



ST HELENS
BOROUGH COUNCIL

Town Hall, St. Helens, Merseyside, WA10 1HP

Telephone: 01744 676109 (Andy Roscoe)

Agenda

LICENSING AND ENVIRONMENTAL PROTECTION COMMITTEE

PUBLIC MEETINGS ARE WEBCAST (LIVE STREAMED)

Date: Wednesday, 1 September 2021 Time: 5.30 pm Venue: Room 10

Membership

Lab 11 Councillors	CD Banks (Chair), Barton, Bell, Dickinson, Hattersley, T Long, Maloney MBE, McCormack, Pearson, Preston, and Uddin
LD 1 Councillor	Pearl
Con 1 Councillor	Jones
Green 1 Councillor	O'Keefe
Ind 1 Councillor	Tasker

<u>Item</u>	<u>Title</u>	<u>Page</u>
1.	<u>Apologies for Absence</u>	
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4.	<u>Statement of Gambling Policy</u>	5

Item

Title

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5. Exclusion of the Public

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Recommended that the public be excluded from the meeting during consideration of the following item:

Item Reason (under the Local Government Act 1972)

6 Exempt information in relation to any individual (Para 1 of Schedule 12a)

PRIVATE AGENDA

6. Review of Hackney Carriage/Private Hire Drivers Licence (Ref: DM)

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LICENSING AND ENVIRONMENTAL PROTECTION COMMITTEE

At a meeting of this Committee held on
22 July 2021

- (Present) **Councillor CD Banks (Chair)**
Councillors Barton, Bell, Hattersley, T Long, Maloney MBE,
McCormack, O’Keefe, Pearson and Uddin
- (Not Present) **Councillors Jones, McQuade, Pearl , Preston (Covid related**
absence) and Tasker

6 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Jones, McQuade, Pearl and Preston.

7 MINUTES

- * **Resolved that the minutes of the meeting held on 30 June 2021 be approved and signed.**

8 DECLARATIONS OF INTEREST FROM MEMBERS

No Declarations of Interest from Members were made.

9 EXCLUSION OF THE PUBLIC

- * **Resolved that the public be excluded from the meeting during consideration of the following items for the reason stated:**

<u>Minute</u>	<u>Reason (under Local Government Act 1972)</u>
10	Information relating to an individual in accordance with Paragraph 1 of Schedule 12(a).

10 REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVER’S LICENCE (REF: DM)

A report was presented to the Committee to consider a review of Hackney Carriage/Private Hire Driver’s Licence (Ref: DM).

Members were informed that the licence had been referred to Committee for reasons which had been laid out in the penultimate sections of the report.

The Licence Holder did not appear before the Committee but submitted additional information in the form of statements and supporting evidence.

It was reported that an invitation had been provided to attend this Committee meeting to present their case to Members and to answer any questions. However, the Applicant confirmed that they were unable to attend due to prior commitments and had not responded to a further offer of deferral.

Following presentation of the case, the Committee agreed to defer the item to the next meeting as clarification was required from the Licence Holder on specific issues.

LICENSING AND ENVIRONMENTAL PROTECTION COMMITTEE

* **Resolved that:**

- (1) the review of Hackney Carriage/Private Hire Driver's Licence (Ref: DM) be deferred to the next meeting to allow the Licence Holder one further opportunity to attend; and**
- (2) the Licence Holder to be advised that if they do not attend on the next occasion, the Committee may decide to hear the matter in their absence based on the information contained in the report.**

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 <p>ST HELENS BOROUGH COUNCIL</p>	<h2>Licensing and Environmental Protection Committee</h2> <h3>1 September 2021</h3>
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Report Title:	Statement of Gambling Policy
Cabinet Portfolio	Safer, Stronger Communities
Cabinet Member	Cllr Jeanie Bell
Exempt Report	No
Reason for Exemption	N/A
Key Decision	No
Public Notice issued	N/A
Wards Affected	All
Report of	Lisa Harris Executive Director Place lisaharris@sthelens.gov.uk
Contact Officer	Lorraine Simpson Licensing Manager lorrainesimpson@sthelens.gov.uk

Borough priorities	Ensure children and young people have a positive start in life	
	Promote good health, independence, and care across our communities	
	Create safe and strong communities and neighbourhoods for all	X
	Support a strong, thriving, inclusive and well-connected local economy	
	Create green and vibrant places that reflect our heritage and culture	
	Be a responsible Council	X

1. Summary

- 1.1 The Council has a statutory duty to review its Statement of Gambling Policy every three years in accordance with Section 349 of the Gambling Act 2005.

2. Recommendations for Decision

Licensing and Environmental Protection Committee **is recommended to:**

- i) Approve the draft policy presented to committee for consultation.
- ii) Authorise the Licensing Manager to carry out the consultation in order to meet the statutory deadlines.
- iii) Authorise the Licensing Manager to return to this Committee the results of this consultation for final consideration.

3. Purpose of this Report

- 3.1 To advise members of the statutory consultation required regarding the review of the Council's Statement of Policy pursuant to the Gambling Act 2005 and the timetable for consultation and publication of the Policy.

4. Background /Reasons for the recommendations

- 4.1 The Council has a duty to publish a Statement of Licensing Policy that it proposes to apply when exercising its functions under the Gambling Act 2005. The Act also requires the Council to review and re-publish its policy at least every 3 years.

- 4.2 The purpose of the policy is to clearly set out the principles that the Council propose to apply when determining licence applications, permits and registrations under the Act. Any decision the Council takes in this regard will seek to uphold the licensing objectives which are:

- Preventing crime from becoming a source of disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way;

- Protecting children and other vulnerable persons from being harmed or exploited by gambling.
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- 4.3 Minor changes from the Gambling Commission have been incorporated into the contents of this Policy however, following a complete review of the Policy in 2015, no further amendments are required.
- 4.4 Following the statutory consultation, the revised Statement of Policy will need to be published in January 2022 following approval by full Council on 19 January 2022. The revised Statement of Policy will have effect for a further 3 years, however the Council may review and alter the Statement of Policy at any time during this period should this be required. Should the Council choose to do this then this same process would apply to republish the Statement.
- 4.5 The Gambling Act requires the Licensing Authority to consult:
- The Chief Officer of Police for the area;
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
- 4.6 The consultation period will be from 6 September to 8 October 2021 inclusive and will be published on the Council's website, with copies of direct comment requested from:

