LICENSING AND PUBLIC SAFETY COMMITTEE
WEDNESDAY, 21ST SEPTEMBER 2016, 2.00 PM
COUNCIL CHAMBER, TOWN HALL, CHORLEY

AGENDA

APOLOGIES

1 MINUTES OF MEETING WEDNESDAY, 20 JULY 2016 OF LICENSING AND PUBLIC SAFETY COMMITTEE

2 DECLARATIONS OF ANY INTERESTS

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary interest you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

3 PUBLIC QUESTIONS

Members of the public who have requested the opportunity to ask a question(s) on an item on the agenda will be asked to put their question(s) to the Committee. Each member of the public will be allowed to ask one supplementary question within his/her allocated 3 minutes.

4 MINUTES OF THE GENERAL LICENSING SUB COMMITTEES

A MINUTES OF MEETING WEDNESDAY, 27 JULY 2016 OF GENERAL LICENSING SUB-COMMITTEE

B MINUTES OF MEETING WEDNESDAY, 17 AUGUST 2016 OF GENERAL LICENSING SUB-COMMITTEE

5 MINUTES OF THE LICENSING ACT 2003 SUB COMMITTEE MEETINGS

A MINUTES OF MEETING MONDAY, 8 AUGUST 2016 OF LICENSING ACT 2003 SUB-COMMITTEE

6 INTRODUCTION OF A GENERAL LICENSING SAFEGUARDING AND SUITABILITY POLICY

Meeting contact Nina Neisser on 01257 515118 or email nina.neisser@chorley.gov.uk
7 **INTRODUCTION AND CONSULTATION ON A STREET TRADING POLICY AND REVIEW OF CONDITIONS**

Report of the Director of Early Intervention and Support (enclosed)  (Pages 31 - 62)

8 **CONSULTATION ON CONSOLIDATED TAXI LICENSING POLICY**

Report of the Director of Early Intervention and Support (enclosed)  (Pages 63 - 110)

9 **GAMBLING ACT 2005- STATEMENT OF PRINCIPLES POLICY REVIEW AND CONSULTATION**

Report of the Director of Early Intervention and Support (enclosed)  (Pages 111 - 172)

10 **AMENDMENT TO THE SCHEME OF DELEGATION FOR LICENSING**

Report of the Director of Early Intervention and Support (enclosed)  (Pages 173 - 184)

11 **ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR**

GARY HALL  
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Licensing and Public Safety Committee Councillor Marion Lowe (Chair), Councillor Anthony Gee (Vice-Chair) and Councillors Jean Cronshaw, Gordon France, Margaret France, Tom Gray, Keith Iddon, Mark Jarnell, Hasina Khan (Chorley East), Sheila Long, Matthew Lynch, Mick Muncaster (Clayton-le-Woods West and Cuerden), Kim Snape, Ralph Snape and John Walker.

If you need this information in a different format, such as larger print or translation, please get in touch on 515151 or chorley.gov.uk

To view the procedure for public questions/ speaking click here  
[https://democracy.chorley.gov.uk/documents/g4718/Public%20reports%20pack%2022nd-Aug-2016%20Constitution.pdf?T=10&Info=1](https://democracy.chorley.gov.uk/documents/g4718/Public%20reports%20pack%2022nd-Aug-2016%20Constitution.pdf?T=10&Info=1) and scroll to page 87
MINUTES OF LICENSING AND PUBLIC SAFETY COMMITTEE

MEETING DATE Wednesday, 20 July 2016

MEMBERS PRESENT: Councillor Marion Lowe (Chair), and Councillors Gordon France, Margaret France, Mark Jarnell, Hasina Khan, Sheila Long, Kim Snape, Ralph Snape and John Walker

RESERVES: Councillor Adrian Lowe

OFFICERS: Alex Jackson (Legal Services Team Leader), Lesley Miller (Regulatory Services Manager) and Nina Neisser (Democratic and Member Services Officer)

APOLOGIES: Councillor Anthony Gee, Tom Gray, Keith Iddon, Matthew Lynch and Mick Muncaster

16.LPS.29 Minutes of meeting Wednesday, 3 February 2016 of Licensing and Public Safety Committee

RESOLVED – That the minutes of the Licensing and Public Safety Committee held on 3 February 2016 be confirmed as a correct record for signing by the Chair.

Councillor Walker requested that officers look into an extension of delegated powers to avoid hearings of General Licensing Sub-Committee to determine applications that might be better dealt with by officers under delegated powers. Members agreed with the suggestion.

16.LPS.30 Declarations of Any Interests

No declarations of any interests were received.

16.LPS.31 Public Questions

At its Council meeting on 12 April 2016, the following speaking rights for members of the public attending the Licensing and Public Safety Committee were approved:
1. A maximum period of three minutes will be allowed for a question from a member of the public on an item on the agenda, including one supplementary question. A maximum period of up to 30 minutes to be allocated for public questions if necessary at each Licensing and Public Safety Committee meeting.

2. Questions should be submitted to the Democratic Services Section by midday, two working days prior to each Licensing and Public Safety Committee meeting to allow time to prepare appropriate responses and investigate the issue if necessary.

3. The question to be answered by the Chair or whoever is most appropriate as directed by the Chair.

16.LPS.32 Minutes of the General Licensing Sub Committees

RESOLVED – That the minutes of the General Licensing Sub Committees held on 3 February 2016, 16 March 2016, 12 April 2016 and 27 April 2016 be confirmed as a correct record.

16.LPS.33 Minutes of the Licensing Act 2013 Sub Committee meetings

RESOLVED – That the minutes of the Licensing Act 2003 Sub Committees held on 2 March 2016, 28 June 2016 and 30 June 2016 be confirmed as a correct record.


The Director of Early Intervention and Support submitted a report to advise Members of the Licensing and Public Safety Committee of the current statutory review of the Council’s Licensing Policy Statement made under the Licensing Act 2003 and to seek recommendation to full Council of the adoption of the Policy Statement subject to the outcome of the current consultation process.

The Council has a statutory duty under the Licensing Act 2003 to produce a Licensing Policy Statement. This duty requires a periodic review of the licensing statement on a date prescribed by the Secretary of State which is currently every 5 years.

A verbal update was provided by Lesley Miller, Regulatory Services Manager, advising that adoption of the final version of the policy could only be made by full Council as opposed to Executive Cabinet as was erroneously specified in the report.

Following Members queries it was confirmed that there had been a number of changes proposed in the document to reflect changes in organisations and structures that impact on the policy and include information pertinent to the public health and early intervention focus of the Council and also outline the additional tools available to the Licensing Authority to promote the licensing objectives.
Members were assured that although numerous changes had taken place over the last five years they were reflective of the changes to the organisations and the legal and application processes, however the fundamental underlying principles remained the same.

It was proposed by Councillor John Walker, seconded by Councillor Gordon France and subsequently RESOLVED to recommend to Full Council that it adopt of the reviewed Licensing Policy Statement (Licensing Act 2003) subject to the following:

1. On the expiration of the consultation period (11 September 2016) the Director of Early Intervention and Chair of Licensing and Public Safety Committee are given delegated authority to make any minor amendments arising out of any consultation responses.
2. On the expiration of the consultation period (11 September 2016) any major changes considered to be necessary as a result of the consultation response will be reported back to the Licensing and Public Safety Committee for further consideration and approval.

16.LPS.35 Taxi Licensing - Implementation of Vehicle Emissions and NCAP Safety Rating Conditions

The Director of Early Intervention and Support submitted a report for Members to agree the consultation and phased introductions of vehicle emissions standards and The European New Car Assessment Programme (NCAP) safety rating standards for Hackney Carriage and Private Hire Vehicle licences.

The Regulatory Services Manager reminded Members that in February 2016 the Licensing and Public Safety Committee agreed in principle to the introduction of a minimum of Euro 5 emissions standards for licenced vehicles to preserve and protect air quality (Condition 21) and to a minimum standards of 4* NCAP safety rating of vehicles to protect public safety (Condition 22) as part of the review of the vehicle conditions. As was agreed previously, the Committee would now consider the best way to implement such changes and over what period these changes should be phased in.

In order to consider the best way to implement these changes, the report included three potential options which were not exclusive but provided initial foundations for Member’s consideration. Each option was addressed in turn.

Option 1 required that all vehicles subject to a grant of a Hackney Carriage or Private Hire Vehicle Licence to meet Condition 21 (Emission standards of Euro 5 or above) and condition 22 (NCAP safety rating of 4* or above) by a date set by Committee; and required that all existing vehicles to comply with the conditions 21 and 22 by a date set by Committee.

Option 2 expanded on Option 1 to ensure that this included the exception to allow those vehicles that have previously been subject to a licence, but where this has lapsed or been suspended, to be treated as existing vehicles and to comply, by a date set by Committee, rather than at the next grant application.
Option 3 required all vehicles subject to a grant of a Hackney Carriage or Private Hire Vehicle Licence to meet Condition 21 and 22 by 2030 and exempt all existing licensed vehicles from the provisions as proposed by the Trade represented at the Licensing Liaison Panel on 23 June when consultation on the phased implementation of the vehicle Conditions 21 and 22 took place.

The number of vehicles currently licensed by Chorley Council that predate this are 24 and the 36 Hackney Carriage Vehicles and approximately 100 of the 140 Private Hire Vehicles. These vehicles and possibly some that postdate 2009 but still do not meet the emission standards, will be affected by the introduction of this condition. This equates to approximately 70% of the fleet, which are likely to be affected by the conditions due to the age of the vehicle (currently registered prior to September 2009 and 7 years old or more). It was indicated that Chorley Council no longer imposes an age restriction on vehicles licenced as Hackney Carriages or Private Hire Vehicles.

In relation to this, Members discussed a reasonable lifespan for the vehicles and took further consideration into the cost implications for both the Council and the Trade, affordability and phasing, and the discrepancies caused by the varying business models within the Trade.

The cost implications for the Council are limited in comparison the cost implications which may be faced by the Trade in order to invest new vehicles to meet requirements, and would therefore have a high impact on the entire fleet. Therefore, Members were minded to ensure that discretion and flexibility was present within policy so as to ensure that premium vehicles are deemed acceptable regardless of age limit if they continue to meet the requirements. Essentially, it was understood that setting an age limit was not a priority for Chorley Council as improving the quality of the fleet to fundamentally ensure public safety took precedence.

After considering this, Members were minded to propose Option 2 with an interim vehicle lifespan of eight years to avoid implementing undue financial burden on the Trade and to avoid the risk of damaging the Chorley Private Hire business. It was requested that Member’s be provided with further information and statistics indicating how many vehicles in the Borough are more than 15/20 years old in order to come to a more accurate agreement on timeframes. It was AGREED that this proposal would be taken back to the Trade to be consulted thoroughly at the Licensing Liaison Panel in October 2016.

Charles Oakes of the Hackney Drivers Association Limited addressed the Committee in support of the proposal to move the decision to be sent back for discussion with the Trade. He expressed the view that it would have a serious impact on the Trade and their vehicles and advised that consultation including facts and figures was essential.

It was proposed by Councillor Adrian Lowe, seconded by Councillor Gordon France and subsequently RESOLVED that the proposal of Option 2 with an interim vehicle lifespan of eight years would be taken back to the Trade for consultation at the Licensing Liaison Panel in October 2016. Furthermore, it was also RESOLVED that Members would be provided with information and figures on how many vehicles are more than 15-20 years old in the Borough to allow Members to come to a more accurate agreement with the Trade.
16.LPS.36 Safeguarding and Child Sexual Exploitation (CSE) Awareness Training for the Licensing Trade

The Director of Early Intervention and Support submitted a report noting the arrangements made for the safeguarding and Child Sexual Exploitation (CSE) awareness training of the licensing trade.

