no entertainment taking place; and the unweighted (i.e. linear) equivalent noise level (LZeq) in the 63Hz 1/1-Octave band, measured using the "fast" time constant, inside any noise sensitive premises, with the windows open or closed, over any [specify no. of minutes] period with entertainment taking place, should show no increase as compared to the same measure, from the same location(s), and over a comparable period, with no entertainment taking place.²²
24. The location and orientation of loudspeakers must be as specified on the attached premises plan.
25. An [acoustic lobby / acoustic door / acoustic curtains/ acoustic door seals / automatic door closer] must be installed [specify the location / define on plan].

²⁰ Event Mgt plan can be drawn up in consultation with the Safety Advisory Group and Responsible Authorities.

²¹ See *Developing Retail Ltd v East Hampshire Magistrates' Court* [2011] EWHC 618 (Admin)

²² We recognise this condition requires expert input and may not be immediately understandable to the lay man. As such it stands as an exception to our general principles.

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26. All external windows and doors must be kept shut at all times when regulated entertainment is being provided. Doors may be opened for normal entrance and egress of people but must be shut immediately thereafter.

Noise Limiting Device

27. A noise limiting device must be installed and must operate at all times regulated entertainment takes place at the premises. The device must be of a type, in a location and set at a level [specify if known] [approved in writing by the appropriate officer of the Council].

Outdoor Areas

28. No more than [insert number] customers will be permitted to enter or remain in [define outdoor area(s)] of the premises at any one time, between the hours of [specify].
29. Clear and legible notices must be prominently displayed at any area used for smoking requesting customers to respect the needs of local residents and use the area quietly.

Records

30. A refusals record must be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. All entries must be made within 24 hours of the refusal. The record must be made available for inspection and copying within [specify days / hours or a reasonable time] of a request by an officer of a Responsible Authority.

SIA (door supervisors)

31. All door supervisors, and other persons engaged at the premises, for the purpose of supervising or controlling queues or customers, must wear [high visibility jackets or vests or armbands].
32. Door supervision must be provided on (specify days). Door supervisors must be on duty from [INSERT HOURS] and must remain on duty until the premises are closed and all the customers have left.
33. Door supervisors must be provided with radios to enable them to contact each other and the duty manager at the premises.
34. On [specify days/hours] at least [insert number] of SIA registered door supervisors must be on duty at the premises [specify location at the premises] [or as shown on the plan].
35. Where SIA registered door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times when they are on duty.



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36. On [specify days/hours] at least [insert number] of SIA registered door supervisors must be on duty at the premises [specify location at the premises] [or as shown on the plan].²³

Staff

37. A Personal licence Holder must be present at the premises to supervise all sales of alcohol.
38. A direct telephone number for the duty manager must be prominently displayed where it can conveniently be read from the exterior of the premises by the public. The telephone must be manned at all times the premises is open for licensable activities.
39. The PLH/DPS will provide [specify ratio] adult supervisors at a ratio of [specify ratio] who can provide care for the children as they move from stage to dressing room etc., and to ensure that all children can be accounted for in case of an evacuation or an emergency.

Waste

40. Between the hours of [insert hours] no waste/glass bottles will be moved or deposited outside.
41. At [specify times] [specify areas] outside the premises, including [specify areas] must be swept and/or washed, and litter and sweepings collected and stored [specify storage and collection].
42. Where the premises provide late night refreshments for consumption off the premises sufficient waste bins must be provided at or near the exits, to enable the disposal of waste.
43. Empty bottles which have been collected must be placed into locked bins.

²³ The "industry standard" is generally regarded as a ratio of 1 door supervisor to 100 customers but this will vary according to circumstances.

Appendix A – Mandatory Conditions

This Appendix contains the relevant extracts from the legislation (shown in red below) together with a suggested workable wording for their application within premises licences (shown in black).

Original Legislation (in Red)

Licensing Act 2003

Premises Licences

19 Mandatory conditions where licence authorises supply of alcohol

- (1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
- (2) The first condition is that no supply of alcohol may be made under the premises licence—
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- (4) The other conditions are any conditions specified in an order under section 19A and applicable to the premises licence.

20 Mandatory condition: exhibition of films

- (1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- (2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- (3) Where—
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

- (4) In this section—

“children” means persons aged under 18; and



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“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c. 39) (authority to determine suitability of video works for classification).

21 Mandatory condition: door supervision

(1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must—

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of that Act.

(2) But nothing in subsection (1) requires such a condition to be imposed—

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), or

(b) in respect of premises in relation to—

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

(3) For the purposes of this section—

(a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act), and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Club Premises Certificates

73 Certificate authorising supply of alcohol for consumption off the premises

(1) A club premises certificate may not authorise the supply of alcohol for consumption off the premises unless it also authorises the supply of alcohol to a member of the club for consumption on those premises.

(2) A club premises certificate which authorises the supply of alcohol for consumption off the premises must include the following conditions.

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- (3) The first condition is that the supply must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.
- (4) The second condition is that any alcohol supplied for consumption off the premises must be in a sealed container.
- (5) The third condition is that any supply of alcohol for consumption off the premises must be made to a member of the club in person.

Mandatory Licensing Conditions imposed under ss19A and 73B Licensing Act 2003 and the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 as amended

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.

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4. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

“Responsible person” is defined in Art 2 of the **Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 as amended** as: ““Responsible person” has the meaning given in paragraphs (a) and (b) of the definition in section 153(4) of the Act.

Licensing Act 2003 153(4)

(4) In this section “responsible person” means—

(a) in relation to licensed premises—

- (i) the holder of a premises licence in respect of the premises,
- (ii) the designated premises supervisor (if any) under such a licence, or
- (iii) any individual aged 18 or over who is authorised for the purposes of this section by such a holder or supervisor,

(b) in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables him to prevent the supply in question

The Licensing Act 2003 (Mandatory Conditions) Order 2014 SI 2014/1252

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

Guidance on Premises Licence Conditions – Licensing Act 2003

where—

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

Suggested wording for Mandatory Conditions (in Black):

Premises Licences that authorise alcohol sales (s19 Condition)

- 1) No supply of alcohol may be made under the premises licence—
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Premises Licences or Club Premises Certificates that authorise film exhibitions (s20 condition)

- 1) No children shall be admitted to the exhibition of any film unless they have reached the age specified in the British Board of Film Classification (“BBFC”) Certificate, or the Classification issued by the Licensing Authority.

Premises Licences that require security staff (s21 condition)

- 1) In accordance with Condition [insert appropriate condition number which requires security staff] above all persons undertaking security functions must at all times hold a current licence to do so granted by the Security Industry Authority

Guidance on Premises Licence Conditions – Licensing Act 2003

Club Premises Certificates that authorise supplies of alcohol for consumption off the premises (s73 condition)

- 1) Any supply of alcohol for consumption off the premises must only be made when the premises are open for the purposes of supplying alcohol to members of the club for consumption on the premises.
- 2) Any supply of alcohol for consumption off the premises must be in a sealed container.
- 3) Any supply of alcohol for consumption off the premises must be made to a member of the club in person.

Premises Licences authorising the sale of alcohol for consumption on the premises (Additional Mandatory Condition for Irresponsible Drinks Promotions)

- 1) (1) The responsible person must ensure that staff on the premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises, and the responsible person is:
 - (i) the holder of a premises licence in respect of the premises,
 - (ii) the designated premises supervisor (if any) under such a licence, or
 - (iii) any individual aged 18 or over who is authorised for the purposes of this section by such a premises licence holder or designated premises supervisor.
- (2) An irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - e) (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 2) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available, and the responsible person is:
 - (i) the holder of a premises licence in respect of the premises,
 - (ii) the designated premises supervisor (if any) under such a licence, or

Guidance on Premises Licence Conditions – Licensing Act 2003

(iii) any individual aged 18 or over who is authorised for the purposes of this section by such a premises licence holder or designated premises supervisor.

3) The responsible person who is:

- (i) the holder of a premises licence in respect of the premises,
- (ii) the designated premises supervisor (if any) under such a licence, or
- (iii) any individual aged 18 or over who is authorised for the purposes of this section by such a premises licence holder or designated premises supervisor.

must ensure that—

- a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Premises Licences authorising the sale of alcohol for consumption on or off the premises, or both (Additional Mandatory Condition for Age Verification Policy and Under Duty+VAT Sales)

- 1) (1) The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale of alcohol.
 - (2) The designated premises supervisor must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - a) a holographic mark, or
 - b) an ultraviolet feature.
- 2) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 3) (a) For the purposes of the condition set out in paragraph 1—
 - a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

Guidance on Premises Licence Conditions – Licensing Act 2003

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

Club Premises Certificates authorising the supply of alcohol for consumption on the premises (Additional Mandatory Condition for Irresponsible Drinks Promotions)

- 1) (1) The responsible person must ensure that staff on the premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises, and the responsible person is any member or officer of the club present on the premises in a capacity which enables him to prevent the supply in question,
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
- a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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- 3) The responsible person who is any member or officer of the club present on the premises in a capacity which enables him to prevent the supply in question, must ensure that free potable water is provided on request to customers where it is reasonably available.
- 4) The responsible person who is any member or officer of the club present on the premises in a capacity which enables him to prevent the supply in question, must ensure that—
- a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Club Premises Certificates authorising the supply of alcohol for consumption on or off the premises, or both (Additional Mandatory Condition for Age Verification Policy and Under Duty+VAT Sales)

- 1) (1) The club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- a) a holographic mark, or
 - b) an ultraviolet feature.
- 2) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 2(a) For the purposes of the condition set out in paragraph 1—
- a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

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- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- d) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

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Project Background

In July 2012, the Institute of Licensing (IoL) announced its intention to develop good practice guidance in relation to licence conditions for premises licences under the Licensing Act 2003.

The move was a response to the legacy of the Licensing Act transition, and the continuing inconsistency in the approach to licence conditions, illustrated through licences overloaded with conditions, together with unenforceable and inappropriate conditions.

In undertaking the project, the IoL aims to provide clear guidance to all parties on the proper and effective use of conditions, with guiding principles and a pool of conditions designed to provide appropriate wording of conditions that can be individually considered for inclusion on a premises licence where it is appropriate to do so.

In order to start the project, we asked for sample conditions and operating schedules, and we received a huge amount of information as a result for which we are grateful.

We are now in a position to seek views on the draft guidance document and the conditions provided within it. It is important to us to gather as many views as possible, so please do take the time to go through this consultation survey and give us your views.

The full draft guidance is available via the IoL's website:

http://www.instituteoflicensing.org/content.aspx?page=GUIDANCE_ON_PREMISES_LICENCE_CONDITIONS

The consultation survey will close on 30 September 2015.

ABOUT YOU

Individual contact details will not be published, although we may publish organisations in an acknowledgement list.

Contact information

Name:	<input type="text" value="Mair Hill"/>
Company:	<input type="text" value="Ribble Valley Borough Council"/>
Email Address:	<input type="text" value="mair.hill@ribblevalley.gov.uk"/>
Phone Number:	<input type="text" value="01200 413216"/>

Type of organisation:

- | | |
|--|---|
| <input checked="" type="radio"/> Local authority | <input type="radio"/> Industry operator |
| <input type="radio"/> Police authority | <input type="radio"/> Legal practice |

Other (please specify)

What is your job role?

Are you an IoL member?

- | | |
|---------------------------|-------------------------------------|
| <input type="radio"/> Yes | <input checked="" type="radio"/> No |
|---------------------------|-------------------------------------|

IoL region

- | | | |
|-------------------------------------|--|-------------------------------------|
| <input type="radio"/> Eastern | <input type="radio"/> North East | <input type="radio"/> South West |
| <input type="radio"/> East Midlands | <input type="radio"/> Northern Ireland | <input type="radio"/> Wales |
| <input type="radio"/> Home Counties | <input type="radio"/> North West | <input type="radio"/> West Midlands |
| <input type="radio"/> London | <input type="radio"/> South East | |

The guiding principles

Please ensure that you read the full consultation document which contains our guiding principles alongside the conditions contained within this survey.

The consultation document can be accessed via:

http://www.instituteoflicensing.org/content.aspx?page=GUIDANCE_ON_PREMISES_LICENCE_CONDITIONS

The guiding principles are designed to be just that, a guide. They are not intended to be a straightjacket or treated as immutable. We would emphasise that each and every decision to impose a condition must be justified by reference to the particular circumstances of the individual case. If any model condition does not suit the individual case it must be tailored accordingly.

Nevertheless, we suggest that the decision to offer or impose a condition is more likely to be justified if the proposed condition complies with the seven principles set out below.

Conditions imposed on a licence should be:

- 1) Appropriate, necessary and proportionate;
- 2) Precise, clear and unambiguous;
- 3) Practical, realistic and enforceable;
- 4) Non-duplicative of existing statutory requirements or offences;
- 5) Self-contained;
- 6) Modern and fit for purpose;

And, finally:

- 7) The fewer conditions the better.

We consider each of these guiding principles in turn within the full consultation document.

Do you agree with guiding principles as set out within the consultation document?

- Strongly Agree
- Agree
- Don't know
- Disagree
- Strongly Disagree

Please add your comments including your reasons if you do not agree or don't know

Institute of Licensing – The (DRAFT) Conditions

UNDER NO CIRCUMSTANCE SHOULD ANY LICENSING AUTHORITY REGARD THESE CONDITIONS AS STANDARD CONDITIONS TO BE AUTOMATICALLY IMPOSED ON LICENCES.

The following conditions have been derived from various existing 'pools' of conditions offered by many licensing authorities for consideration. Throughout the development of this document, the principles outlined above, and the need for a concise reference for conditions has been supported and underlined by the various examples provided both good and bad. The aim of this pool is to provide a starting point for licensing authorities where the need for a condition has been identified – the wording has been examined from every angle and should provide a template for each condition, which can then be tailored to the needs of the specific licence in question.

The (DRAFT) Conditions: Admission

Under no circumstance should any licensing authority regard these conditions as standard conditions to be automatically imposed on licences.