Association of British Bookmakers
 BACTA
 Betfred
 Bingo Association
 British Beer & Pub Association
 Children and Young Peoples Services
 Community representatives & Faith Groups
 Dave Pluck Racing
 Elected Members
 Existing licence holders and person with interest in premises
 GamCare
 Haydock Park Racecourse
 Hippodrome Bingo
 Ladbrokes
 Local Members of Parliament
 Local Safeguarding Board
 Mecca Bingo
 Members of the public
 Mersey Fire & Rescue Service
 St Helens & Knowsley Merseyside Magistrates Court
 Merseyside Police
 Parish Councils
 Racecourse Association Ltd
 St Helens Chamber of Trade
 St Helens Council - Head of Regeneration
 St Helens Council – Public Health
 St Helens Council – Environmental Health
 St Helens Council – Trading Standards
 St Helens Council – Equalities

St Helens Council – Policy
 St Helens Council – Leadership Team.
 St Helens Council for Voluntary Services
 St Helens Clinical Commissioning Group
 St Helens Safer Communities Service Partnership
 The Gambling Commission
 William Hill

4.7 The timetable for implementation of the revised Statement of Policy is as follows:

- 1 September 2021 - draft revised Statement of Policy reported to L&EP Committee;
- 6 September to 8 October 2021 - Consultation period;
- 24 November 2021 - Report final revised Statement to L&EP Committee;
- December 2021 - Report final revised Statement to CLT;
- 13 January 2022 – Report final revised Statement to Policy Cabinet;
- 19 January 2022 - Report final revised Statement to Full Council for approval;
- January 2022 - Publish notice in press and on website of publication of revised Statement;
- January 2022 - Revised Statement of Policy to take effect.

5. Community Impact Assessment

5.1 A Community Impact Assessment will be completed for consideration upon conclusion of the consultation outlined in this report.

6. Consideration of Alternatives

6.1 This is a statutory requirement in accordance with Section 349 of the Gambling Act 2005, therefore there are no feasible alternative proposals.

7. Conclusions

7.1 It is the recommendation of officers that members approve the draft policy and commencement of the formal consultation process.

8. Implications

8.1 Legal Implications – The review and subsequent publication of the Policy is a statutory requirement in accordance with Section 349 of the Gambling Act 2005.

8.2 Community Impact Assessment (CIA) Implications – This will be prepared following the statutory consultation.

8.3 Social Value – N/A.

8.4 Sustainability and Environment – N/A.

8.5 Health and Wellbeing – The aim of the Policy is to control effectively control gambling through application of the relevant law.

8.6 Equality and Human Rights – N/A

8.7 Customers and Resident – The requirement to publish and review the Policy is a statutory requirement to protect the public.

- 8.8 Asset and Property – N/A
- 8.9 Staffing and Human Resource – N/A
- 8.10 Risks – The Policy will manage the associated risks through application of relevant law.
- 8.11 Finance – There are no new financial implications emerging from this consultation.
- 8.12 Policy Framework Implications – The production of this Policy supports the objective of ‘Creating safe and strong communities and neighbourhoods for all.’

9. Background papers

- 9.1 None

10. Appendices

- 10.1 Draft Statement of Gambling Policy 2022

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St.Helens Council

Statement of Licensing Policy 2022

Gambling Act 2005

Copies of this document can be obtained from www.sthelens.gov.uk/licensing

NB : This document can be made available in different languages and formats including Braille and large print.

To request this please email us on : generallicensing@sthelens.gov.uk

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General Introduction

The Gambling Act 2005 came into force in 2007. Under Section 349 of the Act the Licensing Authority must prepare a statement of principles that they propose to apply when exercising their functions under this Act. This statement is reviewed every three years. Consultation on the policy is laid out within the Act and the Guidance to Local Authorities issued by the Gambling Commission.

The purpose of the policy is to clearly set out the principles that the Council propose to apply when determining licence applications, permits and registrations under this act. Any decision the Council takes in this regard will seek to uphold the licensing objectives which are;

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

The principles to be applied specifically to the determination of premises licence applications include, definition, location, duplication with other regulatory regimes, conditions, door supervisors, layout and supervision of gaming facilities. The policy also refers to adult gaming centres, family entertainment centres, casinos, bingo premises, betting premises, tracks and travelling fairs.

The Council can issue permits for prize gaming and unlicensed family entertainment centres and is able to specify the information it requires as part of the application process. We also issue club gaming and club machine permits.

Enforcement of this legislation is a requirement of the Act and is undertaken jointly by the Council and the Gambling Commission. This policy describes the Council's enforcement principles in later sections. The policy is supported by appendices which contain information appropriate to the policy.

Part A
The Gambling Act 2005

1. The licensing objectives

Under the Gambling Act 2005, St. Helens Council is the licensing authority for the St. Helens district and will carry out its functions in order to promote the following licensing objectives;

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

This authority is aware that in making decisions about premises licences and temporary use notices **it is under a duty** 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 objective
- in accordance with the licensing authority's statement of policy (this document)

The Gambling Commission's Licence Conditions and Code of Practice (LCCP) require gambling premises to undertake a risk assessment taking into consideration their local information.

2. St. Helens Borough

St. Helens is one of the six local authorities that make up the Liverpool City region, and is home to 181,095 residents and some 4780 businesses (info4.sthelens.gov.uk). Located midway between Liverpool and Manchester, the Borough enjoys a strategic position at the heart of the North West and is central to the 'Northern Powerhouse'. The borough benefits from an extensive road, bus and rail network that provides excellent accessibility for people travelling to and from St. Helens for work, leisure, to live or to visit friends and family.

Our history is inextricably linked with the industrial revolution, coal mining and a world famous glass industry, which employed many of the local residents. From the late 1970s onwards these industries began to decline in importance, with a corresponding reduction in jobs and business opportunities. The legacy of heavy industry and the fundamental shift in employment patterns has been at the heart of many of the challenges facing the Borough since this time.

However, through the creation of strong public and private sector partnerships St Helens has undergone considerable positive change, with the Council at the forefront of successful efforts to regenerate the economy, infrastructure and environment. In recent years we have seen the transformation of the Borough with the completion of the new Saints Totally Wicked Stadium', renewed transport facilities such as Central Station, the development of new business premises, the new Town Centre College Campus, improvements to our parks and open spaces, and significant levels of new housing. Further future opportunities exist. The Joint Venture project between the Council and Langtree Properties PLC, 'Parkside Regeneration LLP' will redevelop the former colliery site providing a major rail enabled logistics centre. The Bold Forest Park Action Plan will see the development of the south east of the Borough as a major leisure, cultural and economic asset to St. Helens.