At Committee in February, Members AGREED that Safeguarding and Child Sexual Exploitation (CSE) awareness training for the licensed trades was a top priority for Chorley Council and such training should be made mandatory for the taxi trade and voluntary for other licence holders.

Subsequent research concluded that many other Lancashire Authorities are commissioning Lancashire Constabulary or an approved consultant (former Lancashire Police CSE investigator Tony Baxter) to provide the training and Chorley want to ensure consistency across the locality, as many drivers work across a number of boroughs. Members recalled the CSE training they received from Tony Baxter in February to be highly informative and recommended him to be a suitable alternative.

Assurances were made that the Police training package was free to Chorley Council and the Consultant Services are low cost, at £250 per day for delivery of up to 5 sessions per day. It was AGREED that the Council would meet any costs of training for existing drivers from the public purse as it would be inappropriate to impose additional costs on those already licensed by the authority.

Based on fleet figures within the Borough it was estimated that about 400-450 Hackney Carriage and Private Hire Driver licence holders and operators would require the mandatory training. It was proposed to limit attendance to 50 per session and therefore undertake approximately 8-10 training sessions over the course of two days over the next 2 months, depending upon trainer availability. Licence holders would be informed of the available training dates and times and asked to reply on a first come first served basis.

Members also encouraged that training be available for other licence holders such as premises licence holders and personal licence holders on a voluntary basis. However, numbers may have to be restricted for some seminars in order to ensure that all mandatory training requirements are met first.

It was proposed by Councillor John Walker, seconded by Councillor Gordon France and subsequently RESOLVED that;

a) All current holders of Hackney Carriage and Private Hire Drivers Licences and Private Hire Operators Licences must complete mandatory Safeguarding and CSE awareness training.

b) The mandatory training would take the form of a seminar, facilitated by Chorley Council, where the police, or an approved consultant, will provide the training to ensure a consistent level of training in line with that provided across the Lancashire Authorities.

c) Those invited for mandatory training must register on one of the training events from the selection of training dates and times provided. They must sign in at the event using their licence as identification.
d) A training certificate will be presented to each delegate which must be retained as proof of attendance and completion of the training.

e) Training will also be available for other licence holders, such as premises licence holders and personal licence holders, on a voluntary basis.

In addition, it was AGREED that the Lancashire County Council on-line training programme, which is currently a free to use service, was appropriate for the Trade to undertake as part of the renewal process. Driver licences currently last for three years and Private Hire Operator’s licences for five years and so Members considered what would be an appropriate timescale for update training in line with this. Members also felt that drivers and operators should be provided with the facility of face-to-face update training at the Council offices if preferred.

It was proposed by Councillor Gordon France, seconded by Councillor Margaret France and subsequently RESOLVED that

a) The granting of any new Hackney Carriage and Private Hire Drivers Licence and Private Hire Operators Licence will include an application pre-requisite to complete the Lancashire County Council on-line training programme.

b) That on-line update training is required as part of the renewal processes for each driver and operator.

c) The current policies will be updated to reflect the requirement for training for both renewal and grant.

d) Where existing licence holders fail to attend the training they will be unable to renew their licence.

The mandatory annual update training would be completed on an online or face-to-face basis.

Where an existing driver or operator has attended training but their renewal is due within the next 12 months, additional training at renewal of that licence is not required. However, where an existing driver is not due for renewal in the next 12 months must complete the additional training.
MINUTES OF GENERAL LICENSING SUB-COMMITTEE

MEETING DATE Wednesday, 27 July 2016

MEMBERS PRESENT: Councillor Marion Lowe (Chair), and Councillors Jean Cronshaw, Gordon France, Tom Gray and Mick Muncaster

OFFICERS: Lesley Miller (Regulatory Services Manager), Jodi Ingram (Solicitor) and Nina Neisser (Democratic and Member Services Officer)

16.LSC.75 Declarations of Any Interests

No declarations of any interests were received.

16.LSC.76 Procedure

The Chair outlined the hearing procedure that would be used to conduct the meeting.

16.LSC.77 Exclusion of the Public and Press

RESOLVED – That the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

16.LSC.78 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976; Suspension of Hackney Carriage/private Hire Drivers Licence

The General Licensing Sub Committee considered a report of the Director of Early Intervention and Support to bring to the attention of Members matters relating to failure to provide a Disclosure and Barring Service (DBS) certificate as required by Chorley Council.

The licence holder did not attend the meeting. The Sub-Committee resolved to proceed with the meeting in their absence.
Following the implementation of Chorley Council’s new checking procedures a project has been completed to ensure that the Council has had sight of all drivers DBS certificates. The Council’s policy requires that a DBS certificate is provided as part of the grant or renewal of a Hackney Carriage and Private Hire Driver Licence. There is no record of the licence holder bringing in his DBS certificate on file.

The licence holder received numerous correspondences regarding this via phone, text, email and letters and has been advised on several occasions to bring their DBS certificate to the council offices or make an appointment to complete a new DBS form.

The licence holder was contacted via telephone on 7 June 2016 but there was no response. Subsequently, a letter was sent on 16 June 2016 requesting the information. On 28 June an attempt was made again to contact the licence holder but the phone was dead, a working phone number was eventually found and the licence holder advised that they would find their certificate and bring it into the council offices or make an appointment to complete a new DBS form. On 8 July 2016 a voicemail reminder was left for the licence holder, and an SMS text message was also sent asking them to bring in the certificate or make an urgent appointment. A further text message was sent on 12 July 2016 reiterating this.

On Thursday, 14 July 2016 an SMS text message was sent advising that if the certificate was not brought to the council offices by Monday, 18 July then the matter would be passed to committee for suspension. No response or attempt to resolve this was received by the end of 18 July 2016.

On the morning of the committee meeting, 27 July 2016, the licence holder had an appointment scheduled at 10:30am in the council offices to resolve this, however they failed to attend.

After careful consideration and taking into account all the relevant factors the Sub Committee RESOLVED to

1. Suspend the drivers Hackney Carriage and Private Hire Drivers Licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, for a period of 2 months

2. Delegate Powers to the Director of Early Intervention and Support to revoke the drivers Hackney Carriage and Private Hire Drivers Licence in the event that the DBS certificate has not been received by the Council within 2 months

3. Delegate Powers to the Director of Early Intervention and Support to lift the suspension in the event that the driver produces a DBS certificate within 2 months

on the basis that the licence holder has not responded to numerous correspondence from the Licensing Officers, the licence holder has failed to attend meetings and has not a produced a valid DBS certificate.

Suspension will take effect 21 days after the day on which this notice is given.

The holder of the license has 21 days from receipt of notice of the decision to appeal to the local magistrate’s court.
16.LSC.79 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976; Refusal of Hackney Carriage/Private Hire Drivers Licence Renewal and Revocation of Hackney Carriage Drivers Licence

This item was withdrawn prior to the meeting.
Declarations of Any Interests

No declarations of any interests were received.

Procedure

The Chair outlined the hearing procedure that would be used to conduct the meeting.

Exclusion of the Public and Press

RESOLVED – That the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

Section 61 of the Local Government (Miscellaneous Provisions) Act 1976; Suspension of Hackney Carriage/Private Hire Drivers Licence

The licence holder did not attend the meeting. The Sub-Committee resolved to proceed with the meeting in the licence holder’s absence.

The General Licensing Sub Committee considered a report of the Director of Early Intervention and Support to bring to the attention of Members matters relating to failure to provide a Disclosure and Barring Service (DBS) certificate as required by Chorley Council.

Following the implementation of Chorley Council’s new checking procedures a project had been completed to ensure that the Council has had sight of all drivers DBS certificates.
certificates. The Council’s policy requires that a DBS certificate is provided as part of the grant or renewal of a Hackney Carriage/Private Hire Drivers Licence. There is no record of the licence holder bringing in their DBS certificate on file.

The licence holder received numerous correspondences regarding this via telephone and letters and has been advised on several occasions to bring their DBS certificate to the Council offices or make an appointment to complete a new DBS form.

The Transactional Services Team contacted the licence holder and were advised that they were no longer driving. On 22 July 2016 the licence holder was contacted via letter requesting that they either completes a DBS application or surrenders their licence and requested a response by 3 August. No response was received by the end of 5 August 2016, when the Regulatory Services Manager tried to contact the licence holder, an answering machine message was left asking for a response as a matter of urgency.

The deadline for submitting the report was Tuesday, 9 August but no response was received from the licence holder by this date.

After careful consideration and taking into account all the relevant factors the Sub Committee RESOLVED to

1. Suspend the drivers Private Hire Driver Licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, for a period of 2 months
2. Delegate Powers to the Director of Early Intervention and Support to revoke the drivers Private Hire Driver Licence in the event that the DBS certificate has not been received by the Council within 2 months
3. Delegate Powers to the Director of Early Intervention and Support to lift the suspension in the event that the driver produces a DBS certificate within 2 months

on the basis that the licence holder has not responded to numerous correspondence from the Licensing Officers and has not produced a valid DBS certificate.

Suspension will take effect 21 days after the day on which the notice of the decision is given to the licence holder.

The holder of the license has 21 days from receipt of notice of the decision to appeal to the local Magistrate’s Court.

16.LSC.84  Section 61 of the Local Government (Miscellaneous Provisions) Act 1976; Suspension of Hackney Carriage/Private Hire Drivers Licence

The licence holder did not attend the meeting. The Sub-Committee resolved to proceed with the meeting in the licence holder’s absence.

The General Licensing Sub Committee considered a report of the Director of Early Intervention and Support to bring to the attention of Members matters relating to failure to provide a Disclosure and Barring Service (DBS) certificate as required by Chorley Council.
Following the implementation of Chorley Council’s new checking procedures a project has been completed to ensure that the Council has had sight of all drivers DBS certificates. The Council’s policy requires that a DBS certificate is provided as part of the grant or renewal of a Hackney Carriage or Private Hire Driver Licence. There is no record of the licence holder bringing in their DBS certificate on file.

The licence holder received numerous correspondences regarding this via telephone and letters and has been advised on several occasions to bring their DBS certificate to the Council offices or make an appointment to complete a new DBS form.

The Transactional Services Team contacted the licence holder and were advised that they were no longer driving. On 22 July 2016 the licence holder was contacted via letter requesting that they either complete a DBS application or surrender their licence and requested a response by 3 August. No response was received by the end of 5 August 2016, when the Regulatory Services Manager tried to contact the licence holder the phone number would not connect.

After careful consideration and taking into account all the relevant factors the Sub Committee RESOLVED to

1. Suspend the drivers Private Hire Driver Licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, for a period of 2 months
2. Delegate Powers to the Director of Early Intervention and Support to revoke the drivers Private Hire Driver Licence in the event that the DBS certificate has not been received by the Council within 2 months
3. Delegate powers to the Director of Early Intervention and Support to lift the suspension in the event that the driver produces a DBS certificate within 2 months

on the basis that the licence holder has not responded to numerous correspondence from the Licensing Officers and has not produced a valid DBS certificate.

Suspension will take effect 21 days after the day on which the notice of the decision is given to the licence holder.