1. No person under the age of 18 shall be permitted to enter or remain on the premises when any "specified activity" is taking place.
 - Specified activities are:
 - Any live performance; or
 - Any live display of nudity;
 - Which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).
 - Display of nudity means
 - In the case of a woman, exposure of her nipples, pubic area, genitals or anus; and
 - In the case of a man, exposure of his public area, genitals or anus,
 - NB – The audience can consist of one person.
2. No person under the age of [insert age] years of age is permitted to enter or remain on the licensed premises when alcohol is being sold or supplied.
3. No customer shall be permitted to enter or re-enter the premises between the hours of [specify] save for persons who have temporarily left the premises (e.g. to smoke).
4. Between [specified times] no customer shall be permitted to enter or leave the premises by means of [specified entrances].
5. All persons entering or re-entering the premises shall be searched by an SIA registered door supervisor [and all searches must be monitored by the premises CCTV system].
6. Any queue [in a designated queuing area] to enter the premises shall be supervised at all times by door supervisors.
7. Any [designated] queuing area shall be within suitable barriers.
8. No more than (insert number) customers shall be permitted on the premises at any one time.

DESIGNATED SMOKING AREAS

9. Customers permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area defined as [specify location / mark on plan]. No more than [insert number] of customers shall be permitted to remain in the designated smoking area at any one time.

Please give us your views about the conditions listed above as example conditions relating to admission.

- Agree with the conditions as listed
- Disagree with the conditions as listed
- There are other conditions which should be included

Please give details where you disagree with the conditions listed:

Condition 8 may not be effective unless tied to a requirement for the licence holder to keep records and some mechanism for checking them.

Please give details if you think that other conditions should be included in the list

The (DRAFT) Conditions: Alcohol

Under no circumstance should any licensing authority regard these conditions as standard conditions to be automatically imposed on licences.

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10. Customers will not be permitted to remove from the premises any drinks supplied by the premises (alcoholic or otherwise) in open containers

11. No beer, lager, cider, ale or spirit mixers with an alcohol by volume content above [insert percentage] will be sold or offered for sale.

12. All sealed containers of alcoholic drinks offered for sale for consumption off the premises must be clearly labelled or marked with the name and postcode of the premises.

13. The premises licence holder must submit to the relevant police officer [insert contact details] a completed risk assessment form as prescribed at least 14 days before any event that is:

- promoted / advertised to the public at any time before the event; and
- features DJ's, MCs or equivalent performing to a recorded backing track; and
- runs anytime between the hours of [insert hours]

Alcohol (Restaurant)

14. The premises must only operate as a restaurant (i) in which customers are seated at a table, (ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iii) which do not provide any take away service of food or drink for immediate consumption, and (iv) where alcohol must not be sold, supplied, or consumed on the premises otherwise than to persons who are taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

15. The supply of alcohol to customers must be by waiter or waitress service only.

Please give us your views about the conditions listed above as example conditions relating to alcohol.

- Agree with the conditions as listed
- Disagree with the conditions as listed
- There are other conditions which should be included

Please give details where you disagree with the conditions listed:

Please give details if you think that other conditions should be included in the list

The (DRAFT) Conditions: Boxing or Wrestling or indoor sports

Under no circumstance should any licensing authority regard these conditions as standard conditions to be automatically imposed on licences.

16. At any wrestling or other entertainments of a similar nature, members of the public must not occupy any seat within [specify distance] of the ring.

Please give us your views about the conditions listed above as example conditions relating to Boxing or Wrestling or indoor sports

- Agree with the conditions as listed
- Disagree with the conditions as listed
- There are other conditions which should be included

Please give details where you disagree with the conditions listed:

Please give details if you think that other conditions should be included in the list

The (DRAFT) Conditions: CCTV

Under no circumstance should any licensing authority regard these conditions as standard conditions to be automatically imposed on licences.

The Surveillance Camera Code of Practice (issued by the Home Office in June 2013) makes specific reference to licensing authorities and their use of conditions attached to premises licences stating:

'When a relevant authority has licensing functions and considers the use of surveillance camera systems as part of the conditions attached to a licence or certificate, it must in particular have regard to guiding principle one in the [Surveillance Camera Code of Practice]. Any proposed imposition of a blanket requirement to attach surveillance camera conditions as part of the conditions attached to a licence or certificate is likely to give rise to concerns about the proportionality of such an approach and will require an appropriately strong justification and must be kept under regular review. Applications in relation to licensed premises must take into account the circumstances surrounding that application and whether a requirement to have a surveillance camera system is appropriate in that particular case. For example, it is unlikely that a trouble-free community pub would present a pressing need such that a surveillance camera condition would be justified. In such circumstances where a licence or certificate is granted subject to surveillance camera system conditions, the consideration of all other guiding principles in this code is a matter for the licensee as the system operator'.

Guiding Principle One is shown below for information:

Principle 1 - Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.

- 3.1.1 Surveillance camera systems operating in public places must always have a clearly defined purpose or purposes in pursuit of a legitimate aim and necessary to address a pressing need (or needs). Such a legitimate aim and pressing need might include national security, public safety, the economic well-being of the country, the prevention of disorder or crime, the protection of health or morale, or the protection of the rights and freedoms of others. That purpose (or purposes) should be capable of translation into clearly articulated objectives against which the ongoing requirement for operation or use of the systems and any images or other information obtained can be assessed.
- 3.1.2 In assessing whether a system will meet its objectives, and in designing the appropriate technological solution to do so, a system operator should always consider the requirements of the end user of the images, particularly where the objective can be characterised as the prevention, detection and investigation of crime and the end user is likely to be the police and the criminal justice system.
- 3.1.3 A surveillance camera system should only be used in a public place for the specific purpose or purposes it was established to address. It should not be used for other purposes that would not have justified its establishment in the first place. Any proposed extension to the purposes for which a system was established and images and information are collected should be subject to consultation before any decision is taken.

The Data Protection Act 1998 allows for CCTV images which can be used to identify an individual to be handed over for the prevention or detection of crime, the prosecution or apprehension of offenders or where the disclosure is required by law, for example, where an officer of the licensing authority is checking that CCTV is being used in accordance with the conditions of a particular licence.

The requirements of the Data Protection Act 1998 are such that such disclosure should be necessary for investigating or preventing a crime or apprehending or prosecuting an offender. As such the police must be able to justify their requests for CCTV images to be disclosed to them.

CCTV DRAFT CONDITIONS:

17. The premises licence holder must ensure that :

- a. CCTV cameras are located within the premises to cover all public areas including all entrances and exits [The location of cameras could also be specified on the plan attached to the premises licence].
- b. The system records clear images permitting the identification of individuals.
- c. The CCTV system is able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
- d. The CCTV system operates [specify 'at all times while the premises are open for licensable activities' or specify timings]. All equipment must have a constant and accurate time and date generation.
- e. The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
- f. There are members of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).

Please give us your views about the conditions listed above as example conditions relating to CCTV.

- Agree with the conditions as listed
- Disagree with the conditions as listed
- There are other conditions which should be included

Please give details where you disagree with the conditions listed:

Should it also be a requirement that they register with the ICO as required under the DPA and have signage about CCTV being present or generally that all CCTV is operated in accordance with the DPA?

Please give details if you think that other conditions should be included in the list

The (DRAFT) Conditions: Deliveries

Under no circumstance should any licensing authority regard these conditions as standard conditions to be automatically imposed on licences.

18. No deliveries or collections relating to licensable activities at the premises will take place between the hours of [insert hours].

Please give us your views about the conditions listed above as example conditions relating to deliveries

- Agree with the conditions as listed
- Disagree with the conditions as listed
- There are other conditions which should be included

Please give details where you disagree with the conditions listed:

As it could be argued by some that all deliveries to a licensed premises relate to licensable activities, this condition should be tied to those types of delivery which are likely to cause a nuisance.

Please give details if you think that other conditions should be included in the list

The (DRAFT) Conditions: Dispersals

Under no circumstance should any licensing authority regard these conditions as standard conditions to be automatically imposed on licences.

19. The dispersal of customers from the premises must be managed in accordance with the following:

- Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly.
- Public announcements requesting customers to leave quietly to minimise disturbance to nearby residents
- A [specify minutes] period where [music volume is reduced / lighting increased / alcohol sales cease]

Please give us your views about the conditions listed above as example conditions relating to dispersals

- Agree with the conditions as listed
- Disagree with the conditions as listed
- There are other conditions which should be included

Please give details where you disagree with the conditions listed:

Please give details if you think that other conditions should be included in the list

The (DRAFT) Conditions: Glass

Under no circumstance should any licensing authority regard these conditions as standard conditions to be automatically imposed on licences.

- 20. Drinks must only be served in polycarbonate/plastic containers.

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Please give us your views about the conditions listed above as example conditions relating to glass

- Agree with the conditions as listed
- Disagree with the conditions as listed
- There are other conditions which should be included

Please give details where you disagree with the conditions listed:

This condition should only relate to drink consumed off the premises or outside.

Please give details if you think that other conditions should be included in the list

The (DRAFT) Conditions: Large Events

Under no circumstance should any licensing authority regard these conditions as standard conditions to be automatically imposed on licences.

21. The Premises licence Holder must comply with the Event Management Plan submitted to and approved by the Licensing Authority and no changes will be made to the Event Management Plan without the prior written consent of the Licensing Authority. *

* Event Mgt plan can be drawn up in consultation with the Safety Advisory Group and Responsible Authorities.

Please give us your views about the conditions listed above as example conditions relating to large events

- Agree with the conditions as listed.
- Disagree with the conditions as listed
- There are other conditions which should be included

Please give details where you disagree with the conditions listed:

Please give details if you think that other conditions should be included in the list

The (DRAFT) Conditions: Late Night Refreshments

Under no circumstance should any licensing authority regard these conditions as standard conditions to be automatically imposed on licences.

22. Customers must not be permitted to remove from the premises late night refreshment provided at the premises between [specify hours/days].

Please give us your views about the conditions listed above as example conditions relating to late night refreshments

- Agree with the conditions as listed
- Disagree with the conditions as listed
- There are other conditions which should be included

Please give details where you disagree with the conditions listed:

Please give details if you think that other conditions should be included in the list

The (DRAFT) Conditions: Noise

Under no circumstance should any licensing authority regard these conditions as standard conditions to be automatically imposed on licences.

'Inaudibility' conditions have been popular in the past but have faced sufficient criticism in the courts to be quashed as invalid for lack of precision*. Noise conditions are notoriously difficult to pre-empt and should be applied only where professional advice has been obtained from the licensing authority acoustic advisor. Such conditions will be strictly tailored to the premises in question and the concerns to hand in relation to noise attenuation and resultant nuisance.

* See *Developing Retail Ltd v East Hampshire Magistrates' Court* [2011] EWHC (Admin)

23. Between [specify hours/ days], the noise climate of the surrounding area must be protected such that the A-weighted equivalent continuous noise level (LAeq) emanating from the application site, as measured [specified distance(usually in metres, between the noise source and the receiver location(s))] from any facade of any noise sensitive premises over any [specify no. of minutes] period with entertainment taking place, must not increase by more than [specify dB tolerance (e.g. +3 dB, +5 dB, etc.)] as compared to the same measure, from the same position, and over a comparable period, with no entertainment taking place; and the unweighted (i.e. linear) equivalent noise level (LZeq) in the 63Hz 1/1-Octave band, measured using the "fast" time constant, inside any noise sensitive premises, with the windows open or closed, over any [specify no. of minutes] period with entertainment taking place, should show no increase as compared to the same measure, from the same location(s), and over a comparable period, with no entertainment taking place. *

24. The location and orientation of loudspeakers must be as specified on the attached premises plan.

25. An [acoustic lobby / acoustic door / acoustic curtains/ acoustic door seals / automatic door closer] must be installed [specify the location / define on plan].

26. All external windows and doors must be kept shut at all times when regulated entertainment is being provided. Doors may be opened for normal entrance and egress of people but must be shut immediately thereafter.

Noise Limiting Device

27. A noise limiting device must be installed and must operate at all times regulated entertainment takes place at the premises. The device must be of a type, in a location and set at a level [specify if known] [approved in writing by the appropriate officer of the Council].

* We recognise this condition requires expert input and may not be immediately understandable to the lay man. As such it stands as an exception to our general principles.

Please give us your views about the conditions listed above as example conditions relating to noise

- Agree with the conditions as listed
- Disagree with the conditions as listed
- There are other conditions which should be included

Please give details where you disagree with the conditions listed:

Condition 23 should specify the baseline reading and also include a provision checking it.

Please give details if you think that other conditions should be included in the list

Institute of Licensing -

Under no circumstance should any licensing authority regard these conditions as standard conditions to be automatically imposed on licences.

28. No more than [insert number] customers will be permitted to enter or remain in [define outdoor area(s)] of the premises at any one time, between the hours of [specify].

29. Clear and legible notices must be prominently displayed at any area used for smoking requesting customers to respect the needs of local residents and use the area quietly.

Please give us your views about the conditions listed above as example conditions relating to outdoor areas

- Agree with the conditions as listed
- Disagree with the conditions as listed
- There are other conditions which should be included

Please give details where you disagree with the conditions listed:

Please give details if you think that other conditions should be included in the list

The (DRAFT) Conditions: Records

Under no circumstance should any licensing authority regard these conditions as standard conditions to be automatically imposed on licences.

30. A refusals record must be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. All entries must be made within 24 hours of the refusal. The record must be made available for inspection and copying within [specify days / hours or a reasonable time] of a request by an officer of a Responsible Authority.

Please give us your views about the conditions listed above as example conditions relating to records

- Agree with the conditions as listed
- Disagree with the conditions as listed
- There are other conditions which should be included

Please give details where you disagree with the conditions listed:

I have doubts about the practicality of this in a busy environment.

Please give details if you think that other conditions should be included in the list

The (DRAFT) Conditions: SIA (door supervisors)

Under no circumstance should any licensing authority regard these conditions as standard conditions to be automatically imposed on licences.

31. All door supervisors, and other persons engaged at the premises, for the purpose of supervising or controlling queues or customers, must wear [high visibility jackets or vests or armbands].

32. Door supervision must be provided on (specify days) . Door supervisors must be on duty from [INSERT HOURS] and must remain on duty until the premises are closed and all the customers have left.

33. Door supervisors must be provided with radios to enable them to contact each other and the duty manager at the premises.

34. On [specify days/hours] at least [insert number] of SIA registered door supervisors must be on duty at the premises [specify location at the premises] [or as shown on the plan].