In recent years difficult economic circumstances have impacted on the levels of economic activity and employment. Although unemployment levels remain above the North West average, there are signs of recovery. New businesses are starting up, with business sectors such as transport storage (logistics) representing a major strength for St. Helens due to our excellent transport network and connectivity to neighbouring regions. The challenge remains for St. Helens business offer to grow and become more diverse, bringing economic growth and opportunity to the Borough.

The Coronavirus pandemic has also impacted negatively on the Borough and its businesses, including those engaged in betting and gambling.

3. Purpose of the Gambling Act 2005 – Statement of Licensing Policy

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.

St. Helens Council consulted widely upon this statement before finalising and publishing. A list of those persons consulted is provided below.

The Gambling Act required that the following parties were also consulted by the Licensing Authority:

- Chief Officer of Police
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005

List of persons consulted by St. Helens Council:

Association of British Bookmakers
 BACTA
 Betfred
 Bingo Association
 British Beer & Pub Association
 Children and Young Peoples Services
 Community representatives & Faith Groups
 Dave Pluck Racing
 Elected Members
 Existing licence holders and person with interest in premises
 GamCare
 Haydock Park Racecourse
 Hippodrome Bingo
 Ladbrokes
 Local Members of Parliament
 Local Safeguarding Board
 Mecca Bingo
 Members of the public
 Mersey Fire & Rescue Service
 St Helens & Knowsley Merseyside Magistrates Court
 Merseyside Police
 Parish Councils
 Racecourse Association Ltd
 St Helens Chamber of Trade
 St Helens Council - Head of Regeneration
 St Helens Council – Public Health
 St Helens Council – Environmental Health
 St Helens Council – Trading Standards
 St Helens Council – Equalities
 St Helens Council – Policy
 St Helens Council – Leadership Team.
 St Helens Council for Voluntary Services

St Helens Clinical Commissioning Group
 St Helens Safer Communities Service Partnership
 The Gambling Commission
 William Hill

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

4. The licensing framework

The Gambling Act 2005 brought about changes to the way that gambling is administered in the UK. The Gambling Commission is the national gambling regulator and has a lead role in working with central government and local authorities to regulate gambling activity.

The Gambling Commission issues operator's licences and personal licences. Any operator wishing to provide gambling at a certain premises, must have applied for the requisite personal licence and operator's licence before they can approach the Council for a premises licence. In this way The Gambling Commission is able to screen applicants and organisations to ensure they have the correct credentials to operate gambling premises. The Council's role is to ensure premises are suitable for providing gambling in line with the three licensing objectives and any codes of practice issued by the Gambling Commission. The council also issues various permits and notices to regulate smaller scale and or ad hoc gambling in various other locations such as pubs, clubs and hotels.

The Council does not licence large society lotteries or remote gambling through websites. These areas fall to the Gambling Commission. The National Lottery is not licensed by the Gambling Act 2005 and continues to be regulated by the National Lottery Commission under the National Lottery Act 1993.

5. Declaration

This statement of licensing policy 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.

In producing this document, the council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the policy statement.

6. Responsible Authorities

The Act empowers certain agencies to act as responsible authorities so that they can employ their particular area of expertise to help promote the licensing objectives. Responsible authorities are able to make representations about licence applications, or apply for a review of an existing licence. Responsible authorities will also offer advice and guidance to applicants.

The Council is required by Regulations to state the principles it will apply to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area

- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group

In accordance with the Regulations the Council designates the Local Safeguarding Children Board for this purpose. Applicants may find this link to the Boards website <http://www.sthelensscb.org.uk/policies-and-procedures/> useful as a point of reference, a guide for good practice and the mechanism by which to make a referral to Social Care etc, when producing their own policies and procedures in relation to the objective of protection of children and vulnerable people.

The contact details for all responsible authorities under the Gambling Act 2005 are available on the Council's website under related documents at <http://www.sthelens.gov.uk/themes/business/legal-registration-licences/gaming-and-gambling/>

7. Interested Parties

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

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

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

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

Each case will be decided upon its merits. The council will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to local authorities.

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.

Within this framework the council will accept representations made on behalf of residents and tenants associations.

In order to determine if an interested party lives or has business interests, sufficiently close to the premises to be likely affected by the gambling activities, the Council will consider factors such as the size of the premises and the nature of the activities taking place.

The Council will provide more detailed information on the making of representations in a separate guidance note. The guidance note has been prepared in accordance with relevant Statutory Instruments and Gambling Commission guidance. It can be found in the related documents section at <http://www.sthelens.gov.uk/themes/business/legal-registration-licences/gaming-and-gambling/>

Interested parties can also be persons who are democratically elected such as Councillors and MP's. No specific evidence of being asked to represent and interested person will be as long

as the Councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be 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 view's then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application.

8. Exchange of Information

Licensing authorities are required to include in their policy statement the principles to be applied by the authority with regards to the exchange of information between it and the Gambling Commission, as well as other persons listed in Schedule 6 to the Act.

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

9. Licensing authority functions

Licensing authorities are responsible under the Act for:

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

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

The Council 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.

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

Part B Promotion of the licensing objectives

The licensing objectives

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

The Gambling Commission will take a lead role in keeping gambling crime free by vetting all applicants for personal and operator licences. The Council's main role is to try and promote this area with regard to actual premises. Thus, where an area has known high levels of organised crime the Council will consider carefully whether gambling premises are suitable to be located there and whether conditions may be required such as the provision of door supervision.

There is a distinction between disorder and nuisance. In order to make the distinction, when incidents of this nature occur, the Council will consider factors such as whether Police assistance was required and how threatening the behaviour was.

Issues of nuisance cannot be addressed by the Gambling Act provisions however problems of this nature can be addressed through other legislation as appropriate.

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

11. Ensuring that gambling is conducted in a fair and open way

The Council is aware that except in the case of tracks generally the Gambling Commission does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

However, the Council will familiarise itself with operator licence conditions and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice.

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

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

Protection of children

This licensing objective means preventing children from taking part in most types of gambling. The Council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

The Act provides the following definition for child and young adult in Section 45:

Meaning of “child” or “young person”

(1) In this Act “child” means an individual who is less than 16 years old.

(2) In this Act “young person” means an individual who is not a child but who is less than 18 years old.

For the purpose of this section protection of children will encompass both child and young person as defined by the Act.

The Council will pay particular attention to any codes of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos.

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

Protection of vulnerable people

The Council is aware of the difficulty in defining the term “vulnerable person”.

The Gambling Commission, in its Guidance to Local Authorities, does not seek to offer a definition for the term but will, for regulatory purposes assume that this group includes people:

“who gamble more than they want to, people who gamble beyond their means, elderly persons, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs.”