The holder of the licence has 21 days from receipt of notice of the decision to appeal to the local Magistrate’s Court.

16.LSC.85 Any urgent business previously agreed with the Chair

Following previous discussion at the Licensing and Public Safety Committee on 20 July 2016, Members requested further that officers look into an extension of delegated powers to avoid hearings of General Licensing Sub-Committee to determine applications that might be better dealt with by officers and the Chair and Vice-Chair under delegated powers.

The Regulatory Services Manager assured that she understood the need for improvement and informed Members that they were currently in the process of reviewing the delegation of powers. It was hoped that a report would be presented at the next Licensing and Public Safety Committee meeting on Wednesday, 21 September regarding this.
It was **agreed** that the Chair (Councillor Marion Lowe), Vice-Chair (Councillor Anthony Gee) and Councillor John Walker would be provided with the contents of the report and the proposed amendments prior to the meeting.
16.LAS.63 Declarations of Any Interests

No declarations of any interests were received.

16.LAS.64 Procedure

The Chair outlined the procedure to be used to conduct the meeting.


The Sub-Committee received an application from Heapey and Wheelton Village Hall Committee made under Section 17 of the Licensing Act 2003 for the granting of a premises licence for the Heapey and Wheelton Village Hall, West View, Wheelton, Chorley, PR6 8HJ. Members were asked to determine the application in light of two relevant representations that had been received.

The Regulatory Services Manager reported that a representation in support of the application had also been received from the local Parish Council but it was received outside of the deadline and a further Representation objecting to the Application had also been received which was also received after the consultation period. Although outside of the deadline, the Officer believed that these should be heard at Committee.

The application was for regulated entertainment only and sought to regulate the entertainment provision applied for through proposed conditions included in the operating schedule of the application to promote the Licensing objectives; the Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance, and the Protection of Children from Harm.
The premises is situated in the heart of the village and is surrounded by a mix of residential dwellings, it has a long history as a village hall and previously as a school. The building currently offers a range of facilities and activities for locals and groups. The application seeks to offer regulated activities that one would normally be expected to be provided at such a venue.

The Applicant spoke on behalf of the Village Hall Committee and highlighted what provisions would be undertaken to ensure compliance with the Licensing objectives. The Village Hall had a policy of no 18 year old parties and only people over the age of 21 could book the premises. Essentially, events that took place at the Village Hall consisted mainly of private parties (normally for children).

Members were informed that in the past the Village Hall Committee had worked to avoid increased noise levels with regards to the regular Zumba classes and approached Chorley Council for advice on this. It was anticipated that an air conditioning system would be installed in the Main Hall on 17 August – one of the hopes being that installation would decrease the need to open the windows and doors of the hall and subsequently decrease the levels of noise travelling to the neighbouring properties.

The Applicant reminded Members that the Village Hall was a valuable asset to the community and was owned by the Villagers. Therefore, general maintenance of the building is funded by the money raised by a small body of volunteers, a large sum of which comes from hiring out the hall.

The Village Hall Committee believed the time restrictions under the current premises were unattractive to potential hirers and it was hoped that an extension would appear more favourable. This support was reiterated by the Parish Council who were present and gave their representations at the meeting.

The Council had received one representation from an objector who lives next door to the Village Hall. The Objector attended the meeting to give their representations and to answer questions to the Sub Committee. The Objector appreciated that the Village Hall Committee had responsibly proposed controlled time restrictions and ensured that minimal noise nuisance would be inflicted on the neighbouring residents. He agreed that the requested opening times were reasonable however held concerns regarding monitoring and further requests being presented to the Sub Committee in future.

The Objector queried how the hall was monitored when hired to people outside the village and how it could be assured that there would be a decrease in the use of windows and doors once the air conditioning was installed. Assurances were made that although there was no guarantee of volunteers being present during events due to minimal volunteer numbers, there was a degree of trust that those hiring out the hall would abide by the well-defined hiring conditions with the additional un-refundable deposit in place if conditions were broken. The applicant understood that once the air conditioning was installed it would be set on a timer and instructions would be provided to ensure the Hirers were aware of how to use it. Members noted the Objector’s proximity to the venue.
The Sub Committee carefully considered the applicant’s written and verbal representations and the written and verbal representations from the objectors. The Sub Committee also had regards to the Council’s Statement of Licensing Policy; in particular those paragraphs referred to within the report and gave consideration to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. The Sub Committee also considered Human Rights implications, in particular Article 6, Article 8 and Article 1 of the First Protocol.

Members **RESOLVED** to grant the application as set out in the report except that the terminal hours of the regulated activities shall be as follows:

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<th>Regulated Provision</th>
<th>Days</th>
<th>Time</th>
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<td>Provision of Plays</td>
<td>Sunday to Thursday</td>
<td>07.30am – 11.00pm indoors and outdoors</td>
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<td>Friday to Saturday</td>
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<td>Provision of Films</td>
<td>Sunday to Thursday</td>
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<td>Friday to Saturday</td>
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<td>Provision of Indoor Sporting Events</td>
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<td>Friday to Saturday</td>
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<td>Provision of Boxing or Wrestling Entertainment</td>
<td>Sunday to Thursday</td>
<td>07.30am – 11.00pm indoors and outdoors</td>
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<td>Friday to Saturday</td>
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<td>Provision of Live Music</td>
<td>Sunday to Thursday</td>
<td>07.30am – 11.00pm indoors and outdoors</td>
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<td>Provision of Recorded Music</td>
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The reasons for the decision were as follows:

- Members noted that no responsible authorities had made representations objecting the application, including the Environmental Health Department of the Council in respect of noise nuisance.

- Members noted that there had been no complaints made to Environmental Health or to any other Responsible Authorities.

- Members noted that one objector had made a complaint about the Traffic. Traffic is a highways related issue and falls outside the licensing authority’s remit. Highways and Licensing are separate systems of control and that the purpose of this Sub Committee was to consider the application and the Licensing Objectives.

- Members noted that if there should be issues with Noise then this should be reported to the Council’s Environmental Health Department so that this can be properly recorded and the correct procedures followed.
• On the information provided to the Sub Committee, Members were satisfied with the steps undertaken by the Village Hall Committee to promote the Licensing Objectives in particular the Prevention of Noise. Members noted that the Air Conditioning System would be installed on the 17th August 2016 which would reduce the use of open doors and open windows.

• Members noted that the Representation made by one of the neighbouring properties, who was in attendance at the meeting, was happy with the application submitted by the application and believed that the Applicant’s proposed extension hours had been reasonable.

• Members requested that the Applicant review and amend the terms set out in their Hire Agreement to reflect the installation of the new Air Conditioning system.
INTRODUCTION OF A GENERAL LICENSING SAFEGUARDING AND SUITABILITY POLICY

PURPOSE OF REPORT

1. For the Licensing and Public Safety Committee to consider the proposed General Licensing Safeguarding, Suitability and Convictions Policy to support the Council’s licensing policies in the future.

RECOMMENDATION(S)

2. That the Licensing and Public Safety Committee determine to agree the implementation of the proposed General Licensing Safeguarding, Suitability and Convictions Policy to support the Council’s licensing policies in the future.

EXECUTIVE SUMMARY OF REPORT

3. Following the approval and adoption of the Safeguarding, Suitability and Convictions Policy for Taxi Licensing in 2015, a General Licensing Safeguarding, Suitability and Convictions Policy (Appendix 1) has been produced to cover all other licensing functions to ensure a consistent approach to all licensing matters in the future and enable efficient decision making.

4. The public has a reasonable expectation that where the Council issues a Licence or Consent to an individual, the relevant and appropriate level of checks have been made to ensure that that person is suitable to hold the licence or consent, are trustworthy and honest and do not pose a risk to the safety of the public or to animals in their care.

CORPORATE PRIORITIES

5. This report relates to the following Strategic Objectives:

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<tr>
<th>Confidential report</th>
<th>Yes</th>
<th>No</th>
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<tr>
<th>Involving residents in improving their local area and equality of access for all</th>
<th>A strong local economy</th>
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<tr>
<td>Clean, safe and healthy communities</td>
<td>An ambitious council that does more to meet the needs of residents and the local area</td>
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BACKGROUND
6. The Council is responsible for a multitude of licensing functions, including but not exclusively, Taxi Licensing, the licensing of Premises and persons for the sale of alcohol, late night refreshment, regulated entertainment, sexual entertainment, gambling and betting, street trading consents, houses in multiple occupation, caravan sites and animal welfare including boarding and breeding, pet shops, dangerous wild animals and zoos.

7. The public has a reasonable expectation that where the Council issues a Licence or Consent to an individual, the relevant and appropriate level of checks have been made to ensure that that person is suitable to hold the licence or consent, are trustworthy and honest and do not pose a risk to the safety of the public or to animals in their care.

8. A General Licensing Safeguarding, Suitability and Convictions Policy has been produced to cover all other licensing functions to ensure a consistent approach to all licensing matters in the future and enable efficient decision making.

9. Following adoption of the General Licensing Safeguarding, Suitability and Convictions Policy the Council will need to consider a programme for the review of the Licensing and Consent Policies and Procedures to ensure that they are updated and reflect the principles laid down by the Council in relation to Safeguarding, Suitability and Convictions. This will include the proposed introduction of a Street Trading Policy, the consolidations of Taxi Licensing Policy, and a review of Caravan Site Licensing in the first tranche.

10. Further review of Animal Welfare Licensing and HMO Licensing will be undertaken in the second tranche.

11. Reviews and timetables will be reported to future Licensing and Public Safety Committees.

IMPLICATIONS OF REPORT
12. This report has implications in the following areas and the relevant Directors’ comments are included:

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<thead>
<tr>
<th>Finance</th>
<th>X</th>
<th>Customer Services</th>
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<td>Equality and Diversity</td>
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<tr>
<td>Legal</td>
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<tr>
<td>No significant implications in this area</td>
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<td>Policy and Communications</td>
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COMMENTS OF THE MONITORING OFFICER
13. It is open to the Committee to approve the general licensing policy based on all the relevant information and following consideration of the report

JAMIE CARSON
DIRECTOR OF EARLY INTERVENTION

There are no background papers to this report.
GENERAL LICENSING SAFEGUARDING, SUITABILITY AND CONVICTIONS POLICY

INTRODUCTION

The Council is responsible for a multitude of licensing functions, including but not exclusively, Taxi Licensing, the licensing of Premises and persons for the sale of alcohol, late night refreshment, regulated entertainment, sexual entertainment, gambling and betting, street trading consents, houses in multiple occupation, caravan sites and animal welfare including boarding and breeding, pet shops, dangerous wild animals and zoos.

This policy covers new and renewal applications as well as any existing licences and consents for all licensing functions except Taxi Licensing, where there is a specific policy ‘Safeguarding, Suitability and Convictions Statement of Policy for Taxi Licensing’ adopted by the Council in November 2015.

Licences and consents may only be granted where the Council is satisfied that the individual is a “suitable person” to hold such a licence or consent.

This Policy is intended to give guidance on one aspect of whether an individual is or is not a “suitable” person; specifically, the situation where an individual has previous convictions, cautions, complaints, reprimands and/or other relevant matters.

In carrying out its Licensing functions the Council’s primary objective is to protect public safety and therefore must ensure:

- That an individual is a “suitable” person
- That the public are not put at risk by individuals with a history of dishonesty, indecency and/or violence
- The safeguarding of children, young persons and vulnerable adults

The Council also has a duty to prevent harm to animals as part of the wider licensing functions and therefore this secondary objective is relevant to all animal welfare licensing activities.