35. Where SIA registered door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times when they are on duty.

36. On [specify days/hours] at least [insert number] of SIA registered door supervisors must be on duty at the premises [specify location at the premises] [or as shown on the plan]. *

* The "industry standard" is generally regarded as a ratio of 1 door supervisor to 100 customers but this will vary according to circumstances..

Please give us your views about the conditions listed above as example conditions relating to door supervisors

- Agree with the conditions as listed
- Disagree with the conditions as listed
- There are other conditions which should be included

Please give details where you disagree with the conditions listed:

Please give details if you think that other conditions should be included in the list

The (DRAFT) Conditions: Staff

Under no circumstance should any licensing authority regard these conditions as standard conditions to be automatically imposed on licences.

- 37. A Personal licence Holder must be present at the premises to supervise all sales of alcohol.
- 38. A direct telephone number for the duty manager must be prominently displayed where it can conveniently be read from the exterior of the premises by the public. The telephone must be manned at all times the premises is open for licensable activities.
- 39. The PLH/DPS will provide [specify ratio] adult supervisors at a ratio of [specify ratio] who can provide care for the children as they move from stage to dressing room etc., and to ensure that all children can be accounted for in case of an evacuation or an emergency.

Please give us your views about the conditions listed above as example conditions relating to staff

- Agree with the conditions as listed
- Disagree with the conditions as listed
- There are other conditions which should be included

Please give details where you disagree with the conditions listed:

Please give details if you think that other conditions should be included in the list

The (DRAFT) Conditions: Waste

Under no circumstance should any licensing authority regard these conditions as standard conditions to be automatically imposed on licences.

- 40. Between the hours of [insert hours] no waste/glass bottles will be moved or deposited outside.
- 41. At [specify times] [specify areas] outside the premises, including [specify areas] must be swept and/or washed, and litter and sweepings collected and stored [specify storage and collection].
- 42. Where the premises provide late night refreshments for consumption off the premises sufficient waste bins must be provided at or near the exits, to enable the disposal of waste.
- 43. Empty bottles which have been collected must be placed into locked bins.

Please give us your views about the conditions listed above as example conditions relating to waste

- Agree with the conditions as listed
- Disagree with the conditions as listed
- There are other conditions which should be included

Please give details where you disagree with the conditions listed:

Please give details if you think that other conditions should be included in the list

Additional comments

Do you have any other observations or comments on the draft conditions and the guiding principles? Are there areas you feel we should have covered either in more detail or which haven't been covered by any of the conditions at present?

- Yes - comments below
- No further comments

Comments:

Many thanks for taking the time to contribute your views for our consideration. The consultation will formally close on 30th September and we will publish our response in due course.

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

Agenda Item No. 7

meeting date: 15 SEPTEMBER 2015
 title: RECOMMENDATIONS FOR TESTING REQUIREMENTS FOR PRIVATE HIRE
 AND HACKNEY CARRIAGE DRIVERS
 submitted by: CHIEF EXECUTIVE
 principal author: MAIR HILL

1 PURPOSE

1.1 To seek approval from Committee for the implementation of the proposals for new testing requirements for private hire and hackney carriage drivers.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives - }
- Corporate Priorities - } Consideration of these issues will promote the Council's aim to be a well-managed Council.
- Other Considerations - }

2 BACKGROUND

2.1 The recommendations of the working group set up to consider the Council's current testing requirements for applicants and in particular the Steering to Success Course were reported in detail to Committee on 23 June 2015. Committee approved the recommendation of the Working Group and authorised the Head of Legal and Democratic Services to consult all licence holders upon them.

2.2 Pursuant to this authorisation the Council's solicitor wrote to all licence holders to consult them upon the recommendations on 2 July 2015. A copy of the consultation documents are enclosed as **Appendix 1** to this report.

3 ISSUES

3.1 The Council received 7 responses to the consultation. These are set out in tabular form at **Appendix 2** to this report. Five responses were received in support for the recommendations and two were not in support. One of those not in support of the proposal commented that "*the cost is too expensive to be borne myself, also there seems to be a lot of 'red tape' needed to go through to acquire a new licence*". The cost of completing the DVSA taxi driving test is £64-75 (which must be completed before a licence will be granted) and the cost of the Edexcel level 2 NVQ is £150 (and must be completed with 12 months of the licence being granted). The costs is therefore spread out over a period of time, is not excessive and these are already requirements of the various surrounding licensing authorities so by introducing them the Council would not be exceptional.

- 3.2 For the reasons set out in the report to Committee on 23 June 2015, Committee is asked to approve the removal of the requirement for applicants for a private hire or hackney carriage driver's licence to pass the steering to success course before a licence is granted from 1 April 2016; and to approve the introduction from 1 April 2016 of a requirement that all applicants for a private hire or hackney carriage driver's licence pass the DVSA taxi driving test before a licence is granted and that they must pass the Edexcel, Level 2 NVQ in Road Passenger Vehicle Driving (Taxi and Private Hire) within 12 months of the licence being granted.

4. RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications

- Resources – No implications identified.
- Technical, Environmental and Legal – Improved control of licence holders should improve public safety.
- Political – No implications identified.
- Reputation – Improved public safety will enhance the Council's reputation.
- Equality & Diversity – no implication identified

5. RECOMMENDED THAT COMMITTEE

- 5.1 Approve the removal of the requirement for applicants for a private hire or hackney carriage driver's licence to pass the steering to success course before a licence is granted from 1 April 2016; and
- 5.2 Approve the introduction from 1 April 2016 of a requirement that all applicants for a private hire or hackney carriage driver's licence pass the DVSA taxi driving test before a licence is granted and that they must pass the Edexcel, Level 2 NVQ in Road Passenger Vehicle Driving (Taxi and Private Hire) within 12 months of the licence being granted.



MAIR HILL
SOLICITOR



MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

1. Report of Legal Services Manager dated 10 April 2008
2. Report of Chief Executive dated 17 September 2013
3. Report of Chief Executive dated 21 January 2014.
4. Report of Chief Executive dated 17 March 2015
5. Report of Chief Executive dated 23 June 2015

For further information please ask for Mair Hill, extension 3216

REF: MJH/Licensing Committee/15 September 2015

APPENIDX 1

please ask for: MAIR HILL
direct line: 01200 413216
e-mail: Mair.hill@ribblevalley.gov.uk
my ref: MJH
your ref:
date: 2 July 2015

Dear Sirs

RE: Consultation on changes to requirement for applicants for private hire and hackney driver's licences and to condition 20 of the standard conditions of private hire vehicle.

I write to inform you that the Council's Licensing Committee has recently been considering potential changes to the requirements for applicants for private hire and hackney carriage driver's licences and to condition 20 of the standard conditions of private hire vehicle.

The Council's Licensing Committee considered reports on these issues on 23 June 2015. If you wish to read this report it is available on the Council's website or you can telephone Lindsay Crawford to request a copy.

The proposed changes are outlined in the attached note.

If you wish to respond with your views on the proposed change, please do so in writing using the enclosed form and submitting it to me at the above address on or before **14 August 2015**.

Please contact me if you have any queries.

Yours sincerely

MAIR HILL
SOLICITOR
RIBBLE VALLEY BOROUGH COUNCIL

To all private hire operators and all private hire and hackney carriage drivers and vehicle licence holders



Ribble Valley
Borough Council
www.ribblevalley.gov.uk

Ribble Valley Borough Council

Potential changes to the requirements for an applicant for a private hire/hackney carriage driver's licence and to Condition 20 of the standard condition of licence for a private hire vehicle

The Council's Licensing Committee discussed these matters on 23 June 2015. Committee was informed that:

Changes to testing arrangements - applicants for hackney carriage and private hire driver's licences

The working group established following Licensing Committee on 17 March 2015 considered that the requirements for applicants for either hackney carriage or private hire drivers should be changed as follows:

- Applicants will no longer be required to pass the steering to success course prior to applying for a licence
- Applicants will instead be required to pass the DVSA taxi driving test prior to applying for a licence (with the costs of approximately £64-75 being borne by the Applicant)
- Applicants will also be required to complete and pass the Edexcel, Level 2 NVQ in Road Passenger Vehicle Driving (Taxi and Private Hire) within 12 months of a licence being granted (with the cost of £150 being borne by the Applicant).

Changes to private hire vehicle signage to specify the minimum size and type of font

The standard conditions of licence for a private hire vehicle licence should be amended to incorporate revised conditions relating to signage so that condition 20 would read as follows:

"20. A private hire vehicle must:

- (a) not have any lights, plates, signs, advertisements or other fittings, save for those required under conditions or as approved by the Council;
- (b) not be equipped with any roof fitting or sign other than a wireless aerial, approved by the Council;
- (c) not display the words "Taxi", "Taxi Cab" or "Cab";
- (d) display door signs upon its rear doors stating "Private Hire Vehicle", "Advanced bookings only" and "Not insured unless prebooked" only and the lettering within those signs must be in bold black type and not less than 15mm in height. These signs must be displayed on private hire vehicles AT ALL TIMES (including when the vehicle is not in use);**
- (e) display door signs upon its front doors which shall only include the name of the private hire operator and its telephone number. If the words "Taxi", "Taxi Cab" or "Cab" or "for hire" form part of the Operator's name these must be omitted from the sign; and**
- (f) display a sign stating "no smoking" with a minimum diameter of 70mm inside the vehicle in a position which is clearly visible to the hirer/passengers." [Emphasis added]

The Council's Licensing Committee resolved to consult upon these issues.

Timetable

The next meeting of the Council's Licensing Committee will be held on 15 September 2015. It is proposed that the results of this consultation will be reported to that Committee. The Consultation will therefore run from 3 July 2015 to 14 August 2015.

More details on the above proposals can be found in the Committee report available on request or via the Council's website.

If you wish to respond with your views on the proposed change to the licensing requirements and conditions please do this by completing the enclosed form and submitting it to Mair Hill at the Council Offices on or before **14 August 2015**.



Ribble Valley
Borough Council
www.ribblevalley.gov.uk

CONSULTATION RESPONSE FORM

Name:

Address:

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Licence No:

Contact details:

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I support/do not support the removal of the requirement to pass the steering to success course prior to the issue of a private hire/hackney carriage driver's licence, to be replaced by a requirement to pass the DVSA taxi driver's test in advance of the issue of a licence and to complete and pass Edexcel, Level 2 NVQ in Road Passenger Vehicle Driving (Taxi and Private Hire) within 12 months of the licence being granted.

Comments:

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I support/do not support the amendment of condition 20 of the private hire vehicle licence conditions.

Comments:

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APPENDIX 2

Response to Consultation on the testing requirements for applicants

	Comments
<p>I support/do not support the removal of the requirement to pass the steering to success course prior to the issue of a private hire/hackney carriage driver's licence, to be replaced by a requirement to pass the DVSA taxi driver's test in advance of the issue of a licence and to complete and pass Edexcel, Level 2 NVQ in Road Passenger Vehicle Driving (Taxi and Private Hire) within 12 months of the licence being granted</p>	
Do not support	The cost is too excessive to be borne myself, also there seems to be a lot of 'red tape' needed to go through to acquire a new licence.
Do not support	
Support	
Support	
Support	Totally support the above
Support	
Support	

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

Agenda Item No. 8

meeting date: 15 SEPTEMBER 2015
 title: RECOMMENDATION ON PROPOSED AMENDMENT OF COUNCIL'S
 CONDITIONS OF LICENCE FOR PRIVATE HIRE VEHICLES
 submitted by: CHIEF EXECUTIVE
 principal author: MAIR HILL - SOLICITOR

1 PURPOSE

1.1 To seek Committee approval of the proposed amendments to the standard conditions of licence for private hire vehicles and consequential amendments to the Council's Infringement Points Scheme.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives - }
- Corporate Priorities - } The Council aims to be a well-managed authority
these proposals support that objective.
- Other Considerations - }

2 BACKGROUND

2.1 The proposals for amendment and the reasons for them were reported in detail to Committee on 23 June 2015. Having considered these, Committee resolved to authorise the Head of Legal and Democratic Services to consult all licence holders upon the proposed amendments.

2.2 Pursuant to this authorisation the Council's Solicitor wrote to all licence holders to consult them. A copy of the consultation documents are enclosed with this report at **Appendix 1**.

3 ISSUES

3.1 The Council received 7 responses to the consultation. Those responses are detailed in tabular form at **Appendix 2**. Three of the responses are in support of the amendment and four are not and set out their reasons for opposing the change. The Council's position on each of those objections (taking each on in the order it appears in **Appendix 2** is as follows:

- The existing condition requires that the signage remain on the vehicle at all times. This is not a new requirement, and as such the Consultee should not be removing the signage when using the vehicle for private use. In doing so they are breaching their existing conditions of licence, and have been written to, to inform them of this.
- The purpose of the revised signage is to make the information upon them clearer and legible to the public. Whilst it is correct that driver's must be aware of the law, it is also important to highlight the fact to the public.

- Hackney Carriages do not require this signage as they are permitted to ply for hire and do not need to be pre booked. The public is not at risk of being driven in an uninsured vehicle by doing so as they would be in a private hire vehicle.
- The Council already has provision for executive hire operators to apply for exemption from the signage requirements. In order for the exemption to be granted an operator must be able to demonstrate that their business is wholly or mainly for a select group of private clients, and for executive type work.

3.2 For the reasons set out in the report of Committee on 23 June 2015 and in the interests of public safety, Committee is asked to approve amendment of condition 20 of the Council's standard condition of private hire vehicle licence and to the consequential amendment of the Council's Infringement Points Scheme.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – The conditions would require amendment.
- Technical, Environmental and Legal - No implications identified.
- Political - No implications identified.
- Reputation – No implications identified.
- Equality & Diversity – No implications identified.

5 RECOMMENDED THAT COMMITTEE

5.1 Approve amendment of condition 20 of the Council's standard condition of private hire vehicle licence and to the Council's Infringement Points Scheme.


MAIR HILL
SOLICITOR


MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

- Report of Chief Executive dated 23 June 2015
- Ribble Valley Borough Council Private Hire Vehicle Licence Standard Conditions –

https://www.ribblevalley.gov.uk/download/downloads/id/8672/private_hire_vehicle_licence_conditions

- Ribble Valley Borough Council Infringement Points Scheme

https://www.ribblevalley.gov.uk/download/downloads/id/8670/infringement_points_scheme

For further information please ask for Mair Hill, extension 3216.