The Department of Health document “No Secrets” offers a definition of a vulnerable adult as a person who:

“who is or may be in need of community care services by reason of mental or other disability, age, or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation”.

In the case of premises licences the council is aware of the extensive requirements set out for operators in the Gambling Commissions Code of Practice. In this document the Gambling Commission clearly describe the policies and procedures that operators should put in place regarding:

- combating problem gambling
- access to gambling by children and young persons
- information on how to gamble responsibly and help for problem gamblers
- customer interaction
- self-exclusion
- employment of children and young persons

All applicants should familiarise themselves with the operator licence conditions and codes of practice relating to this objective and determine if these policies and procedures are appropriate to their circumstances. The Council will communicate any concerns to the Gambling Commission about any absence of this required information.

Applicants may also like to make reference to St. Helens Safeguarding Adults Partnership

<http://www.ascsthelens.co.uk/safeguarding-adults/sthelens-safeguarding-adults-board-multi-agency-policy-and-procedures/> which provides extensive information on this subject.

Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example:

- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilet facilities
- staff training which focuses on building an employee's ability to maintain a sense of awareness of how much customers are gambling, as part of measures to detect persons who may be vulnerable
- trained personnel for the purpose of identifying and providing support to vulnerable persons
- self-exclusion schemes
- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- posters/web presence for GamCare
- windows, entrances and advertisements to be positioned or designed not to entice passers by.

Some of these measures form part of the mandatory conditions placed on a premises licence.

The Council may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant.

Part C Premises licences

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

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

Applicants should also be aware that the Gambling Commission has issued Codes of Practice for each interest area for which they must have regard. The council will also have regard to these Codes of Practice.

Definition of “premises”

Premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts 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.

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

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

An applicant cannot obtain a full premises licence until they have the right to occupy the premises to which the application relates.

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

With regards to these objectives the Council will, upon receipt of any relevant representations to look at specific location issues including:

- the possible impact a gambling premises may have on any premises that provide services to children or young people, ie, a school, or vulnerable adult centres in the area
- the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children
- the size of the premises and the nature of the activities taking place
- any levels of organised crime in the area

The Council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. From 6 April 2016, it will be a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:

- to take account of significant changes in local circumstance, including those identified in this policy
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks
- when applying for a variation of a premises licence
- in any case, undertake a local risk assessment when applying for a new premises licence

The Council will expect the local risk assessment to consider as a minimum:

- whether the premises is in an area of deprivation
- whether the premises is in an area subject to high levels of crime and/or disorder
- the profile of residents in the area
- the demographics of the area in relation to vulnerable groups
- the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather

In any case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.

Other matters the assessment may consider include:

- training of staff in brief intervention
- details as to the location and coverage of CCTV cameras
- layout of the premises so that staff have unobstructed views
- number of staff available at any one time
- arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel
- provision of signage and documents relating to games rules, gambling care providers and other relevant information in languages appropriate to the area
- where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence

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

Local Licensing Guidance

Each locality has its own character and challenges. In order to assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the council has published local licensing guidance.

The local licensing guidance should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the measures suggested in the guidance and how they might be relevant to their application.

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

Conditions

The Council is aware that the Secretary of State has set mandatory conditions and default conditions and the Gambling Commission has set Licence Conditions and Codes of Practice which are necessary for the general good conduct of gambling premises, therefore it is unlikely that the Council will need to impose individual conditions imposing a more restricted regime in relation to matters that have already been dealt with.

Where there are specific risks or problems associated with a particular locality, or specific premises, or class of premises, the Council will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility
- directly related to the premises and the type of licence applied for, and/or related to the area where the premises is based
- fairly and reasonably related to the scale, type and location of the premises
- consistent with the licensing objectives
- reasonable in all other aspects

Decisions about individual conditions will be made on a case by case basis, although there will be a number of control measures the Council will consider using, such as supervision of entrances, supervision of adult gaming machines, appropriate signage for adult only areas, etc. There are specific comments made in regard under each licence types in this policy. The Council will also expect the applicant to offer his/her own suggestions as to the way in which The licensing objectives can be met effectively.

Where certain measures are not already addressed by the mandatory/default conditions or by the applicant, the Council may consider licence conditions to cover issues such as:

- proof of age schemes
- CCTV
- supervision of entrances
- supervision of machine areas
- a reduction in the number of betting machines
- manning of the premises
- physical separation of areas
- location of entrance points
- notices/signage

- specific opening hours
- a requirement that children must be accompanied by an adult
- enhanced DBS checks of the applicant/staff
- support to persons with gambling addiction
- policies to address seasonal periods
- policies to address problems associated with truant children
- any combination of these measures

The list is not exhaustive or mandatory but is an indicative example of certain measures which may satisfy the licensing authority.

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

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

Gambling Commission's consultation on new statutory guidance and the proposed changes

Local risk assessments

Following revisions to Licence conditions and codes of practice (LCCP), operators with premises licences will have an obligation to produce a local risk assessment, which will assist LAs when they are considering applications etc (similar to the way an operating schedule under the Licensing Act 2003 provides information about the local premises). The policy narrative is set out at chapter 8 of the LCCP responses published in February. The changes are as follows:

'All non-remote licensees 'must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy' (social responsibility (SR) code 10.1.1). • Local risk assessments must be reviewed when there are significant changes in local circumstances (including those identified in a licensing authority's statement of licensing policy) or at the premises, or when applying for a new licence or variation of a licence (SR code 10.1.2). This new requirement is a social responsibility code provision and therefore constitutes a mandatory requirement for licensees. The new requirement is supplemented by an ordinary code provision which states that '...licensees should share their risk assessment with licensing authorities when applying for premises licence or applying for a variation to existing licensed premises, or otherwise on request'. This is to ensure that operators are able to make reference to an LA's own local area profile (see below) and the new statement before conducting their premises specific risk assessment'.

This council will request the submission of a building/room specific risk assessment at;

- Application for a premises licence or variation to a premises licence
- A revised assessment presented annually in line with annual fee collection

Local area profiles

Part 6 of GLA5, paragraphs 6.47 to 6.53 relates to local areas profiles. In line with developing a more local focus for statements of licensing policy, and reflecting emerging good practice from a number of authorities we are consulting in GLA5 on the development of local area profiles, which draw data about risk from a number of bodies, including responsible authorities such as the Safeguarding Board (or local equivalent) and the police. However it is very likely that other bodies may also be able to contribute – examples might include public health, mental health, social housing providers and community groups. Completion of a profile is not a mandatory requirement and if an LA chooses not to develop a specific local area profile, they may wish to set out in their policy statement what they would expect local operators to include in their premises risk assessments.