There is an expectation from the public that those persons trading under a licence or consent granted by the Council are trustworthy, honest and do not pose a risk to the safety of the public or to animals in their care.

For example, a street trader serving ice cream from a mobile unit which visits residential streets within the borough may have regular contact with children. They may also know where those children live, when parents are home or not and what holiday plans they may have, by building up trusting relationships with those customers.
Most people only board their cat or dog when they are going away on holiday. While they look after their pets, the boarding establishment will know the departure and return date and address of their customers.

The operator of a house in multiple occupation or residential caravan site is, as the owner of the premises, likely to have keys and access to the individual units, for the purposes of maintenance and safety. This type of accommodation may house young or elderly people or those with specific vulnerabilities.

For these reasons it is imperative that the Council has a robust policy for ensuring that all those given a licence or consent by the Council are suitable and safe to be trusted with the safety of the public and animals and the personal information they may hold on individuals.

**Assessment of Suitability**

The most important questions that the Members of any Committee that decides on whether to grant, renew, suspend, revoke or refuse a licence or consent are:

1. Would I trust this person to be responsible for having access to any member of my family (children, parents, grandparents, grandchildren, husband, wife or pets), with particular regard to whether they might be alone &/or vulnerable at the time?
2. And would I trust this person with sensitive personal information about my routines and holiday plans?

If the answer to those questions is ‘No’, ‘don’t know’ or ‘not sure’ then a licence should not be granted or renewed and should be refused or where an existing licence is in place revoked, on the grounds that Members are not convinced that the applicant is safe and suitable.

**Safeguarding Considerations**

Particular regard must be had for the safeguarding of children and vulnerable adults. Vulnerable persons not only includes those with learning or physical disability or impairment (including dementia), but also includes those under the influence of drugs or alcohol, or in any other circumstances which render them less capable of making decisions; this might include suffering from shock after an incident or traumatic experience.

Following the review of Rotherham’s Licensing Services serious failings were identified and consequently the Council did not take sufficient steps to protect the public. Chorley Council must learn from the mistakes of Rotherham and Rochdale and ensure that the appropriate policies and safeguards are in place to ensure that only those persons that meet the suitability test are permitted to hold any form of licence or consent issued by the Council.

Therefore, it is important to not only consider convictions but also take steps to give sufficient weight to relevant personal relationships and associations with known or suspected criminals, complaints, allegations, investigations, arrests and charges, even where convictions are not secured, when making any decisions that can impact on the safety of the public.

The Licensing Committee is not a jury in a criminal court and does not have to be convinced beyond reasonable doubt of guilt. The precautionary principle should be applied in all cases.
Child Sexual Exploitation is not a remote problem that only affects other areas of the country, statistically there is evidence to support the claim that it happens everywhere, and that the people responsible for perpetrating and organising these crimes live and work in our communities. There is evidence of an association between taxi drivers, proprietors and operators and also other licenced premises, such as takeaways, pubs and off licences. As such the Licensing and Public Safety Committee and sub-committees have a clear responsibility to the public when making their decision, the consequences of failure in this respect are far reaching, not only personally for the victims, but also for the reputation of the Council.

Convictions

Although convictions are not the only consideration for the Council, they are important and clear guidelines are crucial.

The Rehabilitation of Offenders Act 1974 does apply to all licences and consents (except for those licences relating to taxi drivers). It is acknowledged that employment plays a vital role in reducing reoffending and changing behaviour, however, the Council’s primary role when carrying out the licensing function is to protect public safety and ensure all those persons licensed by the Council are suitable to hold such a licence or consent.

When submitting an application for a licence or consent individuals may be required to declare any and all previous convictions, this will depend on the legislation for each individual licence or consent. Individuals may also be required to disclose convictions which are not spent for the purposes of the Rehabilitation of Offenders Act 1974.

The information will be treated in confidence and will only be taken into account in relation to the relevant application and the associated legislation in order to assist the Council in determining whether the applicant is a safe and suitable person to hold a licence or consent.

We will consider all convictions based upon the Council’s guidelines. When considering convictions, complaints, allegations, investigations, arrests and charges the Council will be mindful of the severity of, the relevance to the licence applied for and the time elapsed since the offence or alleged offence. The age of the applicant at the time of the offences/alleged offences will also be taken into account.

Complaints include those made directly to the Council, police or any other agency. Intelligence received from other agencies, which includes circumstances that have not resulted in a criminal conviction, caution or other disposal may be taken into account. By way of example, this would also include incidents that have resulted in a police, trading standards or RSPCA investigation, but there has been no further action due to the criminal burden of proof, if the Council is satisfied that the incident occurred based on the balance of probabilities.

The disclosure of a criminal conviction, caution or other relevant information relating to an individual’s conduct will not debar that individual from being granted, retaining or renewing a licence or consent. It will depend on whether or not an individual can satisfy the Council that they are a “suitable” person to hold such a licence or consent.
The Council may not be satisfied that an individual is a “suitable” person to hold a licence for any good reason. If adequate evidence that an individual is a suitable person is not presented or if there is good reason to question or doubt the evidence provided, then that could amount to good reason to refuse a licence or consent or make any decision adverse to the licence or consent holder.

In considering evidence of an individual’s good character and fitness to hold a licence or consent and where previous convictions / cautions or other information relating to criminal matters or character are disclosed, the Council will consider:

- The nature of the offence / issue and penalty
- When it was committed / took place
- The date of conviction / issue and the length of time elapsed
- The age of the individual when the offence / incident took place
- Whether or not it is part of a pattern of behaviour
- The intent the harm could or did cause
- Any other factors which may be relevant

Greater weight will be given to recent convictions, complaints, allegations, investigations, arrests and charges and in particular those criminal offences involving dishonesty, violence, drugs, alcohol, criminal damage and sexual offences, together with serious offences connected with the driving of a motor vehicle (where relevant to a street trading consent for a mobile unit, such as an ice cream van).

The Council will, where appropriate, contact other agencies (e.g. other local authorities, the Police, Children’s Services, RSPCA) for any other information which they may hold in order to determine the application or existing licence or consent. Any checks made with the police will be in accordance with the guidelines in the Department of Transport Circular 2/92 and the Home Office Circular 13/92. This information will be kept in strict confidence and will be retained no longer than is necessary and in any event will be destroyed in accordance with the requirements of the Data Protection Act 1998 and good practice after the application is determined or any appeal against such determination is decided.

Whilst a licence or consent is valid, should we receive updates from the Police, of new convictions and cautions for licence/consent holders, this will allow us to decide whether action needs to be taken on the continuation of the licence or consent. It is the responsibility of each licence or consent holder, including any nominated assistant in relation to a street trading consent, to inform the Council promptly in writing of any conviction, caution or fixed penalty arising during the currency of the licence or consent. A criminal record check is required on application, and thereafter every three years for existing licence or consent holders, and nominated assistants. Applicants may wish to use the digital service provided by DBS for the annual updates.
GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS

The Council has adopted the following guidelines relating to the relevance of convictions to which it refers in determining applications for licences and consents.

The guidelines cannot deal with every possible offence and the Council will take into account offences not specifically referred to, or any other conduct which may be relevant to an application. If an applicant has a conviction for an offence not covered by the guidelines a judgement will be made based on the factors outlined at paragraph 3 when determining the application.

Offences are given a general description in the guidelines and offences of a similar nature created in any statutory provision, modification or re-enactment, will be taken into account and interpreted in accordance with the spirit of the guidelines.

The guidelines are not an attempt to provide a definition of what constitutes a “suitable person”.

Any individual who is refused a licence or consent will need to refer to the individual legislation for the details of rights of appeal against this decision.

The guidance will be used for the determination of all new applications, the renewal of existing licences or consents and the continuous review of current licences or consents where any offences are committed during their period of validity.

General Policy

1. Each case will be decided on its own merits.

2. The public has an expectation that the Council will take the necessary steps and make appropriate checks to ensure that applicants are suitable to persons to hold any licence or consent granted by the Council. One aspect of this is the extent to which previous convictions indicate that an individual is not a safe and suitable person and/or may or otherwise take advantage of the role and information that the licence or consent provides. This includes, but is not limited to, convictions for:

   - Offences against children, young people, vulnerable adults or animals
   - Dishonesty
   - Sexual offences
   - Violence and drugs
   - Traffic offences

3. Whether an applicant has any recorded criminal activity is a critical factor in making this judgement.

4. Convictions or cautions which are recorded for any offences may be considered by the Council in determining an application. This guidance refers to the most common groups of relevant offences, namely, offences against children and young persons, dishonesty, sexual offences, traffic offences, violence and drugs.
5. An offence when committed in relation to carrying on the business for which the licence or consent is granted (or complaint about behaviour) will be viewed in a more serious light and a longer period of rehabilitation will be required.

A person with a conviction for a single serious offence or a number of separate offences is not barred from applying for a licence or consent, but would normally be expected to remain free from conviction for an appropriate period (which will depend on the nature of the offence) and be able to provide supporting evidence to show that they are a ‘suitable’ person to be granted or to continue to hold a licence or consent (the onus is on the individual to produce such evidence).

Simply remaining free of conviction will not generally be regarded as sufficient evidence.

Consideration will be given to any patterns of offending, intent and the harm which was or could have been caused.

Multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account. Any case which involves a sexual offence, murder or manslaughter the application / licence will normally be refused / revoked.

Consideration may be given by the Council to the specific guidance for relevance of offences and convictions in the ‘Safeguarding, Suitability and Convictions Statement of Policy for Taxi Licensing’ when considering the details of individual cases for general licensing purposes. It is not appropriate to list all potential relevant offences in this document due to the wide range of licences and consents issues by the Council. This will need to be considered on an individual basis.
INTRODUCTION AND CONSULTATION ON A STREET TRADING POLICY AND REVIEW OF CONDITIONS

PURPOSE OF REPORT

1. For the Licensing and Public Safety Committee to consider the introduction of a Street Trading Policy, including the proposed reviewed conditions and recommend amendments to the Council’s Constitution Scheme of Delegation as agreed.

RECOMMENDATION(S)

2. That the Licensing and Public Safety Committee agree the consultation of the Street Trading Policy and the reviewed Street Trading Consent conditions subject to the following:

   a) On the expiration of the consultation period the Director of Early Intervention and Chair of Licensing and Public Safety Committee are given delegated authority to make any minor amendments arising out of any consultation responses.
   b) On the expiration of the consultation period any major changes considered to be necessary as a result of the consultation response will be reported back to the Licensing and Public Safety Committee for further consideration and approval.

3. That the Licensing and Public Safety Committee agree that there is a review of the fees and charges for the scheme as part of the consultation.

4. That the Licensing and Public Safety Committee are asked to recommend approval to Full Council for any amendments to the Council’s Constitution and Scheme of Delegation.

5. That the Licensing and Public Safety Committee determine one of the following options in relation to the scheme of delegation:

   **Option 1** - implement the report as written, where all decisions for grant are delegated to officers, with only the refusal of consent applications and revocation delegated to the Director and Chair of the Licensing and Public Safety Committee and a referral mechanism to General Licensing Sub-Committee for cases of particular complexity or unresolved dispute between traders

   **Option 2** - amend the report so that the grant of consents is delegated to officers, revocation with immediate effect is delegated to the Director and Chair of the Licensing and Public Safety Committee and all decisions to refuse are made by the General Licensing Sub-Committee

   **Option 3** - implement as the report is written, where all decisions for grant are delegated to officers, with only the refusal of consent applications and revocation delegated to the Director and Chair of the Licensing and Public Safety Committee and a referral mechanism to General Licensing Sub-Committee for cases of particular complexity or unresolved dispute between traders, also include the implementation of an internal appeal procedure, where applicants
refused a consent or subject to revocation can appeal to the General Licensing Sub-Committee.