REF: MJH/LICENSING/15 September 2015

APPENDIX 1

please ask for: MAIR HILL
direct line: 01200 413216
e-mail: Mair.hill@ribblevalley.gov.uk
my ref: MJH
your ref:
date: 2 July 2015

Dear Sirs

RE: Consultation on changes to requirement for applicants for private hire and hackney driver's licences and to condition 20 of the standard conditions of private hire vehicle.

I write to inform you that the Council's Licensing Committee has recently been considering potential changes to the requirements for applicants for private hire and hackney carriage driver's licences and to condition 20 of the standard conditions of private hire vehicle.

The Council's Licensing Committee considered reports on these issues on 23 June 2015. If you wish to read this report it is available on the Council's website or you can telephone Lindsay Crawford to request a copy.

The proposed changes are outlined in the attached note.

If you wish to respond with your views on the proposed change, please do so in writing using the enclosed form and submitting it to me at the above address on or before **14 August 2015**.

Please contact me if you have any queries.

Yours sincerely

MAIR HILL
SOLICITOR
RIBBLE VALLEY BOROUGH COUNCIL

To all private hire operators and all private hire and hackney carriage drivers and vehicle licence holders



Ribble Valley
Borough Council
www.ribb.ovalley.gov.uk

Ribble Valley Borough Council
Potential changes to the requirements for an applicant for a private hire/hackney carriage driver's licence and to Condition 20 of the standard condition of licence for a private hire vehicle

The Council's Licensing Committee discussed these matters on 23 June 2015. Committee was informed that:

Changes to testing arrangements - applicants for hackney carriage and private hire driver's licences

The working group established following Licensing Committee on 17 March 2015 considered that the requirements for applicants for either hackney carriage or private hire drivers should be changed as follows:

- Applicants will no longer be required to pass the steering to success course prior to applying for a licence
- Applicants will instead be required to pass the DVSA taxi driving test prior to applying for a licence (with the costs of approximately £64-75 being borne by the Applicant)
- Applicants will also be required to complete and pass the Edexcel, Level 2 NVQ in Road Passenger Vehicle Driving (Taxi and Private Hire) within 12 months of a licence being granted (with the cost of £150 being borne by the Applicant).

Changes to private hire vehicle signage to specify the minimum size and type of font

The standard conditions of licence for a private hire vehicle licence should be amended to incorporate revised conditions relating to signage so that condition 20 would read as follows:

"20. A private hire vehicle must:

- (a) not have any lights, plates, signs, advertisements or other fittings, save for those required under conditions or as approved by the Council;*
- (b) not be equipped with any roof fitting or sign other than a wireless aerial, approved by the Council;*
- (c) not display the words "Taxi", "Taxi Cab" or "Cab";*
- (d) display door signs upon its rear doors stating "Private Hire Vehicle", "Advanced bookings only" and "Not insured unless prebooked" only and the lettering within those signs must be in bold black type and not less than 15mm in height. These signs must be displayed on private hire vehicles AT ALL TIMES (including when the vehicle is not in use);**
- (e) display door signs upon its front doors which shall only include the name of the private hire operator and its telephone number. If the words "Taxi", "Taxi Cab" or "Cab" or "for hire" form part of the Operator's name these must be omitted from the sign; and**
- (f) display a sign stating "no smoking" with a minimum diameter of 70mm inside the vehicle in a position which is clearly visible to the hirer/passengers." [Emphasis added]*

The Council's Licensing Committee resolved to consult upon these issues.

Timetable

The next meeting of the Council's Licensing Committee will be held on 15 September 2015. It is proposed that the results of this consultation will be reported to that Committee. The Consultation will therefore run from 3 July 2015 to 14 August 2015.

More details on the above proposals can be found in the Committee report available on request or via the Council's website.

If you wish to respond with your views on the proposed change to the licensing requirements and conditions please do this by completing the enclosed form and submitting it to Mair Hill at the Council Offices on or before **14 August 2015**.



Ribble Valley
Borough Council
www.r.bolevalley.gov.uk

CONSULTATION RESPONSE FORM

Name:

Address:

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Licence No:

Contact details:

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I support/do not support the removal of the requirement to pass the steering to success course prior to the issue of a private hire/hackney carriage driver's licence, to be replaced by a requirement to pass the DVSA taxi driver's test in advance of the issue of a licence and to complete and pass Edexcel, Level 2 NVQ in Road Passenger Vehicle Driving (Taxi and Private Hire) within 12 months of the licence being granted.

Comments:

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I support/do not support the amendment of condition 20 of the private hire vehicle licence conditions.

Comments:

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APPENDIX 2

Response to Consultation on the amendment of Condition 20 of the private hire vehicle licence

I support/do not support the amendment of condition 20 of the private hire vehicle licence	Comments
Do not support	I do not support the section (d) part where you are required to have the signage on your vehicle when not being used for private hire as we only have one vehicle which we also use for private use. We would support the vehicle signage when the vehicle was being used for private hire.
Do not support	I find the public have no comprehension of the difference between a "hackney carriage" & a "private hire" vehicle with all the additional signage it only adds to the confusion. All taxi drivers should be aware of the need to adhere to the rules regarding pick up & collection of passengers/
Support	Totally support the above.
Do not support	As a private hire and the fact that all jobs are pre-booked the customer's in majority of bookings are aware/know who will be picking them up. I personally don't see why we should have to turn our cars into some tacky looking cab with signs all over them. Providing you have plates on display and wearing ID then from a PH point of view this should suffice. 1 sign re: pre bookings/number say to the rear of the vehicle should do. (I comment as a PH operator) Hackney should provide more signage so people know what they are getting into.
Support	
Support	I have no argument against as this is for my safety as well as the passengers.
Do not Support	I feel the door signage needs further consideration for the type of business

being undertaken. The signage on vehicles would be disadvantageous for companies such as mine who cover predominantly long distance work for regular customers & for private hire business clientele. Perhaps introducing a second type of operator's licence would be an idea (as Manchester do – see attached info). The Ribble Valley has a lot of residents & business' that want nice vehicles & more than a taxi style service and I think this needs addressing. Door signs would loose my business work.

Private hire operator

See which licence you need

To operate private hire vehicles in Manchester, you need a private hire operator's licence.

There are 2 different types:

- [Standard private hire operator \(/directory_record/72597/private_hire_operator-standard\)](/directory_record/72597/private_hire_operator-standard) - to operate standard private hire vehicles. A private hire vehicle should be less than 7 years old, white or silver in colour and carry a maximum of 8 passengers. The vehicle must also display yellow Council issued stickers; or
- [Non standard private hire operator \(/directory_record/72570/private_hire_operator-non_standard\)](/directory_record/72570/private_hire_operator-non_standard) - to operate stretched limousines, chauffeur driven vehicles, park and ride for private car parks, airport travel and 'novelty' vehicles which carry a maximum of 8 passengers. They can apply for exemption from the standard conditions, they must also display approved ID stickers in the front and rear windows.

Vehicles also need to be licensed, check what type of [private hire vehicle licences \(/info/200094/taxis_and_private_hire/6066/private_hire_vehicle_licences\)](/info/200094/taxis_and_private_hire/6066/private_hire_vehicle_licences) are required.

Up to date [private hire driver and vehicle \(http://194.70.181.147/\)](http://194.70.181.147/) details and [private hire operator \(/downloads/download/6186/private_hire_operators_-_public_register\)](/downloads/download/6186/private_hire_operators_-_public_register) information is available by viewing the public registers.

**RIBBLE VALLEY BOROUGH COUNCIL
REPORT TO LICENSING COMMITTEE**

Agenda Item No. 9

meeting date: 15 SEPTEMBER 2015
title: REVISION OF STATEMENT OF LICENSING POLICY
submitted by: CHIEF EXECUTIVE
principal author: MAIR HILL

1 PURPOSE

1.1 To seek approval from Committee of the revision to the Council's Statement of Licensing Policy to form the basis of consultation.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives - }
- Corporate Priorities - } Consideration of these issues will promote the Council's aim to be a well-managed Council.
- Other Considerations - }

2 BACKGROUND

2.1 Section 5 of the Licensing Act 2003 ("Act") requires that each Local Authority formulate and publish a Statement of Licensing Policy ("Statement") every five years. The Statement is in effect until 6 January 2016. It must therefore be reviewed and the revised policy will come into force from January 2016.

3 ISSUES

3.1 A revised Statement of Licensing Policy is enclosed as **Appendix 1**. The amendments are shown in track changes and reflect factual changes made since the policy was last reviewed.

3.2 Before determining its policy, the council is required to consult the parties specified in Section 5 of the Act. Committee is asked to consider the draft policy at **Appendix 1** to and to authorise the Head of Legal and Democratic Services to consult upon it as required by Section 5 of the Act.

3.3 It is proposed that the consultation run from 16 September 2015 to 27 October 2015 and that the results of the consultation be brought back to Committee on 3 November 2015 for consideration. The policy would then be referred to Full Council with a recommendation for approval, so that it would be in place from January 2016.

4. RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – Resources will be expended in carrying out the consultation.
- Technical, Environmental and Legal – No implications identified.
- Political – No implications identified.
- Reputation – The Council's reputation will be enhanced by ensuring its policy is reviewed.
- Equality & Diversity – No implications identified

5. **RECOMMENDED THAT COMMITTEE**

- 5.1 Approve the draft Statement of Licensing Policy at **Appendix 1** to this report.
- 5.2 Authorise the Head of Legal and Democratic Services to consult upon the draft Statement of Licensing Policy.

Mair Hill

MAIR HILL
SOLICITOR

Marshal Scott

MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

For further information please ask for Mair Hill, extension 3216

REF: MJH/Licensing Committee/15 September 2015

APPENDIX 1



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

STATEMENT OF LICENSING POLICY

LICENSING ACT 2003

2016-2021

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1. BACKGROUND

Ribble Valley Borough Council ("**Council**") is designated as the Licensing Authority ("**Authority**") under the Licensing Act 2003 ("**Act**") and is responsible for granting all licences designated under the Act in respect of the sale and/or supply of alcohol, the provision of regulated entertainment and late night refreshment.

Section 5 of the Act requires that each Licensing Authority must in respect of each five year period determine its policy with respect to the exercise of its functions and to publish the statement before the beginning of that period. This Statement of Licensing Policy ("**Statement**") is prepared pursuant to those provisions and with due regard to the guidance that the Secretary of State has issued under Section 182 of the Act ("**Guidance**").

The Statement shall be effective from 7 January 2016~~4~~ and shall remain in effect for five years until 6 January 2021~~46~~. This revision updates the Policy to reflect ~~ensure consistency with the changes to the Act introduced by the Police Reform and Social Responsibility Act 2012, and~~ factual changes which have occurred since it was ~~last reviewed~~ drafted. Prior to its expiry, it will be subject to review and further consultation if required.

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Applicants are asked to have regard to the Guidance before submitting applications under the Act.

The Statement sets out the considerations that the Council will take into account when considering applications for licences under the Act and the policies that the Council will generally apply.

The Statement provides guidance on the approach that the Council will take towards licensing following the introduction of the Act. It may be subject to review pending the compilation of information specifically relating to the Council's area and the outcome of consultation with local bodies, organisations and residents. A list of consultees is contained in **Appendix 1** to this Statement.

The Council will be mindful of other legislation, which may impact on the promotion of the Licensing Objectives. These will include:

Crime and Disorder Act 1998

Clean Neighbourhoods & Environment Act 2005

Health Act 2006

Anti-Social Behaviour Act 2003

Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000

Policing and Crime Act 2009

Crime and Security Act 2010

Criminal Justice and Police Act 2001

Private Security Industry Act 2001

Violent Crime Reduction Act 2006

The Council will also have regard to Government and Council strategies, for example the Council's Safer Events Protocol, so far as they impact on the licensing objectives.

Any queries relating to the matters set out in this document should be addressed to:

Administration and Licensing Officer
Ribble Valley Borough Council
Council Offices, Church Walk
Clitheroe BB7 2RA

Tel: 01200 414454

e-mail: catherine.moore@ribblevalley.gov.uk

Information can also be obtained from the Council's website www.ribblevalley.gov.uk

Responsible authorities (as at the date of review) can be contacted as follows; changes to contact details will appear on the Council's Website (as above).

Police:

Lancashire Constabulary
Police Licensing
King Street
Clitheroe
Lancashire
BB7 2EU
Eastern Division Licensing
Blackburn Central Police Office
The Railway
BLACKBURN
BB1 1EX

Fire:

— Eastern Area Fire Safety Enforcement Team Leader
Lancashire Fire and Rescue Service
E71 Blackburn Fire Station
Fire Safety Department
Byrom Street
Blackburn
BB2 2LE Hyndburn Fire Safety Department
— Hyndburn Community Fire & Rescue Station
— Hyndburn Road
— Church
— Accrington
— Lancashire
— BB5 4EQ

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Health & Safety and Environmental Health:

Head of Environmental Health Services
Ribble Valley Borough Council
Council Offices
Church Walk
Clitheroe
Lancashire
BB7 2RA

Local Planning Authority:

FAO: Colin Sharpe
Development Department
Ribble Valley Borough Council
Council Offices
Church Walk
Clitheroe
Lancashire
BB7 2RA

Protection of Children:

Paul Jenkins
Lancashire Safeguarding Children's Board Manager
Room B52
PO Box 61
County Hall
Preston
PR1 8RJ

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Trading Standards:

Kenny Logue
Technical Support Officer
Lancashire County Council
Trading Standards
Room D21, County Hall
Pitt Street
Preston
PR 1 8XBOLD

Primary Care Trust:

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Lancashire County Council
Level 1
CCP Building
County Hall
Preston
PR1 8XB

Licensing Authority

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Ribble Valley Borough Council
Council Office
Church Walk
Clitheroe
Lancashire
BB7 2RA

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2. ACTIVITIES COVERED BY THIS STATEMENT

The following activities which require a licence under the provisions of the Act, and which are covered by this statement, include:

1. The sale by retail of alcohol.

2. The supply of alcohol by or on behalf of a club, or to the order of a member of the club.
3. The provision of regulated entertainment.
4. The provision of late night refreshment.

3. LICENSING OBJECTIVES

This Statement is intended to cover the control of licensed premises, qualifying Clubs and temporary events, and extends to new licence and permit applications including those for personal licences, renewals, transfers and the variation of conditions attached to various licences. There are four main licensing objectives contained within the Act, and the Authority will promote these objectives when undertaking its licensing functions:

- i) The prevention of crime and disorder.
- ii) Public safety.
- iii) The prevention of public nuisance.
- iv) The protection of children from harm.