This council will advise through this policy, operators on the key considerations for any risk assessment carried out. It will also give consideration to the longer term development of a specific area profile for St. Helens.

Door Supervision

The Council will consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that the Gambling Act 2005 has amended the Private Security Industry Act 2001 and that door supervisors at casinos or bingo premises are not required to be licensed by the Security Industry Authority. Where door supervisors are provided at these premises the operator should ensure that any persons employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out DBS checks on potential staff or specify industry recognised training.

14. Adult gaming centres

Adult gaming centres are a new category of premises introduced by the Act that are most closely related to what are commonly known as adult only amusement arcades seen in many town and city centres.

Under the Act, a premises holding an adult gaming centre licence will be able to make category B, C and D gaming machines available and no one under 18 will be permitted to enter such premises.

The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling in these premises. The Council will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises.

Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commission Codes of Practice or by the applicant, the Council may consider licence conditions to address such issues.

15. Licensed family entertainment centres (FECs)

Licensed family entertainment centres are those premises which usually provide a range of amusements such as computer games, penny pushers and may have a separate section set

aside for adult only gaming machines with higher stakes and prizes. Licensed family entertainment centres will be able to make available unlimited category C and D machines where there is clear segregation in place so children do not access the areas where the category C machines are located.

Where category C or above machines are available in premises to which children are admitted then the council will ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose, a rope, floor markings or similar provision will not suffice and the council may insist on a permanent barrier of at least 1 metre high
- only adults are admitted to the area where the machines (category c) are located
- access to the area where the machines are located is supervised at all times
- the area where the machines are located is arranged so that it can be observed by staff
- 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

The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling in these premises. The Council will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

The efficiency of such policies and procedures will be considered on their own merits, but may include:

- appropriate measures and training for staff as regards suspected truant children on the premises
- measures and training covering how staff would deal with unsupervised very young children on the premises
- measures/training of staff on how they would deal with problems with children at the premises
- arrangements for supervision of the premises

Due to the nature of these premises, applicants should consult with the local Safeguarding board as a matter of course.

The Council will familiarise itself and implement any guidance, where appropriate published by the Gambling Commission.

16. Casinos

St. Helens does not have any casinos.

17. Bingo premises

There is no official definition for bingo in the Gambling Act 2005 however from a licensing perspective there is a special category of premises licence used for traditional commercial

bingo premises. This will also authorise a limited number of gaming machines in line with the Act.

It is important that if children are allowed to enter the bingo premises that they are not permitted to become involved in gambling.

The Council will ensure that:

- all such machines are located in an area of the premises that is separate from the remainder by a physical barrier
- adults only are permitted in this area
- access to the area where the machines are situated is supervised at all times
- the area should be easily observable by staff
- entrances shall clearly display forbidden access to under 18's
- children will not be permitted onto the premises unless accompanied by an adult

The Gambling Commission has provided Guidance for Licensing Authorities and Conditions under its Code of Practice which are applied to operator licences.

Where certain issues have not been addressed by the mandatory conditions, the Council may consider additional areas to include.

18. Betting premises

These are premises such as bookmakers where various types of gambling are authorised to take place. The Act contains a single class of licence for betting premises, but there are different types of premises considered within it

Betting machines

The council is aware that Section 181 of the Act contains power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in premises, must take into account the size of the premises and the staff available to monitor.

Where an applicant for a betting premises licence intends to offer higher stake category B gaming machines including fixed odds betting terminals then applicants should consider appropriate control measures.

Where certain measures are not addressed by the applicant the Council may consider conditions to address such issues.

19. Tracks

Tracks are sites where races or other sporting events take place. Betting is a major gambling activity on tracks, both by betting (known as 'tote') or general betting (fixed odds). Multiple betting outlets are usually located on tracks who usually come in on race days. There can also be 'off course' betting operators who may run self-contained facilities at the tracks.

All tracks require a primary 'general betting premises licence' that the track operator will hold. It should be noted that operators do not require an operating licence from the Gambling

Commission although they may apply for one. This is because the various other gambling operators offering betting at the track will each hold an operating licence.

Tracks may also be subject to one or more premises licences, with each licence related to a specific area of the track. The Council will assess each case on its individual merits before deciding if this is necessary.

If any off-course operators are permitted to provide betting facilities under the authorisation of the track operator's premises licence, then it will be the responsibility of the premises licence holder to ensure the proper conduct of such betting premises within the boundary.

Gambling Commission guidance also indicates that it would be possible for other types of gambling premises to be located at a track under the authorisation of separate premises licences.

Children and young persons will be permitted to enter track areas where facilities for betting are provided on days when racing takes place, however they are still prevented from entering areas where gaming and betting machines (except category D) are provided.

Betting Machines

The Act contains the power for the Council to restrict the number of betting machines in a premises as part of the licence conditions. When considering this, the Council will take into account the size of the premises, number of staff, segregated areas, etc, prior to making a decision.

Where certain items are not addressed as part of the mandatory conditions, then the Council may consider addressing these through the licence conditions.

20. Travelling fairs

These have traditionally been able to provide various types of low stake gambling without the need for a licence or permit provided that certain conditions are met and this provision continues under the Act.

They have the right to provide an unlimited number of category D gaming machines and/or equal chance prize gaming without the need for a permit, as long as the gambling amounts to no more than an ancillary amusement at the fair. We will consider whether any fairs take up this entitlement with the statutory definition of a travelling fair.

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

21. Provisional statements

A provisional statement application is a process which allows a developer to examine the likelihood of whether a building they expect to construct, to be altered or to acquire a right to occupy would be granted a premises licence. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted. This is to allow the developer to judge whether the development is worth taking place. An applicant

may also apply for a provisional statement for premises which already hold a premises licence (either for the same or a different type of gambling).

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

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

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

Part D Permits, notices and lottery registrations

22. Unlicensed family entertainment centre gaming machine permits (UEFC's)

The term 'unlicensed family entertainment centre' is one defined in the Act and refers to a premises which provides category D gaming machines along with various amusements such as computer game and penny pushers. The premises is 'unlicensed' in that it does not require a premises licence but does require a permit to be able to provide the category D machines. It should not be confused with a 'licensed family entertainment centre' which requires a premises licence because it contains both category C and D gaming machines.

The Gambling Act 2005 contains provision for local authorities to prepare a 'Statement of Principles' that they propose to consider in determining the suitability of an applicant for a permit. Schedule 10 para 7 states, 'in preparing the statement and in 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.