EXECUTIVE SUMMARY OF REPORT

5. The local authority is responsible for ensuring that street traders are properly regulated under the Local Government (Miscellaneous Provisions) Act 1982, Part III and Schedule 4. Chorley Council operates a consent scheme which means that in accordance with the Act Chorley Council has designated streets across the borough ‘Consent Streets’ and a Street Trading Consent is required from the Council in order to trade in a such a street.

6. There has not previously been a policy to support the scheme, and this report aims to address this by proposing a policy to ensure that there are suitable and sufficient conditions for the Street Trading Consents.

7. The Street Trading Policy introduces a requirement for the applicant to complete a basic Disclosure and Barring Services (DBS) check, this may be by electronic update service. The cost of the DBS will be borne by the applicant.

8. The Street Trading Policy (Appendix 1) also introduces some additional conditions which relate to food safety requirements and conduct of traders (Conditions j, k, l, m and n on page 5 of the policy and repeated in the application form and consent appended to the policy).

9. The Street Trading Policy also provides guidance on the delegation of decisions taking a light touch approach providing for officers decisions.

10. The scheme of delegation will need to be amended to include delegation to officers to revoke consents with immediate effect where breaches of conditions are found, where offences may have been committed or in other circumstances set out in the policy. The scheme will also need to reflect the decisions made by the Licensing and Public Safety Committee in relation to options 1-3 above.

11. There is no provision with the legislation to appeal decision made by the Council to the Magistrate’s Court, the only course of redress would be judicial review or a complaint to the ombudsman. Therefore, option 3 provides for an internal appeal procedure to the General Licensing Sub-committee.

CORPORATE PRIORITIES

12. This report relates to the following Strategic Objectives:

| Involving residents in improving their local area and equality of access for all | A strong local economy | X |
| Clean, safe and healthy communities | X | An ambitious council that does more to meet the needs of residents and the local area | X |

BACKGROUND

13. Chorley Council is responsible for administering the Street Trading Consent Scheme under the Local Government (Miscellaneous Provisions) Act 1982, Part III.

14. Street trading means the selling, exposing or offering for sale any article, including a living thing, in a street. This includes the sale of food and ice cream from mobile units, but does not include news vendors, any trading done in a market, acting as a pedlar under a pedlar’s certificate or the delivery of goods as a roundsman, such as a milkman.

15. The Council does not have an existing Street Trading Policy to guide decision making.

16. The current Street Trading Consent conditions have not been reviewed for a number of years and lack clarity with regard to conduct, food safety standards and safeguarding of the public.
17. There are currently no checks made for street traders with regard to criminal charges, convictions, complaints, investigations or the revocation of licences or consents by other local authorities.

18. There have been a number of issues in recent months in relation to the conduct of traders and also the eventual revocation of a street trading consent on the basis of the trader awaiting trial for a serious criminal offence.

19. However, due to the lack of policy, which would provide a mechanism to take action with regard to the information passed on by the police, there was a resultant delay in enforcement while legal advice had to be sought.

20. This highlighted the need for the Council to adopt a robust policy which ensures the protection of public safety as a fundamental priority for the Council.

21. Following the approval and adoption of Safeguarding, Suitability and Convictions Policy for Taxi Licensing, a General Licensing Safeguarding, Suitability and Convictions policy has been produced to cover all other licensing functions to ensure a consistent approach to all licensing matters in the future.

IMPLICATIONS OF REPORT
22. This report has implications in the following areas and the relevant Directors’ comments are included:

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<th>Finance</th>
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<td>Integrated Impact Assessment</td>
<td>required?</td>
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<td></td>
<td>Policy and Communications</td>
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COMMENTS OF THE MONITORING OFFICER
23. The review of the Street Trading Consent conditions are in accordance with the Council’s powers under the Local Government (Miscellaneous Provisions) Act 1982 (‘the Act’). The implementation of a Street Trading Policy will provide guidelines where legislation is silent on the grounds for the grant, refusal and revocation of a Street Trading Consent.

24. It is open to Committee to approve the implementation of a Street Trading Policy and the reviewed Street Trading Consent conditions based on all the relevant information and following consideration of the report.

JAMIE CARSON
DIRECTOR OF EARLY INTERVENTION

There are no background papers to this report.

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<th>Report Author</th>
<th>Ext</th>
<th>Date</th>
<th>Doc ID</th>
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<tr>
<td>Lesley Miller</td>
<td>5299</td>
<td>August 2016</td>
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STREET TRADING POLICY
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Introduction

The purpose of this policy is to clarify the Council’s position in relation to Street Trading and ensure that such trading is done in accordance with the Council’s Strategic Objectives to promote a Strong Local Economy and Clean, Safe and Healthy Communities.

Street trading means the selling, exposing or offering for sale any article, including a living thing, in a street. This includes the sale of food and ice cream from mobile units, but does not include news vendors, any trading done in a market, acting as a pedlar under a pedlar’s certificate or the delivery of goods as a roundsman, such as a milkman.

Chorley Council operates a consent scheme, whereby certain streets are either consented for trade or prohibited. These are identified in Appendix 1.

The Council may impose conditions to any consent and may also set fees and charges applicable to the consent.

It is an offence to trade without a consent, trade on a prohibited street, make a false statement in an application for consent or to contravene any conditions relating to the time and place of trading.

The Council may also revoke a consent where the trader is investigated by the police, charged or convicted of an offence or contravenes the conditions of the consent, or refuse to grant a consent where the application pre-requisites are not met.

The Council’s licensing role to protect public safety should be reflected in any such similar regulatory functions, such as Street Trading Consents, to ensure that the public is not put at risk by granting of a consent to individuals that they do not think suitable to hold such consent. Therefore the General Licensing Safeguarding, Suitability and Convictions Policy will be used to also consider the suitability of individuals as street traders to apply a consistent approach to protecting public safety. This policy is attached as Appendix 3.

Legislative background

The Local Government (Miscellaneous Provisions) Act 1982, Part III and Schedule 4, is the primary legislation under which street trading is regulated. However, regard must also be had for other relevant legislation, such as Food Safety Act 1990 and the associated regulations, Anti-social Behaviour, Crime and Policing Act 2014, Health and Safety at Work etc. Act 1974 and associated regulations, Environmental Protection Act 1990, Trading Standards legislation, and this Street Trading Policy.

Under the Council’s Scheme of delegation, officers have the authority to grant a street trading consent. Any refusal or revocation of such a consent, or the addition of any individual conditions, would be delegated to the Director in consultation with the Chair of the Licensing and Public Safety Committee.
The legislation does not provide for the right of appeal to the Magistrate’s Court. Any appeal against decisions would be through Judicial Review or a complaint to the Local Authority Ombudsman.

**Application pre-requisites**

Applications must be made on the official application form (Appendix 2) and accompanied by a passport sized photograph of the applicant.

The applicant must pay the applicable fee to the Council upon application.

No-one under the age of 17 is permitted to trade under a consent.

Where food is being sold, the applicant must also be a registered food business, this must be in the local authority area where their registered office is (this may be their home address).

Traders that employ staff must have employer’s liability insurance.

Any Staff employed must be nominated and their photographs supplied with the application.

An Applicant, including for any nominated assistant, must present a Basic Disclosure and Barring Service (DBS) certificate which is less than 2 months old at the date of application, or electronic updates will be accepted. The cost of the DBS will be borne by the applicant. Where there are any convictions then the application will be determined by the Director in consultation with the Chair of the Licensing and Public Safety Committee.

Where a street trading consent or licence has previously been revoked, either by Chorley Council, or any other authority, the Council may refuse an application for consent.

Any trader selling food must achieve a minimum Food Hygiene Rating Score of 3 in order to be eligible for a consent. The consent would be revoked where the trader falls below this minimum rating of 3.

**Conditions of consents**

A consent will only be granted for a period of 12 months and may be revoked at any time for any reasonable cause, as determined by the Council.

The Council may, in granting or renewing a consent, impose such conditions as it considers reasonably necessary.

The following standard conditions will apply:

(a) A street trader shall not trade within 50 metres of a fixed retail shop selling similar goods as its principal business, during the shop opening hours for the particular shop.

(b) Only those goods originally nominated by the applicant to be sold. Any changes to be notified to the Councils’ Regulatory Services Team by the consent holder before sales commence.
(c) Nuisance or annoyance shall not be caused (whether to persons using the street or otherwise).

(d) No obstructions of any street or persons using it shall be caused.

(e) The trader shall display his/her name and consent number in a prominent position on the vehicle, cart, barrow or portable stall at all times when trading.

(f) The trader shall produce, on the request of an authorised officer of the Council, evidence of his/her identity. A passport size photograph must accompany the application form which will be used for this purpose if consent is granted.

(g) The trader shall at all times ensure compliance with all legislation relevant to the conduct of the business, in particular:

(i) any vehicle used must be in roadworthy condition, taxed and insured.

(ii) any vehicle used shall not be sited in contravention of parking restrictions.

(iii) any loudspeaker may only be used in accordance with Section 62 of the Control of Pollution Act 1974, and,

(iv) any vehicle or stall used for the sale of food shall comply at all times with the Food Safety and Hygiene (England) Regulations 2013 and Regulation 852/2004 Annex II Chapter III.

(v) where food is being sold, the applicant must also be a registered food business, this must be in the local authority area where their registered office is (this may be their home address).

(h) The trader shall provide adequate receptacles for rubbish and remove all rubbish deposited in the vicinity of the vehicle or stall.

(i) Trading may only take place between the hours of 07.30am and 11pm on any day. Consent holders may apply to the Council for consideration to be able to trade outside of these hours. The Council reserve the right to revise any extended operation hours at any reasonable time.

(j) The trader shall ensure that where food (including drinks) is sold, they achieve a minimum Food Hygiene Rating Score of 3.

(k) Traders are expected to maintain high levels of good conduct and therefore must not interfere with any other trader in their lawful operations.

(l) A trader will be required to provide a Disclosure and Barring Service Certificate with each application, including for any nominated assistant.

(m) The trader must notify the Council of any charges or convictions which arise during the course of the consent, including for any nominated assistant, failure to do so may result in refusal to grant any future applications.

(n) The holder of any consent may employ any other person to assist him without a further consent being required. For any such assistants nominated, a basic DBS must be completed for this person and their photographs to be supplied with the application.
**Fees and Charges**

The Council will set the fees for street trading consent annually.

Traders who reside inside the borough will be subject to a discounted fee, to promote economic growth and development for Chorley residents.

If consent is surrendered or revoked during the 12-month period, the Council will charge an administration fee. Surrendered or revoked consents will be subject to a pro-rata refund based on whole and part months when trading has taken place.

**Enforcement**

Where, during the course of the consent, there are any charges, police investigations, and/or convictions against the consent holder or nominated assistant, the consent may be revoked with immediate effect.

In the event that a further application for a Street Trading consent is made following the outcome of a police investigation and/or Court hearing the matter will be passed to the Director in consultation with the Chair of the Licensing and Public Safety Committee, where the General Safeguarding, Suitability and Convictions policy will be applied.