Further guidance on the four licensing objectives is contained in Section 7 of this Statement.

For the purposes of the Statement, no one objective is considered to be of any greater importance than the others; each are seen to be equal. Each application will be considered on its merits in the context of the four licensing objectives. To assist in promoting the objectives, the Authority will ensure integration with local crime prevention, planning, local businesses, community representatives, and take into account culture and transport strategies. The Authority will work closely with the Police/Enforcement Agencies, Fire Authority and Transport Providers to develop a protocol and the Licensing Committee will take into account reports relating to tourism/visitors and culture in the area, to enable those needs to be addressed.

4. INTRODUCTION

The Authority recognises that the entertainment/leisure industry is a major contributor to the economy and cultural development of the Borough. The Authority wishes to encourage licensees to provide a wide range of entertainment activities within the Borough throughout their opening hours to promote live music, dance, theatre etc for the wider cultural benefit of the community.

The Authority will endeavour to carry out its licensing functions in a way that ensures public safety, supports well managed premises, where licence holders display sensitivity to the potential impact of activities on local residents and businesses, and protects residents from detrimental effects. The Authority will have regard to how littering and fouling, noise, street crime and the capacity of the Authority's infrastructure, resources and police resources impact on the licensing objectives. However, unless relevant representations are received from responsible authorities or interested parties, there is no provision for the licensing authority to impose conditions on a licence other than those proposed within an application.

The Authority will work in partnership with the police, residents and all local businesses to promote the licensing objectives. This Statement will be further developed in consultation with the consultees listed in **Appendix 1**, and whilst it is prepared for the Authority's area, it also takes account of the position in adjoining Authorities where common boundaries exist.

5. THE BOROUGH OF RIBBLE VALLEY

Of the 12 district and 2 unitary authorities within the County of Lancashire, Ribble Valley has the largest geographical area but the smallest population. Covering 226 square miles, two thirds of the district is designated as part of the Forest of Bowland Area of Outstanding

Natural Beauty. Ribble Valley is also the 'Centre of the Kingdom' as the small settlement of Dunsop Bridge lies on the exact centre point of the British Isles.

57,100 people live within the Borough. The historic market town of Clitheroe contains just over a quarter of the residents (population c.14,500) and is the commercial and administrative centre for the district. The town of Longridge (population c.8,000) is the industrial and shopping centre for the west of the Borough. Elsewhere, there are numerous villages of varying sizes, some accessible along the A59 corridor, others more remote from local services and public transport.

The resident population is relatively old, with a greater than average number of residents over the age of 60 and consequently a lower than average number of young people aged 24 and under. Population projections suggest that this imbalance will increase in the future.

Ribble Valley is a relatively affluent area, and unemployment levels within the Borough are amongst the lowest in the country. Given the rural nature of the area, it is not surprising that agriculture and tourism are important employers.

Amongst the Council's ambitions are:

To help make people's lives safer and healthier.

To protect and enhance the existing environmental quality of the area.

Within the Council's area there are 2339 premises (with alcohol), and 337 (no alcohol), 1929 clubs.

6. GENERAL STATEMENT OF POLICY

The Council as Licensing Authority has adopted the following principles. These principles will serve as a general guide to the Council when it carries out its licensing functions:

- Each application will be considered on its individual merits.
- The Council recognises the use of longer opening hours as a possible means of reducing the concentration of people leaving licensed premises at the same time and that it might minimise the potential nuisance caused to local residents and each application will be considered on its own merits.
- The Council will not fix predetermined licensing quotas in any given area nor will it seek to introduce 'zones' within the Borough where specific activities are concentrated.
- The Council will not fix predetermined closing times for particular areas.
- That so far as shops, stores and supermarkets are concerned, the Council will permit the sale of alcohol during legal opening hours, except where the police have indicated particular problems with premises as a focus of crime and disorder, nuisance or disturbance.
- The Council will not limit the access of children to licensed premises unless it is necessary for the prevention of harm.
- The Council wishes to encourage and promote live music, dance and theatre for the wider cultural benefit of the community. The Council will seek to obtain a balance between the potential for limited neighbourhood disturbance and the benefits of cultural activities, particularly for children, and will not allow the views of vocal minorities to predominate over the general interests of the community.

- The Council can only attach licence conditions when a hearing takes place, and will ensure that conditions are reasonable, proportionate and strictly necessary for the promotion of the licensing objectives. The Council is aware of the need to avoid measures as far as possible that deter live music, dancing and theatre, for example by imposing indirect costs of a disproportionate nature, and duplicating the requirements of other legislation.
- The Council does not propose to implement standard conditions of licence across the board but instead will draw upon the Model Pool of conditions issued by the Department for Culture, Media and Sport, and attach conditions as appropriate, given the circumstances of each individual case. The Council will only attach conditions that further the Licensing Objectives.
- The Council will monitor the impact of licensing on regulated entertainment in the borough, particularly on live music and dancing. If there is evidence that licensing requirements deter such activities, the Council will consider how to correct that and if necessary will change this Policy.
- The Council is aware of the value to the community of a broad range of cultural entertainments, particularly live music, dancing and theatre. The Council wishes to encourage them for the benefit of all.
- The Council may seek in its own name premises licences for appropriate public spaces within the borough. This will make it easier for people to organise suitable cultural events. The Council will consider any request for permission to use such public spaces for cultural activities.
- The Council currently holds two premises licence. The first is for the Castle Grounds, Clitheroe which authorises the provision of regulated entertainment and the second for the Atrium Café, Clitheroe Castle Museum, which authorises the sale by retail of alcohol for consumption on and off the premises, the provision of regulated entertainment and late night refreshment.
- The Council expects applicants for new premises licences or for variations of existing licences to address in their operating schedules the requirements listed in **Appendix 2**. This is not an exhaustive list. However the Council accepts that not all the requirements will be relevant to every premises and that account must be taken of the size, style, characteristics and activities taking place at the premises concerned. Applicants should be aware that their application may be rejected or delayed if any part of the application is not completed properly.
- The Council, in determining applications, will have regard to the available resources of Lancashire Constabulary, in order to ensure that the operation of any premises is not undermining the prevention of crime and disorder or the prevention of nuisance objectives of the Act.

7. LICENSING OBJECTIVES

The Council recognises that the licensing process can only seek to control those measures which are within the control of the licensee.

(1) Prevention of Crime and Disorder

In addition to the requirement for the Council to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions and to do all it reasonably can to prevent crime and disorder in the district.

The Council will consider attaching conditions to licences and certificates to prevent crime and disorder, and these may include conditions drawn from a Pool of Model Conditions. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there. Any Pool of Model Conditions will be published and available to interested parties.

Applicants for licences are referred to the matters listed in **Appendix 2** under the heading 'Crime and Disorder', and should consider these when preparing their operating schedules.

The Council recognises that there are a number of mechanisms for addressing unlawful or anti-social behaviour that occurs away from licensed premises, qualifying clubs and temporary events. These include:

- Planning controls;
- Enforcement of environmental protection legislation (e.g. on noise nuisance);
- Positive measures to provide a safe and clean town centre;
- Environmental controls in partnership with local businesses, transport operators and other departments of the Council;
- Powers to designate parts of the district as places where alcohol may not be consumed publicly;
- Police enforcement of the law with regard to disorder and anti-social behaviour, including the issue of fixed penalty notices;
- The need to disperse people quickly and safely from town centres to avoid concentrations which may produce disorder and disturbance;
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- Confiscation of alcohol from adults and others in designated areas;
- Police powers to close down instantly, for up to 24 hours, any licensed premises or temporary events on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises;
- The power of police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question.

(2) Public Safety

The Council will consider attaching conditions to licences and certificates to promote public safety, and these may include conditions drawn from the Pool of Model Conditions. Any such conditions will be tailored to the style and characteristics of the premises and the type of activities expected to take place there.

Applicants for licences are referred to the matters listed in **Appendix 2** under the heading 'Public Safety' and should consider these when preparing their operating schedules. Applicants may also have regard to the Ribble Valley Safer Events Protocol and can seek advice from the Ribble Valley Safety Advisory Group. However, it is not intended to duplicate existing legislation or regulatory regimes, e.g. the Health and Safety at Work etc Act 1974 and the Regulatory Reform (Fire Safety) Order 2005.

(3) Prevention of Nuisance

The Council will take an objective view of the potential for nuisance and will seek to attach appropriate and proportionate conditions to licences and certificates where necessary in order

to prevent it. These may include conditions drawn from the Pool of Model Conditions. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there. In each individual case that arises following representation, the Council will:

Consider the potential for nuisance associated with the style, characteristics and activities of the licensable activity involved (including, where appropriate, compliance with smoke free requirements);

Examine the potential steps which could be taken to reduce the risk of nuisance, particularly in areas of residential accommodation;

Consider restricting the hours of the licence or the licensable activity only as a last resort, because of the potential impact on disorder and anti-social behaviour from fixed and artificially early closing times.

Where applications are received relating to shops stores and supermarkets, such premises will be licensed to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping, unless representations raise very good reasons, based on the licensing objectives, for restricting those hours.

Applicants for licences are referred to the matters listed in **Appendix 2** under the heading 'Public Nuisance' and should consider these when preparing their operating schedules.

(4) Prevention of Harm to Children

Nothing in this Statement limits the access of children to licensed premises unless it is necessary for the prevention of harm to children.

Areas that will give rise to particular concern in respect of children include premises:

- (i) where there have been convictions of members of the current staff or management at the premises for serving alcohol to minors, with a reputation for underage drinking or where the Portman Group Code of Practice on naming, packaging, and promotion of alcoholic drinks is not being followed;
- (ii) with a known association with drug taking or dealing;
- (iii) where there is a strong element of gambling on the premises;
- (iv) where entertainment of an adult or sexual nature is commonly provided.

It is acknowledged that complete bans will be rare but the options the Council will consider for limiting the access of children, where necessary, for the prevention of harm to children, may include any of the following:

- (i) limitations on the hours when children may be present;
- (ii) age limitations (below 18);
- (iii) limitations or exclusions when certain activities are taking place;
- (iv) restrictions or exclusions in respect of parts of premises; (see the matters referred to in **Appendix 2** under the heading 'Protection of Children from Harm'.)
- (v) requirements for an accompanying adult;

- (vi) full exclusion of people under 18 from the premises when any licensable activities are taking place.

The Council will not impose conditions restricting the admission of children to any premises. Where no licensing restriction is necessary, this will remain a matter for the discretion of the individual licensee or club.

In premises showing films, the Council will restrict access to the relevant part of the premises to meet the required age limit in accordance with any certificate granted by the British Board of Film Classification. In the case of a film that has not been subject to classification under Section 4 Video Recordings Act 1984, we will require the film to be submitted to the licensing authority at least 14 days before the proposed exhibition. A certificate will then be given to the film by the Authority and any age restriction imposed must be adhered to.

Where large numbers of unaccompanied children are likely to be present, for example, at a children's show or pantomime, conditions may be imposed requiring the presence of an appropriate number of adult staff to ensure public safety and protection from harm. The Council would expect applicants to address these matters in their risk assessments and operating schedule submissions.

The Council will consider attaching conditions to licences and certificates to prevent harm to children, and these may include conditions drawn from the Pool of Model Conditions.

8. PLANNING CONSIDERATIONS

The planning and licensing functions of the Council will be separated to avoid duplication and any possible conflicts of interest. The Council will not allow licensing applications to be a re-run of planning applications.

The Planning and Development committee and the Licensing committee may provide reports relating to licensed premises to each other, thereby ensuring communication between those exercising licensing, planning and building control functions.

In general the Council expects that prior to the submission of a licensing application, the appropriate planning permission will have been granted. The Council acknowledges the ability of an applicant for a premises licence to seek a provisional statement in accordance with section 29 of the Licensing Act 2003.

9. TEMPORARY EVENT NOTICE

Temporary Event Notices, commonly referred to as 'TENs', can be used to authorise premises for licensable activities for temporary periods or special occasions. Unlike applications for Premises Licences and Club premises Certificates, the licensing authority does not grant Temporary Event Notices. Instead the premises user notifies the licensing authority of their intention to hold an event and in general, only the police and the council's Environmental Health function can intervene to prevent it taking place or agree modifications to the event arrangements.

TENs are subject to defined limitations and it is only when one of these limits are exceeded that the licensing authority can intervene and will return the notice as void. Otherwise the authority will just acknowledge the notice - this may be done electronically.

A number of limitations on TENs are:

- the number of times a person may be granted a temporary event notice (50 times per year for a personal licence holder & 5 times per year for other people).
- the length of time a temporary event may last for these purposes (168 hours or 7 days);

- scale – they cannot involve the presence of more than 499 people at any one time;
- use of the premises – the same premises cannot be used for more than 12 events or 21 daystimes in a calendar year

There are two types of TEN; a standard TEN and a late TEN. These are subject to different processes.

A standard TEN is given no later than 10 working days' notice before the event to which it relates; and

A late TEN is given not before 9 and no later than 5 working days before the event.

STANDARD TEMPORARY EVENT NOTICE

Standard TENs must be submitted to the licensing authority no less than 10 working days before the first day of the event. A 'working day' as defined by the Act is any other day than a Saturday, a Sunday, Christmas Day, Good Friday, or a day that is a bank holiday. Ten working days is exclusive of the day on which the event is to start and exclusive of the day on which the TEN is given.

If the required notice is not given, the TEN cannot be acknowledged by the Authority, it is advisable therefore to provide as much notice as possible.

Lancashire Constabulary and Environmental Health may object to a TEN within three working days. An objection can be made on the grounds of any licensing objective. Where an objection is received (and not withdrawn) a hearing before the Council's Licensing Sub-committee will be convened who will determine the matter.

LATE TEMPORARY EVENT NOTICE

Late TENs are intended to be used by premises users who are required, for reasons outside their control to, for example, change venue at late notice.

A maximum of 10 Late TENs per year can be submitted by a personal licence holder and 2 per year for other people. Late TENs count towards the maximum number of events that can be held during a calendar year.