In line with the above provision the Council has prepared a 'Statement of Principles' in relation UEFC's as follows:

Statement of Principles

The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

The efficiency of such policies and procedures will each be considered on their merits, however they may include:

- appropriate measures and training for staff as regards suspected truant children
- measures and training covering how staff would deal with unsupervised young children
- measures and training covering how staff would deal with children causing problems on the premises
- the arrangements for supervision of premises either by staff or CCTV should have the interior and entrances clearly visible. The system must record images and retain them for a minimum of 31 days.

Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise premises should consult with the Safeguarding Board.

It will also be expected that applicants demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in these establishments
- that the applicant has no relevant convictions (set out in Schedule 7 of the Act)

In line with the Act, whilst the council cannot attach particular conditions to this type of permit, it can refuse applications if they are not satisfied that the issues raised in the 'Statement of Principles' have been addressed through the application.

Applicants only need to address the 'Statement of Principles' when making their final applications and not at renewal time.

23. Gaming machine permits in premises licensed for the sale of alcohol

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

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
- gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act
- the premises are mainly used for gambling
- an offence under the Gambling Act has been committed on the premises

If a premises wish to have more than two machines, then it needs to apply for a permit and the council must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission under Section 25 of the Act, and 'such matters as they think relevant'. The Council considers that these 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 harm or being exploited by gambling. The applicant will also be expected to satisfy the authority that there will be sufficient measures to ensure that children and young people under the age of 18 do not have access to the adult gaming machines.

All alcohol licensed premises with gaming machines must have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and provide sufficient measures to ensure that under 18 year olds do not use these machines.

Measures which may satisfy the council that persons under 18 years will be prevented from using the machines may include being in close proximity to a bar, or any other area capable of being adequately supervised. Applicants may also wish to refer to Gamcare in respect of vulnerable adults.

The Council can decide to grant the permit with a smaller number of machines and/or a different category than applied for. Conditions other than these, cannot be attached.

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

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

Alcohol licensed premises are able to provide some limited equal chance gaming. Licensees are referred to the advice provided by the Gambling Commission.

24. Prize gaming permits

Section 288 defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences. Prize gaming can often be seen at seaside resorts in amusement arcades where a form of bingo is offered and the prizes are displayed on the walls.

A prize gaming permit is issued by the licensing authority to authorise the provision of facilities for gaming with prizes on specified premises.

The Gambling Act 2005 contains provision for local authorities to prepare a 'Statement of Principles' that they propose to consider in determining the suitability of an applicant for a permit. Schedule 10 para 7 states, 'in preparing the statement and in 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.

In line with the above provision the Council has prepared a 'Statement of Principles' in relation UEFC's as follows:

Statement of Principles

The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

The efficiency of such policies and procedures will each be considered on their merits, however they may include:

- appropriate measures and training for staff as regards suspected truant children
- measures and training covering how staff would deal with unsupervised young children
- measures and training covering how staff would deal with children causing problems on the premises
- the arrangements for supervision of premises either by staff or CCTV should have the interior and entrances clearly visible. The system must record images and retain them for a minimum of 31 days.

Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise premises should consult with the Safeguarding Board.

It will also be expected that applicants demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in these establishments
- that the applicant has no relevant convictions (set out in Schedule 7 of the Act)

In line with the Act, whilst the Council cannot attach particular conditions to this type of permit, it can refuse applications if they are not satisfied that the issues raised in the 'Statement of Principles' have been addressed through the application.

Applicants only need to address the 'Statement of Principles' when making their final applications and not at renewal time.

There are conditions in the Gambling Act 2005 by which the permit holder must comply. These 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 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 on the same day

- the prize for which the game is played must not exceed the amount set out in regulation, or the prescribed value
- participation in the gaming must not entitle the player to take part in any other gambling

25. Club gaming and club machine permits

Members clubs and miner's welfare institutes may apply for a club gaming permit or a club machine permit. The club gaming permit will enable premises to provide gaming machines (3 of category B4, C or D) equal chance gaming. A club machine permit will enable the premises to provide gaming machines (3 of category B4, C or D). Commercial clubs may apply for a club machine permit only.

To qualify for these special club permits a member's club must have at least 25 member, and be established and conducted wholly or mainly for purposes other than gaming. A member's club must be permanent in nature, not established to make a commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion and politically affiliated clubs.

Clubs must have regard to the protection of children and vulnerable persons from harm or being exploited by gambling. They must provide sufficient measures to ensure that under 18 years olds do not use the adult gaming machines. These may include:

- the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised
- notices and signage
- the provision of information leaflets / helpline numbers for organisations such as Gamcare

Before granting the permit the Council will need to satisfy itself that the premises meets the requirements of a member's club and that the majority of members are over 18.

The Council may only refuse an application on the grounds that:

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

There is also a 'fast track' procedure available for premise which hold a club premises certificate under the Licensing Act 2003. Under this procedure there is no opportunity for objections to be made by the Commission or the Police and the ground upon which the council can refuse a permit is reduced. The grounds on which an application under the process may be refused are:

- that the club is established primarily for gaming
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming
- that a club gaming permit or club machine permit is issued to the applicant in last ten years has been cancelled

26. Temporary use notices

Temporary use notices allow the use of premises on not more than 21 days in any 12-month period for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be useful for a temporary use notice would include hotels, conference centres and sporting venues.

Temporary use notices allow the use of premises for any form of equal chance gambling where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner.

Only persons or companies holding a relevant operating licence can apply for a temporary use notice to authorise the particular class of gambling permitted by their operating licence.

A temporary use notice must be lodged with the licensing authority not less than three months and one day before the day on which the gambling is due to take place. Detailed information about how to serve a temporary use notice will be available in a separate guidance note.

The Act makes a special reference, in the context of temporary use notices, to a 'set of premises' to try and ensure that large premises which cannot reasonably be viewed as separate are not used for more temporary use notices than permitted under the Act. The Council considers that the determination of what constitutes a 'set of premises', the council will look at, amongst other things, the ownership/occupation and control of the premises. The council will object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one of a set of premises.

27. Occasional use notices (for tracks)

There is special provision in the Act which provides that where there is betting on a track on eight consecutive days or less in a calendar year, betting may be permitted an occasional use notice without the need for a full premises licence. Track operators and occupiers need to be aware that the procedure for applying for an occasional use notice is different to that of a temporary use notice. The application may be made in writing, to the council by the person responsible for the administration of the events on a track or by an occupier of the track.