Failure of the trader to advise the Council of any charges, police investigations and/or convictions which arise during the term of the consent may result in refusal to grant any future applications.

Where a complaint is received from either the public or another authority, such as the police or local authority, the complaint will be investigated and the Council may revoke the consent where a condition has been breached, they consider that on a balance of probabilities that an offence has been committed or the reputation of the Council may be undermined by the activities of a consent holder or for any reason.

Where two consent holders are investigated due to complaints of breaches of conditions or arguments over trading times and areas, both consent holders will be expected to fully participate in mediation. Where issues persist or mediation is refused the Council may consider enforcement action or referral to the General Licensing Sub-Committee for a consideration of the matter and a decision on whether to apply additional conditions, revoke or renew consents for either or both party.
Appendix 1 - Prohibited and Consent streets

The Council has adopted a system of street trading comprising of designated “prohibited streets” and “consent streets”.

PROHIBITED STREET

A “prohibited street” means a street or area in which street trading is prohibited. In Chorley the prohibited streets with are:

(i) All land and streets in the open air, generally in the areas known as Rivington and Anglezarke within the Borough of Chorley. (Signs mark the approximate boundary of this area, further details are available from the Regulatory Services Team, telephone 01257 515151).

(a) There are three sites in this area where trading is permitted, these sites are let on a twelve month licence by Tender from United Utilities, Andertons Yard, Horwich - a street trading consent is also needed from Chorley Council.

(ii) The area of land adjacent to the Market Walk Development in Chorley bounded by the Market Walk Development, the car park and New Market Street, Chorley.

(iii) Streets in the area of the General Market, Chorley Town Centre:

<table>
<thead>
<tr>
<th>Cannon Street</th>
<th>High Street</th>
<th>Chapel Street</th>
<th>Market Place</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cleveland Street</td>
<td>Market Street</td>
<td>Clifford Street</td>
<td>New Market Street</td>
</tr>
<tr>
<td>Fazakerley Street</td>
<td>Union Street</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(iv) The M6 Services at Charnock Richard and the M61 Bolton West Services.

CONSENT STREET

A “consent street” means a street or area where trading is not allowed without the consent of the Council. A consent is a document issued by the Council.

In Chorley all streets other than prohibited streets are designated “consent streets”. This means that a person wishing to trade in those streets must obtain the consent of the Council.

A “street” includes any road, footway or other area to which the public have access without payment. Therefore, the Act can apply to public and private car parks, shopping centres and leisure areas. However, to trade in a private area you still need the permission of the landowner as well as a street trading consent from the Council.
Appendix 2- Application form, conditions and guidance

EARLY INTERVENTION DIRECTORATE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
PART III - STREET TRADING
APPLICATION FOR STREET TRADING CONSENT

GRANT / RENEWAL Application (delete as appropriate)

(Please use CAPITAL LETTERS)

NAME: ______________________________________

DATE OF BIRTH: ________________________ NI Number: _______ _____

ADDRESS: ______________________________________
____________________________________

POSTCODE: ____________________________ TEL NO. __________________

TYPE OF VEHICLE: ______________________ REG NO. __________________

ARTICLES TO BE SOLD: ________________________________

____________________________________

IF NO VEHICLE, OTHER METHOD OF SALE:

____________________________________

WHERE AND WHEN DO YOU PROPOSE TO TRADE: __________________________

____________________________________

I ENCLOSE FEE OF £ ______
(Cheques payable to Chorley Borough Council)

I AM OVER 17 YEARS OF AGE

Signed ______________________________________ Date ______________________

Fees: Applicants residing within the Borough: £440.50 per annum.
Applicants residing outside the Borough: £562 per annum.

NOTES:
1. A Consent granted will be valid for a period of twelve months from the date of issue.
2. Completed application forms, DBS certificate and passport size photograph of the consent holder to be returned to: Regulatory Services Section
   Early Intervention and Support Directorate
   Civic Offices
   Union Street
   Chorley PR7 1AL

DATA PROTECTION ACT 1988
The information on this form will be used by Chorley Council under the terms of the Data Protection Act 1998 and will only be used in connection with the operation of the Environmental Services Unit. In case of query
please contact the nominated Chorley Council Data Protection Officer at the Civic Offices, Union Street, Chorley, PR7 1AL.
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

STREET TRADING CONDITIONS

The Council has adopted a system of street trading comprising of designated “prohibited streets” and “consent streets”.

1. **PROHIBITED STREET**

A “prohibited street” means a street or area in which street trading is prohibited. In Chorley the prohibited streets with are:

(i) All land and streets in the open air, generally in the areas known as Rivington and Anglezarke within the Borough of Chorley. (Signs mark the approximate boundary of this area, further details are available from the Regulatory Services Team, telephone 01257 515151).

(a) There are three sites in this area where trading is permitted, these sites are let on a twelve month licence by Tender from United Utilities, Andertons Yard, Horwich - a street trading consent is also needed from Chorley Council.

(ii) The area of land adjacent to the Market Walk Development in Chorley bounded by the Market Walk Development, the car park and New Market Street, Chorley.

(iii) Streets in the area of the General Market, Chorley

- Cannon Street
- Chapel Street
- Cleveland Street
- Clifford Street
- Fazakerley Street

(iv) The M6 Services at Charnock Richard and the M61 Bolton West Services.

2. **CONSENT STREET**

A “consent street” means a street or area where trading is not allowed without the consent of the Council. A consent is a document issued by the Council.

In Chorley all streets other than prohibited streets are designated “consent streets”. This means that a person wishing to trade in those streets must obtain the consent of the Council.

A “street” includes any road, footway or other area to which the public have access without payment. Therefore, the Act can apply to public and private car parks, shopping centres and leisure areas. However, to trade in a private area you still need the permission of the landowner as well as a street trading consent from the Council.

There have been different interpretations as to what constitutes a “street” for a number of years. The law was clarified in 2009 by the case heard in the High Court, of West Berkshire District Council v Simon Paine [2009] EWHC 422 (Admin). The essential point...
from the case is that a "street" can include private land such as a private car park, even though the public might not be expected to enter the land, they can do so, without payment. It does not just mean land which is part of a highway. This means that a number of activities that have not previously been considered to require a Street Trading Consent, will require one from now on. For example, parking on the private car parks of businesses, and selling goods to the employees, requires a Street Trading Consent.

You might also need planning permission if you want to trade from the same place on a regular basis or if you want to trade from a Council owned car park - contact the Council's Planning Section, Civic Offices, Union St, Chorley, telephone number (01257) 515151.

You should also contact Lancashire Highways Agency (Tel: 0845 0530011) to establish whether they have any comments regarding the proposed location of trading.

**Exemptions**

Street Trading means that selling or exposing or offering for sale of any article (including a living thing) in a street but this does not include:

(a) trading as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871;

(b) anything done in a market or fair the right to hold which was acquired by virtue of a grant, enactment or order;

(c) trading in a trunk road picnic area provided under the Highways Act 1980;

(d) trading as a news vendor;

(e) trading as:

(i) a petrol filling station

(ii) at a shop or on a street adjoining premises so used and as part of the business of the shop;

(f) selling things, or offering or exposing them for sale as a roundsman. This means purely delivering goods which have been pre-ordered before you arrive at the premises, or delivering a regular order, such as with a milk round. Delivering a small amount of pre-ordered goods, when the majority of your business is to offer a range of goods for customers to choose from on site, does not qualify you as a roundsman.

3. **GENERAL CONDITIONS TO A TRADING CONSENT**

A consent will only be granted for a period of 12 months and may be revoked at any time for any reasonable cause, as determined by the Council.

The Council may, in granting or renewing a consent, impose such conditions as it considers reasonably necessary.

The following standard conditions will apply:

(a) A street trader shall not trade within 50 metres of a fixed retail shop selling similar goods as its principal business, during the shop opening hours for the particular shop.
Only those goods originally nominated by the applicant to be sold. Any changes to be notified to the Councils' Regulatory Services Team by the consent holder before sales commence.

Nuisance or annoyance shall not be caused (whether to persons using the street or otherwise).

No obstructions of any street or persons using it shall be caused.

The trader shall display his/her name and consent number in a prominent position on the vehicle, cart, barrow or portable stall at all times when trading.

The trader shall produce, on the request of an authorised officer of the Council, evidence of his/her identity. A passport size photograph must accompany the application form which will be used for this purpose if consent is granted.

The trader shall at all times ensure compliance with all legislation relevant to the conduct of the business, in particular:

(i) any vehicle used must be in roadworthy condition, taxed and insured.
(ii) any vehicle used shall not be sited in contravention of parking restrictions.
(iii) any loudspeaker may only be used in accordance with Section 62 of the Control of Pollution Act 1974, and,
(iv) any vehicle or stall used for the sale of food shall comply at all times with the Food Safety and Hygiene (England) Regulations 2013 and Regulation 852/2004 Annex II Chapter III.
(iv) where food is being sold, the applicant must also be a registered food business, this must be in the local authority area where their registered office is (this may be their home address).

The trader shall provide adequate receptacles for rubbish and remove all rubbish deposited in the vicinity of the vehicle or stall.

Trading may only take place between the hours of 07.30am and 11pm on any day. Consent holders may apply to the Council for consideration to be able to trade outside of these hours. The Council reserve the right to revise any extended operation hours at any reasonable time.

The trader shall ensure that where food (including drinks) is sold, they achieve a minimum Food Hygiene Rating Score of 3.

Traders are expected to maintain high levels of good conduct and therefore must not interfere with any other trader in their lawful operations.

A trader will be required to provide a Disclosure and Barring Service Certificate with each application, including for any nominated assistant.

The trader must notify the Council of any charges or convictions which arise during the course of the consent, including for any nominated assistant, failure to do so may result in refusal to grant any future applications.

The holder of any consent may employ any other person to assist him without a further consent being required. For any such assistants to be nominated, a basic DBS must be completed for this person and their photographs to be supplied with the application.
NOTE The Council may vary these conditions at any time.

4. APPLICATION PRE-REQUISITES

Applications must be submitted on the official application form and be accompanied by the appropriate fee (See below). A passport size photograph of the consent holder should be included with the completed application form. A valid Disclosure and Barring Service (DBS) is also required before the grant or renewal of a consent.

A consent will not be granted to any person under 17 years of age.

A consent will only be granted for a period of 12 months, but can be revoked at any time.

A consent will only be granted where the applicant provides a basic Disclosure and Barring Service (DBS- formerly the CRB) certificate, this must be less than 2 months old at the date of application, including for any nominated assistant. The applicant will be required to make an appointment the Council for this to be completed by contacted the Transactional Team on 01257 515151.

Where there are any convictions then the application will be determined by the Director in consultation with the Chair of the Licensing and Public Safety Committee.

Where a street trading consent or licence has previously been revoked, either by Chorley Council, or any other authority, the Council may refuse an application for consent.

5. FEES & CHARGES PAYABLE

Applicant residing within the Borough £440.50 per annum
Applicant residing outside the Borough £562 per annum

If consent is surrendered or revoked during the 12-month period, the Council will charge an administration fee of £62. Surrendered consents will be charged for whole and part months when trading has taken place.