Late TENs must be submitted to the licensing authority no more than 9 working days and no less than 5 working days before the first day of the event. A 'working day' as defined by the Act is any other day than a Saturday, a Sunday, Christmas Day, Good Friday, or a day that is a bank holiday. Ten working days is exclusive of the day on which the event is to start and exclusive of the day on which the TEN is given.

Lancashire Constabulary and Environmental Health may object to a TEN within 3 working days of its receipt. An objection can be made on the grounds of any licensing objective. Where an objection is made, a counter notice will be issued and the TEN will not be valid. It should be noted that this differs from the process for Standard TENs, which require an objection to be considered at a hearing.

10. LICENCE REVIEWS

The grounds for an application for a review of a premises licence must be relevant to one or more of the four licensing objectives. An Interested Party (e.g. a local resident, local organisation and Councillor) or a Responsible Authority (including the Council) can initiate a review, at any time. The Council must be satisfied that any ground for a review is relevant to one or more of the licensing objectives, or in the case of an application made by an interested

party, that the ground is not frivolous, vexatious or is a repetition (e.g. similar to representations considered when determining an original application for a premises licence, or similar to a ground for review specified in an earlier application made in respect of the same premises). The Council's role is to administer the process and determine its outcome at a hearing. Having regard to the application and any relevant representations, the Authority can modify the conditions of a licence; exclude a licensable activity from the scope of the licence; remove the Designated Premises Supervisor, suspend the licence for a period not exceeding three months or revoke the licence. For this purpose, the conditions of a licence are modified if any of them is altered or omitted or any new condition is added.

11. ENFORCEMENT

Enforcement action will be taken by the Authority where required, in accordance with any agreed protocol with local police or other statutory bodies on enforcement issues. Regard will also be had to the Council's Licensing Enforcement Policy adopted in November 2006 (as amended). This will ensure the effective and efficient deployment of enforcement staff and police officers, to avoid duplication when carrying out enforcement duties or inspections of licensed premises. The protocol will provide for the targeting of agreed problem or high-risk premises which require greater attention, while providing a lighter touch in respect of low-risk premises which are well-run.

This will allow for flexibility in the approach of enforcement officers and police officers, particularly where attention may be drawn to areas which require greater attention whilst areas with less problem/nuisance/disturbance will receive less attention. The Council is committed to consistent, effective and efficient licensing enforcement policies and procedures, and recognises the importance of enforcement to the overall effectiveness of the policy. The Authority is committed to continue to undertake enforcement measures, in partnership with the police and other enforcement agencies where appropriate.

12. DELEGATION

The Authority will deal with applications under the Act in accordance with the Scheme of Delegation contained in **Appendix 3**.

13. MONITORING/REVIEW

The Council will carry out a review of the Policy when appropriate, and in any case every five years or such period as required by legislation, and will gather and maintain information specific to the Council to assess the impact of the Policy on the local community.

APPENDIX 1

CONSULTEES

The Chief Constable, Lancashire Constabulary;
The Chief Officer, Lancashire Fire and Rescue Services;
The holders of current Premises licences;
The holders of current club premises certificates;
All councillors of Ribble Valley Borough Council;
All town and parish councils in Ribble Valley;
Neighbouring local authorities, namely, Blackburn with Darwen, Burnley, Craven, Hyndburn,
Pendle, Preston, Rossendale and South Ribble Valley Borough Council;
Clitheroe Chamber of Trade;
Whalley Chamber of Trade;
Longridge Chamber of Trade
Area Child Protection partnership;
Relevant officers of Ribble Valley Borough Council;
Lancashire County Council Trading Standards
Lancashire Safeguarding Children's Board
Primary Care Trusts and Social Services Departments;
Musicians' Union;
Equity;
Jazz Services Ltd;
thenorth@beerandpub.com
British Beer and Pub Association
Clitheroe Pubwatch
Longridge Pubwatch
Longridge Chamber of Trade

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APPENDIX 2

Matters which should be considered by applicants when preparing their operating schedules and when considering submitting any application for new licences or variations of existing licences which are relevant to the four licensing objectives.

The lists are not exhaustive but provided for guidance only. Not all the matters listed will be relevant to every type of premises and regard must be had to the size, style, characteristics and activities taking place at the premises which is the subject of the application.

Protection of Children from Harm

- Restricting access of children to cigarette machines/ensuring procedures in place to prevent sale of tobacco to under 18's.
- Restricting access of children to any gaming machines.
- Restricting access of children into premises which provide adult entertainment, where there is a strong element of gambling or there are known problems with drug taking or with underage sales.
- Procedures to ensure that any customer coming on to the premises is over the age of 18 years.

Public Safety

- The provision of registered door supervisors at the entrance to premises, in order to ensure that the maximum capacity is not exceeded, and the method by which the capacity is monitored.
- The provision of door supervisors at points between different rooms or different levels to ensure that the maximum occupancy for each room or level is not exceeded and the method for monitoring the capacity for the level/floor.
- Large and outdoor event organisers to undertake and record a suitable and sufficient risk assessment and fire risk assessment, and develop and implement an effective Event Safety Management Plan.
- All event organisers are advised to view the Council's Safer Event Policy, which promotes and encourages safe, successful and considerate events being held in the Ribble Valley, details of which can be found on the Ribble Valley Borough Council Website.

Public Nuisance

- The proximity of any residents.
- The provision of DJ announcements or other public announcements asking people to leave quietly, having regard to residential neighbours.
- The provision of signage at all exits from the premises asking patrons to leave quietly and to have regard to residential neighbours.
- The effective monitoring of queues and methods of dealing with people who are causing a disturbance in the queue.
- The introduction of a written dispersal strategy.
- Signage outside the premises advising patrons that they will not be allowed admission if they are causing a disturbance.
- Door supervisors and other members of staff asking patrons to leave quietly.

- Door supervisors positioned immediately outside the premises to ensure the quiet dispersal of the customers.
- The measures implemented for ensuring that patrons do not congregate outside the premises (including, where appropriate, provision for keeping the premises/premise frontage free of litter).
- The provision of information to customers advising them of the most appropriate routes to the nearest transport facilities.
- The position of the nearest car park/use of premises car park and if it will disturb any residents.
- The provision of a free phone taxi service or other arrangements with taxi companies to collect patrons.
- The implementation of a procedure of banning any customers who continually leave or arrive at the premises in a manner which causes a public nuisance or disturbance.
- The implementation of a last admission time.
- Management of the queues so that patrons who are not going to gain admission to the premises before last admission time are advised accordingly.
- The provision of internal queuing arrangements where possible or alternatively additional till points to minimise the length of time people have to queue at premises.
- The provision of CCTV cameras outside the premises.
- Procedures for ensuring that no customer leaves with bottles or glasses.
- Playing music at a lower level towards the end of the evening in a "wind down" period.
- Ensuring that the premises will close within half an hour of the end of the last licensable activity.
- The location of the premises, their proposed capacity and the nature and age of the clientele who are likely to be coming to the premises.
- The nature of the entertainment which is going to be provided.
- The location and proposed use of any outside areas including by patrons using the areas for smoking. By way of guidance only, the Council would expect that after 11pm all persons outside the premises would move indoors and any amplified sound would be inaudible in neighbouring domestic properties. However, each application will be considered on its merits.

Crime and Disorder

- The capability, responsibility and training of members of management, in order to effectively supervise staff and ensure that the premises are operated in such a manner so as to prevent any crime and disorder, ensure the safety of the public, the protection of children from any physical or psychological harm and in a manner which does not cause the public any nuisance.
- The introduction of a policy which addresses the issues of a minimum drinks price, binge drinking, shows a responsible attitude to the sale of intoxicating liquor and avoids irresponsible promotions.
- The introduction of plastic glasses and bottles for major events.
- Adopting as a statement of best practice, initiatives such as the "Night Safe initiative"; "Best Bar None"; "Altern8" and "Think 21 campaign".

- Using radio links/pagers as a means of connecting to other licensed premises.
- Joining any local Club Watch or Pub Watch initiative and being an active participant.
- Introducing CCTV both internally and externally and ensuring any advice given by any crime prevention officer is complied with.
- Introducing a maximum safe capacity for the premises.
- Providing a minimum number of door supervisors on the basis of an appropriate ratio of registered door staff to customers. A ratio of 2 supervisors for the first 100 customers and then 1 supervisor for each subsequent 100 customers or part thereof is suggested.
- The supervision by a personal licence holder of any person under the age of 18 on a till.
- The complete exclusion of any person under the age of 18 from being able to sell alcohol.
- Closing the premises at the request of the police during specific times on any football match day.
- The introduction of toughened glass.
- Adopting the guidance recommended in the "Safer Clubbing" guide as a statement of best practice.
- Adopting a trade code of practice covering irresponsible drinks promotions, for example BBPA's guidelines on drinks promotions or the Portman Group recommendations.
- Providing a suitable environment for customers having regard to the activities going on on the premises, in particular appropriate levels of seating.
- The provision of a microphone to record any conversations at any entrances/exits to the premises.

APPENDIX 3

Scheme of Delegation

<u>Matter to be dealt with</u>	<u>Full committee</u>	<u>Sub Committee</u>	<u>Officers</u>
Application for personal licence			All cases
Application for personal licence with unspent convictions		If a police objection	All other cases
Application for premises licence/club premise certificate		If a representation is made	If no representation is made
Application for provisional statement		If a representation is made	If no representation is made
Application to vary premises licence/club premises certificate		If a representation is made	If no representation is made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer for premises licence		If a police objection	All other cases
Applications for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

Agenda Item No. 10

meeting date: 15 SEPTEMBER 2015
 title: REVISION OF STATEMENT OF PRINCIPLES GAMBLING ACT 2005
 submitted by: CHIEF EXECUTIVE
 principal author: MAIR HILL - SOLICITOR

1 PURPOSE

1.1 To inform Committee of the requirement to review the Council's Statement of Principles Gambling Act 2005 as required by the Gambling Act 2005 ("Act") and seek Committee's authorisation to consult upon the amendment attached as **Appendix 1**.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives - }
- Corporate Priorities - } The Council aims to be a well-managed authority these proposals support that objective.
- Other Considerations - }

2 BACKGROUND

2.1 The considered is its current Statement of Principles Gambling Act 2005 ("**Statement**") on 27 November 2012 at Licensing Committee and it was subsequently approved by Full Council on 23 April 2013.

3 ISSUES

3.1 The Act gave the Council responsibility for licensing a variety of types of premises for example betting offices and betting arcades. There are very few licensed premises in the Council's area which hold such licences, however many premises licensed under the Licensing Act 2003 also hold permits under the Act for gaming machines.

3.2 The Act requires Councils to have a Statement and to review and publish it at least every three years. The Statement has been reviewed and a revised version is enclosed as **Appendix 1** to this report. The changes made reflect changes in guidance from the Gambling Commission and changes to the Responsible Authorities and Consultees. The amendments made are shown in track changes in the body of the document.

3.3 If the revised Statement is approved by Committee the parties set out in Appendix A of it will be consulted with responses requested on or before 9 December 2015 (a 12 week consultation is required), and the Statement will then be referred to Full Council on 15 December 2015 for approval.

4 RISK ASSESSMENT


4.1 The approval of this report may have the following implications

- Resources – resources would be expended in completing and submitting the survey
- Technical, Environmental and Legal - No implications identified.
- Political - No implications identified.
- Reputation – No implications identified.
- Equality & Diversity – No implications identified.

5 RECOMMENDED THAT COMMITTEE

5.1 Consider the Statement enclosed at Appendix 1; and

5.2 Approve the Statement for consultation as set out in paragraph 3.3 above.



MAIR HILL
SOLICITOR



MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS
(If any)

Appendix 1 – revised Statement

For further information please ask for Mair Hill, extension 3216.

REF: MJH/LICENSING/15 September 2015

APPENDIX 1



**Ribble Valley
Borough Council**

www.ribblevalley.gov.uk

RIBBLE VALLEY BOROUGH COUNCIL

STATEMENT OF PRINCIPLES

GAMBLING ACT 2005

2016-2019

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RIBBLE VALLEY BOROUGH COUNCIL STATEMENT OF PRINCIPLES
Gambling Act 2005
(Section 349)

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PART A - BACKGROUND

1. The Licensing Objectives

- In exercising most of their functions under the Gambling Act 2005 (**“Act”**), licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:
 - Preventing gambling from being a source of crime or disorder, being associated with ~~crime~~ or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way; and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling

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It should be noted that the Gambling Commission has stated: *“The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”*.

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This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy

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2. Introduction

Of the 12 district and 2 unitary authorities within the County of Lancashire, Ribble Valley has the largest geographical area but the smallest population. Covering 226 square miles, two thirds of the district is designated as part of the Forest of Bowland Area of Outstanding Natural Beauty. Ribble Valley is also the ‘Centre of the Kingdom’ as the small settlement of Dunsop Bridge lies on the exact centre point of the British Isles.

57,100,992 people live within the Borough. The historic market town of Clitheroe contains just under a quarter of the residents (population c.14,500,000) and is the commercial and administrative centre for the district. The town of Longridge (population c.8,000,7,500) is the industrial and shopping centre for the west of the Borough. Elsewhere there are numerous villages of varying sizes, some accessible along the A59 corridor, others more remote from local services and public transport.

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The resident population is relatively old, with a greater than average number of residents over the age of 60 and consequently a lower than average number of young people aged 24 and under. Population projections suggest that this imbalance will increase in the future.

Ribble Valley is a relatively affluent area, and unemployment levels within the Borough are amongst the lowest in the country. Given the rural nature of the area, it is not surprising that agriculture and tourism are important employers.



Amongst the Council's ambitions are:

- To help make people's lives safer and healthier.
- To protect and enhance the existing environmental quality of the area.

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must be then re-published.

Ribblesdale Borough Council consulted widely before finalising and publishing its Statement of Principles. A list of those persons consulted is provided below.