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

28. Small society lottery registrations

A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part.

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

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

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

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

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

The other types of exempt lotteries are incidental non-commercial lotteries, private lotteries and customer lotteries. If you require guidance on the different categories of lotteries, please contact the Council.

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

Part E Enforcement

29. Enforcement principles

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

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

PROPORTIONATE:	regulators should only intervene when necessary: remedies should be appropriate to risk posed, and costs identified and minimised
ACCOUNTABLE:	regulators must be able to justify decisions, and be subject to public scrutiny
CONSISTENT:	rules and standards must be joined up and implemented fairly
TRANSPARENT:	regulators should be open, and keep regulations simple and user friendly
TARGETED:	regulation should be focused on the problem, and minimise side effects

The Council will endeavour to avoid duplication with other regulatory regimes so far as is possible.

The Council will also adopt a risk based inspection programme in line with government recommendations around better regulation.

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

The Council 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.

30. Reviews

A review is a process defined in the Act which ultimately leads to a licence being reassessed by the Council's Licensing Sub-Committee with the possibility that the licence may be revoked, suspended or that conditions may be amended or new conditions added.

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

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives
- in accordance with this authority's Gambling Act – Statement of Licensing Policy

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

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

Appendix 1 Gaming Machines

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

- Table 1 sets out the current proposals for the different categories with the maximum stakes and prizes that will apply. The table will be updated as soon as the proposals are confirmed.
- Table 2 overleaf shows the maximum number of machines permitted.

Table 1

Category of Machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£5	£10,000
B2	£2 from the 1 st April 2019)	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D – non monetary prize other than prize crane grab	30p	£8
D – non monetary prize – crane grab	£1	£50
D – money prize	10p	£5
D – combined money and non-money prize other than coin pusher or penny falls machine	10p	£8 of which no more than £5 may be prize money
D – combined money and non-money prize coin pusher or penny falls machine	20p	£20 of which no more than £10 may be prize money

The category B2 is not a traditional slot machine. It refers to a type of gaming machine known as a fixed odds betting terminal (FOBT's). These are a relatively new type of gaming machine which generally appear in licensed bookmakers. FOBT's have touch screen displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.

Table 2

Premises Type	Machine Category						
	A	B1	B2	B3	B4	C	D
Betting premises and tracks operated by pool betting	NA	NA	Maximum of 4 machines categories B2 to D				
Bingo premises	NA	NA	NA	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B 3 or B4		No limit C or D machines	
Adult gaming centre	NA	NA	NA	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B 3 or B4		No limit C or D machines	
Family entertainment centre (with premises licence)	NA	NA	NA	NA	NA	No limit C or D machines	
Family entertainment centre (with permit)	NA	NA	NA	NA	NA	NA	No limit on category D machines
Club miners' welfare institutes with permits	NA	NA	NA	NA	Maximum of 3 machines in categories B3A or B4 to D		
Qualifying alcohol licensed premises	NA	NA	NA	NA	NA	1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed premises with gaming machine permit	NA	NA	NA	NA	NA	Number of category C-D machines as specified on permit	
Travelling fair	NA	NA	NA	NA	NA	NA	No limit on category D machines
	A	B1	B2	B3	B4	C	D

It should be noted that member's clubs and miner's welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machines can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.

Bingo premises and adult gaming centres are entitled to make available a number of category B3/B4 gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Bingo premises in existence before 13 July 2011 are entitled to make available four category B3/B4 gaming machines or 20% of the total number of gaming machines, whichever is the greater.

Bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of eight category B3/B4 gaming machines and adult gaming centres are entitled to make available four category B3/B4 gaming machines or 20% of the total number of gaming machines, whichever is the greater, from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only.

Appendix 2
Glossary of terms

Term	Description
ATM	Auto teller machine or cash machine
Betting	Betting is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. It is irrelevant if the event has already happened or not and likewise whether one person knows the outcome or not. (This does not include spread betting).
Betting machines / Bet receipt terminal	Betting machines can be described as automated betting terminals where people can place bets on sporting events removing the need to queue up and place a bet over the counter.
Bingo	There are essentially two types of bingo: 'cash', where the stakes make up the cash prizes or 'prize' where prizes can be won and is not related to the stake.
Book	Running a 'book' is the act of quoting odds and accepting bets on an event. Hence the term Bookmaker.
Coin pusher or penny falls machines	A machine of the kind which is neither a money prize machine nor a non-money prize machine.
Crane grab machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (eg.stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.
Default condition	These are prescribed in regulations and will be attached to all premises licences, unless excluded by the council.
Equal chance gaming	Gaming which does not involve playing or staking against a bank.
Fixed odds betting	If a gambler is able to establish what the return on a bet will be when it is placed, (and the activity is not 'gaming' see below), then it is likely to be betting fixed odds.
Fixed odds betting terminals (FOBT's)	FOBT's are a type of gaming machine which generally appear in licensed bookmakers. FOBTs have 'touch screen' displays and look similar to quiz machines found in pubs and clubs. They normally offer a number of games, roulette being the most popular.
Gaming	Gaming can be defined as 'the playing of a game of chance for winnings in money or monies work, whether any person playing the game is at risk of losing any money or monies worth or not'.

Gaming machine	Any type of machine allowing any sort of gambling activity including betting on virtual events but not including home computers even though users can access online gaming websites.
Licensing objectives	<p>The licensing objectives are three principal goals which form the basis of the Act. Stakeholders who have an interest in the Act need to try and promote these objectives: The licensing objectives are;</p> <ul style="list-style-type: none"> • Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime • Ensuring that gambling is conducted in a fair and open way • Protecting children and other vulnerable persons from being harmed or exploited by gambling
Lottery	A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part. A lottery is defined as either a simple lottery or a complex lottery. A simple lottery is one where persons are required to pay to participate and one or more prizes are allocated by a process which relies wholly on chance. A complex lottery is where persons are required to pay to participate and one or more members of a class and the prizes are allocated by a series of processes where the first of those processes relies wholly on chance. Prize means money, articles or services provided by the members of the class among whom the prize is allocated. (It should be noted that the National Lottery is not included in this definition of lottery and is regulate by the National Lottery Commission).
Mandatory condition	A condition which will be set by the Secretary of State (some set out in the Act and some to be prescribed by regulation) which will be automatically attached to a specific type of premises licence. The council will have no discretion to alter or remove these conditions.
Money prize machine	A machine in respect of which every prize which can be won as a result of using the machine is a money prize.
Non-money prize machine	<p>A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize. The winner of the prize is determined by:</p> <ul style="list-style-type: none"> • The positions in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or • If the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been released.
Odds	The ratio to which a bet will be paid if the bet wins. Eg. 3-1 means for every £1 bet, a person would receive £3 of winnings.