6. PENALTIES FOR NON-COMPLIANCE

It is an offence to:

(a) Engage in street trading in a prohibited street.
(b) Engage in street trading without consent in a street.
(c) Make any false statement in an application for consent.
(d) Engage in Street Trading from a vehicle, cart, barrow or portable stall without a consent permitting it.
(e) Contravene conditions relating to the time and place of trading from a vehicle, cart, barrow or portable stall.

The maximum fine on summary conviction is £1,000.

Further advice and information is available from the Regulatory Services Team, Early Intervention Directorate, Tel: (01257) 515151.
1. High risk foods, e.g. cooked meats, uncooked pies and pasties, quiches, soft cheeses, prepared vegetable salads, egg mayonnaise, fresh cream cakes, sandwiches containing high risk foods etc. must be stored at not more than 8°C as soon as possible after arrival on the vehicle or stall. A thermometer should be provided for each refrigerator. If any of these foods are intended to be sold hot, they must be kept at not less than 63°C whilst awaiting service.

2. Hand washing facilities and facilities for the washing of food and equipment are required on the vehicle or stall.

3. Interior wall and roof surfaces must be in good order, repair and condition to enable them to be effectively cleaned e.g. laminated plastic with sealed joints, or any smooth impervious hard finish.

4. The floor must be in good repair and condition to enable it to be effectively cleaned, e.g. metal, heavy duty vinyl with as few joints as possible.

5. Work surfaces and shelving must be covered with a suitable impervious material e.g. stainless steel or laminated plastic. Legs to the above should be gloss painted or covered with an impervious material which can be effectively cleaned.

6. The interior of the vehicle must be kept clean at all times.

7. There must be adequate natural or artificial lighting provided.

8. All containers for foods must be of such a type to prevent any contamination of the food, and be kept clean.

9. Refuse containers must be provided, with tight fitting lids, inside the vehicle, and outside for use by customers if the vehicle is parked for any length of time.

10. Food should not be placed so as to involve risk of contamination.

11. Any unfit or unsound food must be kept apart from any other food.

12. Open food e.g. sandwiches, cakes, biscuits etc. must be kept covered whilst exposed for sale with a suitable clean cover.

13. No live animal shall be carried in a food vehicle.

14. Wrapping materials or containers must be clean and not allow any contamination of the food. Any printed material e.g. newspapers must not be used to directly wrap food in.
PERSONAL HYGIENE REQUIREMENTS

1. A clean and washable overall must be worn at all times.
2. Keep all cuts and abrasions covered with waterproof dressings.
3. Smoking is prohibited within the vehicle at all times.

6. If a food handler becomes aware that they are suffering from any food poisoning type illness they must notify the owner of the business and refrain from work. They should not return to work until they have been given medical clearance by their GP.

If they have salmonella, dysentery or staphylococcal infection they must notify the owner of the business who then must notify the Environmental Health Officer. They must refrain from work until cleared by the Officer.

FOOD REGISTRATION

If food intended for sale from a vehicle or stall etc., is stored elsewhere than shop premises, the Local Authority must be informed so that the storage premises can be inspected by an Environmental Health Officer.

Under the Regulations, the premises where the vehicle is normally kept will have to be registered. Forms are available from this department if the vehicle is kept in the Chorley Area. There is no charge for registration. If you do not keep your vehicle/trailer/stall within the Borough of Chorley, please contact your local Environmental Health Department.
GUIDANCE NOTES FOR HEALTH AND SAFETY PRACTICES IN MOBILE FOOD VEHICLES

GENERAL REQUIREMENTS

1. Employers have a legal duty to employees including the provision and maintenance of plant and systems of work, provision of training and supervision, safe handling and storage of substances and articles and provision of a safe working environment.

2. Employers and the self-employed have a duty not to expose persons not being employees to any risk to their health and safety. Includes, members of the public and patrons of the food business.

3. Employees must safeguard themselves and their colleagues and co-operate with their employer in connection with those duties imposed upon them.

4. As from 1 April 1996, the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) requires that Chorley Council are notified of:

   (i) All injuries to employees or self-employed persons which result in more than seven days off work should be notified within ten days of the accident, using Health and Safety Executive website.

   (ii) All fatalities and specified major injuries to employees or self-employed persons, all specified dangerous occurrences, and any incident arising from work where a member of the public is killed or taken to hospital direct from site. Notification in these instances must be made immediately by the quickest practicable means (usually telephone) and followed by formal notification within ten days.

   (iii) Certain prescribed industrial diseases, for more information see HSE website.

5. The Health and Safety (First Aid) Regulations 1981 place a duty on employers and the self-employed to provide a clean first aid box containing only specified first aid materials (ie no medicines, tablets, antiseptic etc.) and a guidance card on emergency first aid. In addition, employers must nominate as a minimum, a person to look after the first aid equipment, and to call the emergency services if necessary. Notices should be displayed giving the location of the kit.

6. The Electricity at Work Regulations 1989 place a duty on employers and the self-employed to ensure the safety of all electrical equipment. Planned routine maintenance is essential, and regular checks should be made to ensure the safety of equipment and the electrical installation.

7. The Control of Substances Hazardous to Health Regulations 2002 place a duty on employers and the self-employed to assess the potential health risk to employees and others by work with hazardous substances and to control those risks identified and monitor the effectiveness of any control measure introduced.

8. Any vehicle or trailer used must be so constructed and maintained as to be roadworthy.
LIQUEFIED PETROLEUM GAS (LPG)

1. Increasing concern is shown over the safety of LPG installations. LPG is a convenient, easy to handle fuel but it is a potentially dangerous substance. LPG takes the form of commercial propane, marketed in red or orange cylinders, and commercial butane, marketed in blue, green or yellow cylinders. The principal danger lies in the release of gas into a confined space, which can result in a fire or explosion risk. LPG is heavier than air, therefore leaking gas will usually descend.

2. The installation of gas appliances, flues, pipework, valves etc. must be undertaken by a competent person (Gas Safe registered) and should comply fully with all relevant British Standards.

3. Regular maintenance and examination of the installation should be carried out, including leak testing by the use of soapy water or similar. Naked flames must never be used.

LPG STORAGE ACCOMMODATION

1. Containers or cylinders of LPG and any manifold and changeover valves must be positioned in the open air or separate ventilated housing outside the body of the vehicle.

2. The ventilated housing may be recessed into the body of the vehicle, but must be sealed from the vehicle so that escaping gas cannot be released within the vehicle itself. Ventilation to external air may be achieved by ventilating the base or the side away from the vehicle, or both, using reinforced mesh or similar strong supporting construction. Ventilation at low level is very important.

3. All cylinders must be securely attached to the vehicle with their valves uppermost and be readily accessible to permit the changing or quick removal when necessary.

4. The compartment or housing construction must be of non-combustible material giving at least 30 minutes fire resistance, located to prevent damage to cylinders if subject to impact during a RTA. Joint's to be bonded or fire-stopped to prevent fire or hot gas spreading into the vehicle.

5. Access to the housing should only be from the outside of the vehicle, be secure to prevent tampering, but containers must be accessible in emergencies. The access point should be located on the nearside of the vehicle to minimise the risk of the operator being struck by a passing vehicle when changing the cylinders.

6. A Notice should be fitted to the outside of the housing to indicate the presence of LPG. Pictorial signs must comply with the Health and Safety (Signs and Signals) Regulations 1996.

7. Sources of ignition must be prohibited within one metre from the storage housing:

   (i) The exhaust pipe may require shielding to prevent it becoming a source of ignition.
   (ii) No part of the electrical installation must pass through the housing unless protected from mechanical damage.
   (iii) The battery must be positioned away from the housing to prevent the risk of ignition of any escaping gas.
PIPEWORK AND JOINTS

1. Pipework should be LPG compatible, adequate rating and resistant to corrosion and abrasion, supported at intervals of not more than one metre, or 500mm in the case of soft copper.

2. Pipework passing through walls or partitions must be protected by grommets to prevent abrasion or fracture. Pipework passing beneath the vehicle must be installed to prevent mechanical damage from debris such as flying stones.

3. Pipework and fittings should be of solid drawn copper tube with copper or copper alloy fittings, or stainless steel tube and appropriate compression or screwed fittings. Copper pipework should not be exposed to temperatures above 100°C.

4. Every pipe containing LPG should terminate with a readily accessible shut-off valve or tap immediately before the appliance, in a readily accessible position. Taps should indicate clearly open and shut positions, and directions they must be turned to close them.

5. A shut-off valve should also be fitted prior to the first appliance on the line from the cylinders.

FLEXIBLE HOSES

1. Lengths must be kept to a minimum for essential flexibility.

2. High pressure hoses must be provided with integral threaded ends.

3. Low pressure hoses must be joined using either integral threaded ends, crimping or use of suitable hose clips (not of the worm-driven type).

4. Flexible hoses should not be used when temperatures exceed 50°C unless braided or armoured.

APPLIANCES

1. Appliances must be:

   (i) Securely fastened to the vehicle.

   (ii) Sited so as to allow easy access so that, in an emergency, the means of escape is not endangered.

   (iii) Installed, maintained and serviced, in accordance with the manufacturer’s instructions.

2. Appliances must not be sited in a position where heat from them may create a fire hazard or cause damage to surrounding material.

3. A flame failure device, which shuts off the supply of gas if the flame is extinguished is recommended to each appliance in all cases.

4. Appliances should not be lit whilst the vehicle is in motion, except that LPG fuelled refrigerators may be used on the road provided that:
(i) A flame failure device is fitted and an adequate flue is provided.

(ii) It is properly secured, and does not show naked flame.

5. Refrigerators, when used on the road, are recommended to have an additional air intake of not less than 13cm² (1,300mm²) fitted in the floor of the vehicle below the refrigerator, but this must be sited so as to prevent a draught extinguishing the burner or pilot flame.

6. It is encouraged that a 12v battery source is used on freezer and refrigerators whilst vehicles are in motion.

7. Frying ranges should be fitted with:

(i) An automatic high temperature limit device which will shut off the main burner if the temperature exceeds 230°C.

(ii) An automatic temperature control to maintain the temperature of the frying medium, with a maximum setting of 205°C.

8. Alternatively, a tap or valve should be fitted to control the main burner, together with a visual temperature indicating device incorporating an alarm mechanism if the temperature of the frying medium exceeds the pre-set value.

GAS SAFETY

MAINTENANCE AND INSPECTION BY EMPLOYERS AND USERS

1. Regulation 35 of GSIUR requires employers to ensure that gas appliances, flues, pipe work and safety devices are maintained in a safe condition. They should be inspected by a competent person in accordance with current industry practice. Periods between inspections may vary depending on the equipment and its use and should follow manufacturer’s recommendations, but as a general rule annual inspection will be a reasonable minimum frequency.

2. It is the responsibility of the street trader to ensure that the competent persons carrying out the inspection and maintenance of the appliances are registered with Gas Safe and hold the qualification of Commercial Catering and LPG. More information can be found on the Gas Safe Register website at www.gassaferegister.co.uk/ or alternatively contact the Public Protection team at Chorley Council on 01257 515151.

3. A copy of the inspection report should be kept with the vehicle / trailer and made available for inspection at any reasonable time by an authorised officer.

VENTILATION

1. Adequate ventilation must be provided in every vehicle compartment where LPG fuelled appliances are used.
2. Suitable flues must be fitted to all appliances where required and flueless appliances avoided.

FIRE PRECAUTIONS

1. Clear written instructions must be displayed inside the vehicle, detailing the action to be taken in the event of fire or gas leakage.