The Gambling Act requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the

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interests of persons carrying on gambling businesses in the authority's area;

- ~~☐~~ One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

List of persons this authority consulted:

- ~~☐~~ The Chief Constable – Lancashire Constabulary
- ~~☐~~ Social Services
- ~~☐~~ Association of British Bookmakers
- ~~☐~~ British Amusement and Catering Trades Association
- The Bingo Associations
- Fire & Rescue Authority
- British Beer and Pubs Association
- Customs and Excise
- Gam Careblers Anonymous
- Citizens Advice Bureau
- The Lotteries Council
- Security Industry Association
- Remote Gambling Association
- Pubwatch
- The holders of current Gambling/Betting licences
- Clitheroe Chamber of Trade
- Whalley Chamber of Trade
- Longridge Business Group
- Area Child Protection Partnership
- Ribble Valley Borough Consultees
- Ribble Valley Borough Council Directors
- Ribble Valley Borough Council Members
- Town and Parish Councils
- Lancashire County Council Trading Standards and Social Services Departments

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~~The Council's current policy was approved at a meeting of the Full Council on 15 December 2009 and was published via our website. Copies were placed in the public libraries of the area as well as being available at Level B of the Council Offices.~~

~~The Council has now, at the Licensing Committee on 27 November 2012, considered the Statement and approved this document to form the basis of the consultation exercise.~~

Our consultation took place between 16 September and 9 December 2015. A full list of comments made and the consideration by the Council of those comments is available by request to: The Licensing Officer, Ribble Valley Borough Council, Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA. Tel:01200 425111 Email: Catherine.moore@ribblevalley.gov.uk

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~~Should you have any comments as regards this policy statement please send them via email or letter using the contact details above. e-mail or letter to the following contact:
Name: Mrs Catherine Moore – Administration & Licensing Officer
Address: Ribble Valley Borough Council, Council Offices, Church Walk, Clitheroe,~~

Lancashire BB7 2RA
e-mail: catherine.moore@ribblevalley.gov.uk

Please note it should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

3. Declaration

In producing the final Statement of Principles, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the Statement of Principles.

4. Responsible Authorities

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

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

In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Local Safeguarding Children Board for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at: www.ribblevalley.gov.uk and at Appendix A.

5. Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the ~~Gambling Act 2005~~ as follows:

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

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

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the ~~Gambling Act 2005~~ to determine whether a person is an interested party. The principles are:

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Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision-making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities at 8.14 and 8.15. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices, if in the particular circumstances of the application the licensing authority departs from the guidance it will explain its reasons for doing so.

The Gambling Commission has recommended that the licensing authority states that interested parties include trade associations and trade unions, and residents' and tenants' associations (Gambling Commission Guidance for local authorities 8.17). This authority will not however generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP ~~represents~~represent the ward likely to be affected. Likewise, parish councils likely to be ~~affected~~,affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing department using the contact details set out above Catherine Moore
~~catherine.moore@ribblevalley.gov.uk~~

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6. Exchange of Information

Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

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

Should any protocols be established as regards information exchange with other bodies then they will be made available.

7. Enforcement

Licensing authorities are required by regulation under the ~~Gambling Act 2005~~ to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

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

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As per the Gambling Commission's Guidance for local authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This licensing authority will also, as recommended by the Gambling Commission's Guidance for local authorities, adopt a risk-based inspection programme. This will include targeting high-risk premises which require greater attention, whilst operating a lighter touch in respect of low-risk premises.

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.

This licensing authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities. In particular, with regard to the Regulators Code (April 2014) which provides a regulatory framework that supports compliance and growth while enabling resources to be focused where they are most needed.

~~Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements will be available upon request to the licensing department Catherine Moore catherine.moore@ribblevalley.gov.uk Our risk methodology will also be available upon request.~~

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8. Licensing Authority functions

Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences

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- Issue *Provisional Statements*
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse *Temporary Use Notices*
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

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It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

~~The Gambling Commission has recommended that licensing authorities include a list of licensable activities in their policy statements.?~~

In exercising these functions the Licensing Authority will operate in accordance with the scheme of delegation set out at Appendix B.

PART B **PREMISES LICENCES**

1. General Principles

Premises licences will be subject to the requirements set out in the ~~Gambling Act 2005~~ and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

Decision making

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

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission ;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

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It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below – page 10) and also that unmet demand is not a criterion for a licensing authority.

Definition of "premises"

Premises is defined in the Act as "any place". Section 152 therefore prevents more than one premises licence applying to any place. Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

This licensing authority takes particular note of the Gambling Commission's Guidance for local authorities which states that:

- licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.
- licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider

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

It should also be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that ~~reference to "the premises"~~ are references to "the premises" are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. This authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensure that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

Location - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

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

Licensing objectives - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction

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between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

Ensuring that gambling is conducted in a fair and open way - This licensing authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section below – page 11).

Protecting children and other vulnerable persons from being harmed or exploited by gambling - This licensing authority has noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restrictions on advertising so that gambling products are not aimed at or are particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

This licensing authority will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

As regards the term "vulnerable persons" it is noted that the Gambling Commission is not seeking to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." This licensing authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

Conditions - Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

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

Door Supervisors - The Gambling Commission advises in its Guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that the door supervisors at casinos or bingo premises cannot be licensed by the Security Industry Authority (SIA). This licensing authority will therefore establish requirements for door supervisors working at casinos or bingo premises. This is in recognition of the nature of the work in terms of

searching individuals, dealing with potentially aggressive persons, etc.

For premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances / machines is appropriate for particular cases but it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.

2. Adult Gaming Centres

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

This licensing authority may consider measures to meet the licensing objective such as will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

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

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

3. (Licensed) Family Entertainment Centres

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

This licensing authority may consider measures to meet the licensing objectives such as will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

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

GamCare.

- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

4. Casinos

No Casinos resolution - This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

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Casinos and competitive bidding - This licensing authority is aware that where a licensing authority area is enabled to grant a premises licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. In such situations the local authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. This licensing authority will run such a competition in line with any regulations / codes of practice issued under the Gambling Act 2005.

Licence considerations/conditions - This licensing authority will, as per the Gambling Commission's Guidance, 'have regard to the conditions relating specifically to casino premises, i.e. both mandatory conditions – those that must be attached to casino premises; and default conditions – those that will apply unless the licensing authority chooses to exclude them using its powers under section 169'. It will also adhere to the Commission's 'Licence Conditions and Code of Practice'.

Betting machines - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

5. Bingo premises

This licensing authority notes that the Gambling Commission's Guidance states:

18.6 - It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted licensing authorities should ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access

other than through a designated entrance;

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

6. Betting premises

Betting machines - This licensing authority will, as per the Gambling Commission's Guidance (paragraph 19.8), take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

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7. Tracks

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

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This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

To meeting the licensing objectives this licensing authority may consider measures will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

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

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Gaming machines - Track owners holding both a track premises licence and a pool betting operating licence issued by the Commission (in effect, greyhound tracks only), may site up to four gaming machines within categories B2 to D on the track. Some tracks will also qualify for an alcohol licence and as such they will be automatically entitled under section 282 of the Act to two gaming machines of category C or D. If a track premises licence holder has both an alcohol licence and a pool betting operating licence, then they will be entitled to a total of six gaming machines (two via the alcohol licence and four via the operating licence). This licensing authority notes the Commission's Guidance that licensing authorities therefore need to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

Betting machines - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

Condition on rules being displayed - The Gambling Commission has advised in its Guidance for local authorities that "...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office."

Applications and plans - The Gambling Commission suggests "To ensure that licensing authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities." and that "Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."

This licensing authority also notes that in the Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

8. Travelling Fairs

~~The It will fall to this~~ licensing authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9. Provisional Statements

This licensing authority notes the Guidance for the Gambling Commission which states that "It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence" and that "Requiring the building to be complete ensures that the authority could, if necessary, inspect it fully".

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

- (a) which could not have been raised by way of representations at the provisional licence stage ;
- (b) which is in the authority's opinion reflect a change in the operator's circumstances; or
- (c) 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 and licensing authorities should discuss any concerns they have with the applicant before making a decision

This authority has noted the Gambling Commission's Guidance that "A licensing authority should not take into account irrelevant matters.... One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal."

10. Reviews:

Requests for a review of a premises licence can be made by interested parties or responsible ~~authorities, authorities~~; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause this authority to wish alter/ revoke/ suspend the licence, or whether it is substantially the same as previous representations or requests for review.

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

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PART C

PERMITS/TEMPORARY & OCCASIONAL USE NOTICE

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

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

The Act states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance for local authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits....., licensing authorities will want to give weight to child protection issues." (24.6)

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

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes. (24.7)"

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

Statement of Principles

This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

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

Automatic entitlement: 2 machines

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There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

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

Permit: 3 or more machines

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If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "such matters as they think relevant." This licensing authority considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons ~~persons~~ ~~applicants~~ ~~persons~~ ~~applicants~~ may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3))

The Gambling Act 2005 states that a licensing authority may "prepare a statement of

principles that they propose to apply in exercising their functions under this Schedule" which "may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit".

This licensing authority has prepared a **Statement of Principles** which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- and that the gaming offered is within the law; and,
- They have clear policies that outline the steps to be taken to protect children from harm.

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

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

4. Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

The Commission Guidance also notes that "licensing authorities may only refuse an

application on the grounds that:

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

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

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

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

5. Temporary Use Notices

There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in part 8 of the Act is discussed in Part 7 of this guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises...This is a new permission and licensing authorities should be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises."

6. Occasional Use Notices:

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

GAMBLING ACT 2005 – LIST OF CONSULTEES

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<p>HM Revenue & Customs (<i>Responsible Authority</i>)</p> <p>National Registration Unit HM Revenue & Customs Portcullis House 21 India Street Glasgow Strathclyde G2 4PZ</p>	<p>The Bingo Association</p> <p>The Bingo Association Limited Lexham House 75 High Street North Dunstable Bedfordshire LU6 1JF</p>
<p>British Beer & Pub Association</p> <p>British Beer & Pub Association Ground Floor Brewers' Hall Aldermanbury Square London EC2V 7HR</p>	<p>GamCare</p> <p>Head Office 2nd Floor 7-11 St John's Hill London SW11 1TR info@gamcare.org.uk</p>

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<p>Councillor S Hore 6 Church Raiké Chipping Preston PR3 2QL cllr.hore@ribblevalley.gov.uk</p>	<p>Councillor A M Knox 94 Woone Lane Clitheroe Lancs BB7 1BJ cllr.knox@ribblevalley.gov.uk</p>
<p>Councillor S Knox 94 Woone Lane Clitheroe Lancs BB7 1BJ cllr.sknox@ribblevalley.gov.uk</p>	<p>Councillor G Mirfin 6 Abbey Terrace Billington Clitheroe BB7 9LQ cllr.mirfin@ribblevalley.gov.uk</p>
<p>Councillor R Newmark The Old Coach House The Whins Sabden BB7 9HP cllr.newmark@ribblevalley.gov.uk</p>	<p>Councillor M Robinson 35 Victoria Street Clitheroe Lancashire BB7 1BL cllr.robinson@ribblevalley.gov.uk</p>
<p>Councillor J Rogerson Dorset House Cumeragh Lane Whittingham Preston PR3 2AJ cllr.rogerson@ribblevalley.gov.uk</p>	<p>Councillor I Sayers 30 Chesterbrook Ribchester Preston PR3 3XT cllr.sayers@ribblevalley.gov.uk</p>
<p>Councillor G Scott 19 Ribblesdale View Chatburn Clitheroe BB7 4BB cllr.scott@ribblevalley.gov.uk</p>	<p>Councillor R E Sherras Woodhaven 2 Station Road Rimington Clitheroe BB7 4DR cllr.sherras@ribblevalley.gov.uk</p>
<p>Councillor D T Smith The Farthings Cumeragh Lane Longridge Preston PR3 2AJ cllr.smith@ribblevalley.gov.uk</p>	<p>Councillor R Swarbrick Stirling Cumeragh Lane Whittingham Preston PR3 2AJ cllr.swarbrick@ribblevalley.gov.uk</p>

<p>Councillor D Taylor Jacksons Banks Farmhouse Jacksons Banks Road Balderstone Blackburn BB2 7LH cllr.dtaylor@ribblevalley.gov.uk</p>	<p>Councillor R J Thompson Eastwood Old Back Lane Wiswell Clitheroe BB7 9BS cllr.tompson@ribblevalley.gov.uk</p>
<p>Councillor N C Walsh Bench Mark Barn Elswick Lodge Mellor Blackburn BB2 7RX cllr.walsh@ribblevalley.gov.uk</p>	<p>Councillor J White 35 Mardale Road Longridge Preston PR3 3EU cllr.white@ribblevalley.gov.uk</p>
<p>PARISH AND TOWN COUNCIL CLERKS:</p>	
<p>Mrs P Tyson Clerk to Aughton Bailey & Chaigley Parish Council 10 Hoghton Road Longridge Preston PR3 3UA</p>	<p>Mr P Mulrooney Clerk to Balderstone Parish Council Alderley Nabs Head Lane Samlesbury PR5 0UQ</p>
<p>Mrs V Wilson Clerk to Barrow Parish Council Kemple view Pendleton Road Wiswell Clitheroe BB7 9BZ</p>	<p>Mr M Ainsworth Clerk to Bashall Eaves & Mitton Parish Council Church Cottage Clitheroe Road Mitton BB7 9PH</p>
<p>Tracey McCarney Clerk to Billington & Langho Parish Council 22 Cobden Close Sabden Clitheroe BB7 9UY</p>	<p>Mrs C Holmes Bolton by Bowland, Gisburn Forest & Sawley Parish Council Higher Scarloom House Holden Bolton-by-Bowland BB7 4PF</p>
<p>Mrs R A Carr Clerk to Bowland Forest (Higher) Parish Council Langden Holme Farm Dunsop Road Whitewell BB7 3AU</p>	<p>Mrs E Miller Clerk to Bowland Forest Lower Parish Council Cruck Cottage, Dinkling Green Little Bowland Road Whitewell BB7 3BN</p>