Off-course betting operator	Off course betting operators may, in addition to premises away from the track, operate self-contained betting premises within a track premises. Such self-contained premises will provide facilities for betting on both events taking place at the track (on course betting), as well as other sporting events taking place away from the track (off course betting). In essence such premises operate like a traditional high street bookmakers. They will however only normally operate on race days.
On-course betting operator	The on course betting operator is one who comes onto a track temporarily, while races are taking place, and operates at the track side. On course betting operators tend to offer betting only on the events taking place on the track on that day (on course betting).
Pool betting	For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: 1) shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the persons betting 2) shall be divided among the winners 3) shall or may be something other than money. For the purposes of the Gambling Act, pool betting is horse race pool betting if it relates to horse racing in Britain.
Regulations or Statutory instruments	Regulations are a form of law, often referred to as delegated or secondary legislation. They have the same binding legal effect as Acts and usually state rules that apply generally, rather than to specific persons or things. However, regulations are not made by Parliament. Rather, they are made by persons or bodies to whom Parliament has delegated the authority to make them, such as a minister or an administrative agency.
Representations	In the context of the Gambling Act representations are either positive statements of support or negative objections which are made in relation to a licensing application. Representations must be made in time, eg: during a designated notice period.
Responsible authority (authorities)	Responsible authorities (RA's) are agencies which have been appointed by the Gambling Act or regulations to fulfil a designated role during the licensing process. RA's must be sent copies of all licensing applications and have the power to make representations about such applications. RA's also have the power to ask for licences to be reviewed. St. Helens RA's are; St. Helens Council (Licensing Authority), The Gambling Commission, Merseyside Police, Merseyside Fire and Rescue Services, Assistant Director Public and Environmental Protection, Development Services Manager, Safeguarding Board, HM Revenue and Customs, any other person prescribed for the purposes of Section 157 by regulations made by the Secretary of State.
Skill machine / skill with prizes	The Act does not cover machines that give prizes as a result of the application of pure skill by players. A skill with prizes machine is one on which the element of winning a prize is determined only by the player's skill – any element of chance imparted by the action of the machine would cause it to be a gaming machine. An example of a skill game would be trivia game machines.
Spread betting	A form of investing which is more akin to betting, and can be applied either to sporting events or to the financial markets. This regulated by the

	Financial Services Authority.
Stake	The amount pledged when taking part in gambling activity as either a bet or deposit to the bank or house where the house could be a gaming machine.
Statement of principles document	A document prepared by the council which outlines the areas that applicants need to consider before applying for gaming permits.
Table gaming	Card games played in casinos.
Tote	Tote is short for totaliser, a system introduced to Britain in 1929 to offer pool betting on race courses.
Track	Tracks are sites (including horse tracks and dog tracks) where races or other sporting events take place. Eg: Haydock Park Racecourse.

Appendix 3
Summary of gaming entitlements for clubs and pubs

	Members club or MW Institute with club gaming permit	Bridge of whist club	Members club or commercial club with club machine permit	Members club, commercial club or MW Institute without a club gaming permit	Pubs and other alcohol licenses premises
Equal chance gaming	Yes	Bridge and/or whist only	Yes	Yes	Yes
Limit on stakes	No limit	No limit	Other gaming – no limit	Other gaming – no limit	Other gaming – no limit
Limit on prizes	No limit	No limit	Other gaming – no limit	Other gaming – no limit	Other gaming – no limit
Maximum participation fees – per person per day	Bridge and/or whist £20	£18 (without club gaming permit) £20 (with club gaming permit)	Bridge and/or whist £18 Other gaming - £3 (commercial club) £1 (members club)	Bridge and/or whist £18 Other gaming - £1	None permitted
Limits on bingo	Maximum of £2,000 per week in stake/prizes. If more then will need an operating licence.	No bingo permitted	Maximum of £2,000 per week in stake/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stake/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stake/prizes. If more then will need an operating licence.

Appendix 4
Summary of delegations

Matter to be dealt with	Full Council	Sub-Committee	Officer
Licensing Policy	X		
Policy not to permit casino's	X		
Establishment of fee's (as appropriate).		X	
Applications for premises licences.		Where representations have been received and not withdrawn.	Where no representations have been received or representations have been withdrawn.
Application for a variation to a premises licence		Where representation have been received and not withdrawn.	Where no representations have been received or representations have been withdrawn.
Application for a transfer of premises licence.		Where representations have been received from the Gambling Commission.	Where no representations have been received from the Gambling Commission.
Application for a provisional statement.		Where representations have been received and not withdrawn.	Where no representations have been received or representations have been withdrawn
Review of premises licence.		X	
Application for club gaming/club machine permit.		Where representations have been received and not withdrawn.	Where no representations have been received or representations have been withdrawn.
Cancellation of a club gaming/club machine permit.		Where representations have been received and not withdrawn.	Where no representations have been received or representations have been withdrawn.
Applications for other permits.			X
Cancellation of a licensed premises gaming machine permit.			X
Consideration of temporary use notice.			X
Decision to give a counter notice to a temporary use notice.			X

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**ST. HELENS COUNCIL
LICENSING AND ENVIRONMENTAL PROTECTION COMMITTEE**

**HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS, PROPRIETORS AND
OPERATORS LICENCES**

PROCEDURAL GUIDE

1. The Chairman of the Committee will open the meeting and invite the Licensing and Land Charges Manager to outline the procedure for dealing with the item.
2. The procedure to be followed will then be explained to all members present.
3. The Licensing and Land Charges Manager will briefly outline the details of the application or the reasons for the referral to the Committee.
4. The applicant / licence holder (and his or her representative) will then be brought into the meeting and the Licensing and land Charges Manager will outline why the matter has been brought before the Committee for consideration.
5. The Chairman of the Committee will then invite the applicant or licence holder to comment of the report before the Committee and members of the Committee to determine:
 - (a) Whether a new applicant is a fit and proper person to hold a licence;
 - (b) Whether the Committee has cause to suspend, revoke or refuse to renew the existing licence.
6. Members of the Committee will then ask the applicant or licence holder questions.
7. The applicant / licence holder or representative will then sum up the case for the grant or retention of the licence after which they will leave the meeting to allow the Committee to deliberate and to take any advice required from Council Officers.
8. The applicant / licence holder and representative will be invited back into the meeting to allow the Committee to deliver its decision. Which will subsequently be confirmed in writing.

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