<p>Mrs J Marginson Clerk to Bowland with Leagram Parish Council Peacock Hey Farm Chipping Preston PR3 2QR</p>	<p>Mrs S Sturrock Clerk to Chatburn Parish Council 3 Turner Fold Read Burnley BB12 7QZ</p>
<p>Mrs B Green Clerk to Chipping Parish Council 14 Booklands Chipping Preston PR3 2QU</p>	<p>Mr P Mulrooney Clerk to Clayton-le-Dale Parish Council Alderley Nabs Head Lane Samlesbury PR5 0UQ</p>
<p>Mr W Alker Clerk to Clitheroe Town Council Clitheroe Town Hall 9 Church Street Clitheroe BB7 2DD clitheroe@btconnect.com</p>	<p>Mrs C Penny Clerk to Dutton Parish Council Dutton Hall Gallows Lane Ribchester PR3 3XX</p>
<p>Mrs C Holmes Clerk to Gisburn Parish Council Higher Scarloom House Holden Bolton-by-Bowlan Clitheroe BB7 4PF</p>	<p>Mr Barry Holden LLB (Hons) Clerk to Grindleton Parish Council Woodcroft Grindleton Road Grindleton Clitheroe BB7 4QL</p>
<p>Mr R A Hutchinson Clerk to Hothersall Parish Council 33 Sarmatian Fold Ribchester PR3 3YG</p>	<p>Lesley Lund Clerk to Longridge Town Council The Station Building Berry Lane Longridge PR3 3JP longridgetc@gmail.com</p>
<p>Teresa Taylor Clerk to Mellor Parish Council Seed House Farm Potters Lane Samlesbury PR5 0UE</p>	<p>Mrs S Pinder Clerk to Newton Parish Council Boarsden Farm Dunsop Road Newton-in-Bowland BB7 3ED</p>

<p>Mr P Mulrooney Clerk to Osbaldeston Parish Council Alderley Nabs Head Lane Samlesbury PR5 0UQ</p>	<p>Mrs M A Renton Clerk to Pendleton Parish Council Tithe Cottage 4 Grindleton Road West Bradford Clitheroe BB7 4TE</p>
<p>Mr P Mulrooney Clerk to Ramsgreave Parish Council Alderley Nabs Head Lane Samlesbury PR5 0UQ</p>	<p>Mrs S Bridge Clerk to Read Parish Council 5 St John's Close Read Burnley BB12 7RL</p>
<p>Mr A Ormand Clerk to Ribchester Parish Council 11 Chesterbrook Ribchester Lancs PR3 3XT</p>	<p>Mr D T King Clerk to Rimington & Middop Parish Council 2 Carr's Croft Rimington Clitheroe BB7 4EN</p>
<p>Mrs A M Whitwell Clerk to Sabden Parish Council Law Farm Trapp Lane Simonstone BB12 7JE</p>	<p>Mr M Robinson Clerk to Salesbury Parish Council Beckett House 17 Sovereign Court Wyrefields Poulton FY6 8JX</p>
<p>Mr I R Hirst Clerk to Simonstone Parish Council 24 Ennerdale Road Clitheroe Lancs BB7 2PB</p>	<p>Mrs A Robinson Clerk to Slaidburn & Easington Parish Council The Olde Stables Catlow Road Slaidburn Clitheroe BB7 3AQ</p>
<p>Mrs J Faraday Clerk to Thornley-with-Wheatley Parish Council Arbour Farm Thornley Longridge PR3 2TE</p>	<p>Mrs N Cox Clerk to Waddington Parish Council 3 Knunck Knowles Drive Clitheroe BB7 2JF</p>

<p>Mr D Sharp Clerk to West Bradford Parish Council 30 Bowland Court Clitheroe BB7 1AS</p>	<p>Mr F Holland Clerk to Whalley Parish Council 16 The Dales Langho Blackburn BB6 8BW</p>
<p>Mrs L Lund Clerk to Wilpshire Parish Council 5 Hollowhead Close Wilpshire Blackburn BB1 9LE</p>	<p>Mrs V Wilson Clerk to Wiswell Parish Council Kemple View Pendleton Road Wiswell Clitheroe BB7 9BZ</p>
<p>Mr T A Hoyle Correspondent to Dinckley Parish Meeting Cravens Dinckley Langho BB6 8AN</p>	<p>Mrs D Braithwaite Correspondent to Downham Parish Meeting Hemlock Cottage Downham Clitheroe Lancashire BB7 4BL</p>
<p>Mr M Berry Correspondent to Horton Parish Meeting The Manse Horton-in-Craven Gisburn BD23 3JT</p>	<p>Mrs S Rosthorn Correspondent to Newsholme & Paythorne Parish Meeting Belvedere Paythorne BB7 4JD</p>
<p>Mrs C Palmer Correspondent to Twiston Parish Meeting Higher Higson Farm Twiston Clitheroe BB7 4DB</p>	<p>Gaye McCrum Correspondent to Worston & Mearley Parish Meeting The Cottage Worston Clitheroe BB7 1QA</p>

SCHEME OF DELEGATION

Matter to be dealt with	Full Council	Licensing Committee	Officers
Final approval of three years licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)		X	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club/gaming/club machine permits		X	
Application 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	

**RIBBLE VALLEY BOROUGH COUNCIL
REPORT TO LICENSING COMMITTEE**

Agenda Item No. 11

meeting date: 15 SEPTEMBER 2015
 title: DEREGULATION ACT 2015 – RECOMMENDATIONS ON LICENCE DURATION, FEES AND SUB-CONTRACTING
 submitted by: CHIEF EXECUTIVE
 principal author: MAIR HILL

1 PURPOSE

- 1.1 To seek approval from Committee upon the recommendation on licence duration criteria, fees and sub-contracting following the implementation of the requirements in the Deregulation Act 2015.
- 1.2 Relevance to the Council's ambitions and priorities
- Community Objectives - }
 - Corporate Priorities - } Consideration of these issues will promote the Council's aim to be a well-managed Council.
 - Other Considerations - }

2 BACKGROUND

- 2.1 Section 10 of the Deregulation Act 2015 comes into force on 1 October 2015, and amends the provisions of Section 53 & 55 of the Local Government (miscellaneous provisions) Act 1976 to remove a Council's discretion to set a licence duration and replaces it with a standard duration of 3 years for a driver's licence and 5 years for an operator's licence with the discretion to grant a licence for such lesser period as the Council thinks fit in all the circumstances of the case. The intention of the amendment is to reduce the regularity of renewals and thus the level of administration to be carried out by Councils.
- 2.2 Section 11 of the Deregulation Act 2015 also comes into force on 1 October 2015. It introduces new provisions which allow operators to sub-contract bookings to certain specified individuals including another operator within a different authority's area.

3 ISSUES

- 3.1 The Council's current policy is to issue licences for 12 months and its fees have been set on that basis. As set out above from 1 October 2015 the Council will have to issue licences for a period of 3 years for drivers or 5 years for operators, or for such lesser period as it considers appropriate in all the circumstances. The Council must not therefore have a blanket policy and each licence application must be considered on its own particular circumstances.
- 3.2 The Council does however consider that it would be sensible for Committee to consider and approve the circumstances in which a licence might be issued for a lesser period. Those circumstances may include some or all of the following:

- Where a driver/operator is due to retire or cease working within the next 12 months, or wishes to be licensed for a lesser period for other reasons;
- Where a driver is newly licensed and is required to pass the Edexcel, Level 2 NVQ in Road Passenger Vehicle Driving (Taxi and Private Hire) ("NVQ") (from 1 April 2015 - assuming this is approved by Committee);
- The three yearly Disclosure and Barring Service ("DBS") criminal records check is out of sync with the licence and needs bringing into line;
- Where a driver/operator has been referred to a Sub-Committee within the last 12 months or is due to be referred to Sub-Committee with regard to events which have occurred within the preceding 12 months;
- Where a doctor has indicated on the applicants medical certificate that they should be subject to a further medical examination within 1 year or they are required to do so for any other reason; and/or
- Such other cases as Officers consider appropriate to issue a licence for a lesser period.

3.3 The Council Currently has a fee for an annual licence for drivers and operators. Work has been commenced to set an appropriate fee for a 3 year licence for drivers and a 5 year licence for operators, and a comprehensive report will be brought to Committee in November detailing this. In the meantime it is proposed that the annual fee remain in place and that a three year driver's licence be charged at three times the current annual fee but that should the fee be lower when it is set in November the difference be refunded to the driver at that point. All Operators' licences are due for renewal in February 2016 and the relevant fee will have been determined by that point.

3.4 The changes brought in by Section 11 to allow sub-contracting of bookings to other operators including those outside of RVBC, could present problems with enforcement and particularly, with establishing which operator, driver and vehicle actually carried out the work. It is proposed therefore that the Council's conditions of licence be amended so that operators are required to keep and if necessary produce records of any sub-contracted booking as will allow the Council to reasonably investigate any booking as if it had not been sub-contracted. It is also proposed that the Council's conditions be amended to reflect the new right of an operator to sub-contract work. The current conditions require an operator to use a driver and vehicle licensed by the Council; this will need to be amended to make clear that this would not apply where the work is sub-contracted to an operator licensed in a different area.

4. RISK ASSESSMENT

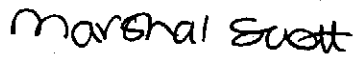
4.1 The approval of this report may have the following implications

- Resources – No implications identified.
- Technical, Environmental and Legal – No implication identified.
- Political – No implications identified.
- Reputation – Implementing the requirements will enhance the Council's reputation.
- Equality & Diversity – No implication identified

5. RECOMMENDED THAT COMMITTEE

- 5.1 Approve the circumstances in which the duration of a licence may be limited as stated in paragraph 3.2 above;
- 5.2 Approve the proposal on fees as stated in paragraph 3.3 above; and
- 5.3 Approve the amendments to the Council standard conditions for private hire operators as stated in paragraph 3.4 above and/or authorise the Head of Legal and Democratic Services to consult upon them where necessary.


MAIR HILL
SOLICITOR


MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

For further information please ask for Mair Hill, extension 3216

REF: MJH/Licensing Committee/15 September 2015

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

Agenda Item No. 13

meeting date: 15 SEPTEMBER 2015
 title: TAXI ENFORCEMENT OPERATION
 submitted by: CHIEF EXECUTIVE
 principal author: MAIR HILL

1 PURPOSE

- 1.1 To inform committee of the results of an inspection of licensed private hire and hackney carriage vehicles.
- 1.2 Relevance to the Council's ambitions and priorities
- Community Objectives - }
 - Corporate Priorities - } Consideration of these issues will promote the Council's aim to be a well-managed Council.
 - Other Considerations - }

2. BACKGROUND

- 2.1 On 17 July 2015, the Council's Taxi Enforcement Officer carried out an inspection of 12 licensed private hire and hackney carriage vehicles, in a joint operation with the Police, and Vehicle and Operator Services Agency.

3. ISSUES

- 3.1 Of the 12 vehicles inspected, 9 were found to be of the required standard, the drivers of the remaining 3 were served with delayed prohibition notices requiring work to be carried out on their vehicles within 7 days. The notices related to defective front tyres; ABS light; bottom ball joint and steering rack gaiter. The Council's Taxi Enforcement Officer has confirmed that these works were carried out within 7 days.
- 3.2 The results of the inspection and other advice to users of private hire and hackney carriage vehicles was issued to the press and a copy of the Council's press release covering this matter is enclosed as **Appendix 1**.

4. RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – No implications identified.
- Technical, Environmental and Legal – Improved control of licence holders should improve public safety.
- Political – No implications identified.
- Reputation – Improved public safety will enhance the Council's reputation.
- Equality & Diversity – None

5. CONCLUSION

5.1 Committee is asked to note the contents of the report.



MAIR HILL
SOLICITOR



MARSHAL SCOTT
CHIEF EXECUTIVE

For further information please ask for Mair Hill, extension 3216

REF: MJH/Licensing Committee/15 September 2015

PRESS RELEASE



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

TAXI ENFORCEMENT SWOOP IN RIBBLE VALLEY

TAXI enforcement officers at Ribble Valley Borough Council joined forces with the police and Vehicle and Operator Services Agency in a weekend swoop on unroadworthy vehicles.

Twelve vehicles were targeted in a Friday afternoon inspection at sites in Clitheroe.

Ribble Valley Borough Council's taxi enforcement officer, Carl Rung, said: "Maintaining a high standard of vehicles is something we take seriously and we carry out regular checks to ensure taxis and their drivers are meeting licensing requirements.

"This was a joint operation, where vehicles were subject to a rigorous inspection to ensure they were compliant with licence conditions."

Of the 12 vehicles inspected, nine were found to be of the required standard and three drivers were served with advisory notices requiring work to be carried out on their vehicles within seven days.

Carl Rung added: "The council requires the immediate withdrawal of hackney carriage or private hire vehicles constituting a risk to public safety, or work carried out to ensure the vehicles are of a high standard.

"Although three vehicles were served with notices, we are delighted that most were of an excellent standard."

Ribble Valley residents are reminded not to use unlicensed taxis or flag down private hire vehicles over the summer.

And Ribble Valley Borough Council has issued the following tips to help taxi-users have a safe journey:

- 1/ "Yellow plate" private hire vehicles must be pre-booked. Only "blue plate" hackney carriages can be flagged down or hired from a taxi rank and it is illegal for private hire vehicles to pick up passengers in the street, unless they are pre-booked
- 2/ Check drivers are wearing identification badges that have not expired
- 3/ Check the identity of drivers against photographs on identification badges
- 4/ Check that cab licence plates at the back of vehicles or on the left-hand side of windscreens are in date
- 5/ Don't give personal details to drivers
- 6/ Agree private hire fees in advance. Metred hackney cab fees are set by the council

Ribble Valley Borough Council's register of licensed operators, vehicles and drivers featuring the names of taxi licence holders, along with licence numbers, issue and expiry dates, and licence terms, is available on the council's web site.

Members of the public can use the register to ensure drivers and vehicles are licensed, which means they will be safe, comfortable and roadworthy, and that drivers have a reasonable knowledge of the area, are medically fit and free from serious convictions.

Anyone who suspects a taxi firm of operating without a licence or a driver of driving without a licence, or using an unlicensed vehicle, is asked to contact the council's licensing team on 01200 414411.

Ends.

Ref: PR1566.

Date: August 13 2015.

Further details for the press are available from Ribble Valley Borough Council's communications unit on 01200 414483 or 07971 978766.

EVENTS ON THE HIGHWAY

The latest version of the LCC Draft Policy and Procedures was circulated for information.

ANY OTHER BUSINESS

Adrian made reference to the box on the on-line form relating to advertising/banners on or around the highway. He felt this was misleading and should be removed. The paragraph of information relating to advertising/banners and the need to get permission from LCC should remain.

DATE OF NEXT MEETING

It was agreed that the next meeting should be held on **Thursday 26 November 2015 @ 2.00pm in the RV Council Chamber, 13 Church Street, Clitheroe.**

The meeting closed at 3.30pm.

OH