2. A fire blanket should be provided, especially where frying is undertaken.

3. A dry powder fire extinguisher of 4.5kg capacity should be a minimum provision and will be suitable for both LPG and fat fires. The extinguisher must be located in a readily accessible position adjacent to the exit.

4. Access to and from the vehicle should be safe and free from obstructions.
Appendix 3- General Licensing Safeguarding, suitability and convictions policy

GENERAL LICENSING SAFEGUARDING, SUITABILITY AND CONVICTIONS POLICY

INTRODUCTION

The Council is responsible for a multitude of licensing functions, including but not exclusively, Taxi Licensing, the licensing of Premises and persons for the sale of alcohol, late night refreshment, regulated entertainment, sexual entertainment, gambling and betting, street trading consents, houses in multiple occupation, caravan sites and animal welfare including boarding and breeding, pet shops, dangerous wild animals and zoos.

This policy covers new and renewal applications as well as any existing licences and consents for all licensing functions except Taxi Licensing, where there is a specific policy ‘Safeguarding, Suitability and Convictions Statement of Policy for Taxi Licensing’ adopted by the Council in November 2015.

Licences and consents may only be granted where the Council is satisfied that the individual is a “suitable person” to hold such a licence or consent.

This Policy is intended to give guidance on one aspect of whether an individual is or is not a “suitable” person; specifically, the situation where an individual has previous convictions, cautions, complaints, reprimands and/or other relevant matters.

In carrying out its Licensing functions the Council’s primary objective is to protect public safety and therefore must ensure:

• That an individual is a “suitable” person
• That the public are not put at risk by individuals with a history of dishonesty, indecency and/or violence
• The safeguarding of children, young persons and vulnerable adults

The Council also has a duty to prevent harm to animals as part of the wider licensing functions and therefore this secondary objective is relevant to all animal welfare licensing activities.

There is an expectation from the public that those persons trading under a licence or consent granted by the Council are trustworthy, honest and do not pose a risk to the safety of the public or to animals in their care.
For example, a street trader serving ice cream from a mobile unit which visits residential streets within the borough may have regular contact with children. They may also know where those children live, when parents are home or not and what holiday plans they may have, by building up trusting relationships with those customers.

Most people only board their cat or dog when they are going away on holiday. While they look after their pets, the boarding establishment will know the departure and return date and address of their customers.

The operator of a house in multiple occupation or residential caravan site is, as the owner of the premises, likely to have keys and access to the individual units, for the purposes of maintenance and safety. This type of accommodation may house young or elderly people or those with specific vulnerabilities.

For these reasons it is imperative that the Council has a robust policy for ensuring that all those given a licence or consent by the Council are suitable and safe to be trusted with the safety of the public and animals and the personal information they may hold on individuals.

**Assessment of Suitability**

The most important questions that the Members of any Committee that decides on whether to grant, renew, suspend, revoke or refuse a licence or consent are:

1. Would I trust this person to be responsible for having access to any member of my family (children, parents, grandparents, grandchildren, husband, wife or pets), with particular regard to whether they might be alone &/or vulnerable at the time?

2. And would I trust this person with sensitive personal information about my routines and holiday plans?

If the answer to those questions is ‘No’, ‘don’t know’ or ‘not sure’ then a licence should not be granted or renewed and should be refused or where an existing licence is in place revoked, on the grounds that Members are not convinced that the applicant is safe and suitable.

**Safeguarding Considerations**

Particular regard must be had for the safeguarding of children and vulnerable adults. Vulnerable persons not only includes those with learning or physical disability or impairment (including dementia), but also includes those under the influence of drugs or alcohol, or in any other circumstances which render them less capable of making decisions; this might include suffering from shock after an incident or traumatic experience.

Following the review of Rotherham’s Licensing Services serious failings were identified and consequently the Council did not take sufficient steps to protect the public. Chorley Council must learn from the mistakes of Rotherham and Rochdale and ensure that the appropriate policies and safeguards are in place to ensure that only those persons that meet the suitability test are permitted to hold any form of licence or consent issued by the Council.

Therefore, it is important to not only consider convictions but also take steps to give sufficient weight to relevant personal relationships and associations with known or suspected criminals, complaints, allegations, investigations, arrests and charges, even where convictions are not secured, when making any decisions that can impact on the safety of the public.

The Licensing Committee is not a jury in a criminal court and does not have to be convinced beyond reasonable doubt of guilt. The precautionary principle should be applied in all cases.
Child Sexual Exploitation is not a remote problem that only affects other areas of the country, statistically there is evidence to support the claim that it happens everywhere, and that the people responsible for perpetrating and organising these crimes live and work in our communities. There is evidence of an association between taxi drivers, proprietors and operators and also other licenced premises, such as takeaways, pubs and off licences. As such the Licensing and Public Safety Committee and sub-committees have a clear responsibility to the public when making their decision, the consequences of failure in this respect are far reaching, not only personally for the victims, but also for the reputation of the Council.

**Convictions**

Although convictions are not the only consideration for the Council, they are important and clear guidelines are crucial.

The Rehabilitation of Offenders Act 1974 does apply to all licences and consents (except for those licences relating to taxi drivers). It is acknowledged that employment plays a vital role in reducing reoffending and changing behaviour, however, the Council’s primary role when carrying out the licensing function is to protect public safety and ensure all those persons licensed by the Council are suitable to hold such a licence or consent.

When submitting an application for a licence or consent individuals may be required to declare any and all previous convictions, this will depend on the legislation for each individual licence or consent. Individuals may also be required to disclose convictions which are not spent for the purposes of the Rehabilitation of Offenders Act 1974.

The information will be treated in confidence and will only be taken into account in relation to the relevant application and the associated legislation in order to assist the Council in determining whether the applicant is a safe and suitable person to hold a licence or consent.

We will consider all convictions based upon the Council’s guidelines. When considering convictions, complaints, allegations, investigations, arrests and charges the Council will be mindful of the severity of, the relevance to the licence applied for and the time elapsed since the offence or alleged offence. The age of the applicant at the time of the offences/ alleged offences will also be taken into account.

Complaints include those made directly to the Council, police or any other agency. Intelligence received from other agencies, which includes circumstances that have not resulted in a criminal conviction, caution or other disposal may be taken into account. By way of example, this would also include incidents that have resulted in a police, trading standards or RSPCA investigation, but there has been no further action due to the criminal burden of proof, if the Council is satisfied that the incident occurred based on the balance of probabilities.

The disclosure of a criminal conviction, caution or other relevant information relating to an individual’s conduct will not debar that individual from being granted, retaining or renewing a licence or consent. It will depend on whether or not an individual can satisfy the Council that they are a “suitable” person to hold such a licence or consent.

The Council may not be satisfied that an individual is a “suitable” person to hold a licence for any good reason. If adequate evidence that an individual is a suitable person is not presented or if there is good reason to question or doubt the evidence provided, then that could amount to good reason to refuse a licence or consent or make any decision adverse to the licence or consent holder.
In considering evidence of an individual’s good character and fitness to hold a licence or consent and where previous convictions / cautions or other information relating to criminal matters or character are disclosed, the Council will consider:

- The nature of the offence / issue and penalty
- When it was committed / took place
- The date of conviction / issue and the length of time elapsed
- The age of the individual when the offence / incident took place
- Whether or not it is part of a pattern of behaviour
- The intent the harm could or did cause
- Any other factors which may be relevant

Greater weight will be given to recent convictions, complaints, allegations, investigations, arrests and charges and in particular those criminal offences involving dishonesty, violence, drugs, alcohol, criminal damage and sexual offences, together with serious offences connected with the driving of a motor vehicle (where relevant to a street trading consent for a mobile unit, such as an ice cream van).

The Council will, where appropriate, contact other agencies (e.g. other local authorities, the Police, Children’s Services, RSPCA) for any other information which they may hold in order to determine the application or existing licence or consent. Any checks made with the police will be in accordance with the guidelines in the Department of Transport Circular 2/92 and the Home Office Circular 13/92. This information will be kept in strict confidence and will be retained no longer than is necessary and in any event will be destroyed in accordance with the requirements of the Data Protection Act 1998 and good practice after the application is determined or any appeal against such determination is decided.

Whilst a licence or consent is valid, should we receive updates from the Police, of new convictions and cautions for licence/consent holders, this will allow us to decide whether action needs to be taken on the continuation of the licence or consent. It is the responsibility of each licence or consent holder, including any nominated assistant in relation to a street trading consent, to inform the Council promptly in writing of any conviction, caution or fixed penalty arising during the currency of the licence or consent. A criminal record check is required on application, and thereafter every three years for existing licence or consent holders, and nominated assistants. Applicants may wish to use the digital service provided by DBS for the annual updates.
GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS

The Council has adopted the following guidelines relating to the relevance of convictions to which it refers in determining applications for licences and consents.

The guidelines cannot deal with every possible offence and the Council will take into account offences not specifically referred to, or any other conduct which may be relevant to an application. If an applicant has a conviction for an offence not covered by the guidelines a judgement will be made based on the factors outlined at paragraph 3 when determining the application.

Offences are given a general description in the guidelines and offences of a similar nature created in any statutory provision, modification or re-enactment, will be taken into account and interpreted in accordance with the spirit of the guidelines.

The guidelines are not an attempt to provide a definition of what constitutes a “suitable person”.

Any individual who is refused a licence or consent will need to refer to the individual legislation for the details of rights of appeal against this decision.

The guidance will be used for the determination of all new applications, the renewal of existing licences or consents and the continuous review of current licences or consents where any offences are committed during their period of validity.

General Policy

1. Each case will be decided on its own merits.

2. The public has an expectation that the Council will take the necessary steps and make appropriate checks to ensure that applicants are suitable to persons to hold any licence or consent granted by the Council. One aspect of this is the extent to which previous convictions indicate that an individual is not a safe and suitable person and / or may or otherwise take advantage of the role and information that the licence or consent provides. This includes, but is not limited to, convictions for:
   - Offences against children, young people, vulnerable adults or animals
   - Dishonesty
   - Sexual offences
   - Violence and drugs
   - Traffic offences

3. Whether an applicant has any recorded criminal activity is a critical factor in making this judgement.

4. Convictions or cautions which are recorded for any offences may be considered by the Council in determining an application. This guidance refers to the most common groups of relevant offences, namely, offences against children and young persons, dishonesty, sexual offences, traffic offences, violence and drugs.
5. An offence when committed in relation to carrying on the business for which the licence or consent is granted (or complaint about behaviour) will be viewed in a more serious light and a longer period of rehabilitation will be required.

A person with a conviction for a single serious offence or a number of separate offences is not barred from applying for a licence or consent, but would normally be expected to remain free from conviction for an appropriate period (which will depend on the nature of the offence) and be able to provide supporting evidence to show that they are a ‘suitable’ person to be granted or to continue to hold a licence or consent (the onus is on the individual to produce such evidence).

Simply remaining free of conviction will not generally be regarded as sufficient evidence.

Consideration will be given to any patterns of offending, intent and the harm which was or could have been caused.

Multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account. Any case which involves a sexual offence, murder or manslaughter the application / licence will normally be refused / revoked.

Consideration may be given by the Council to the specific guidance for relevance of offences and convictions in the ‘Safeguarding, Suitability and Convictions Statement of Policy for Taxi Licensing’ when considering the details of individual cases for general licensing purposes. It is not appropriate to list all potential relevant offences in this document due to the wide range of licences and consents issues by the Council. This will need to be considered on an individual basis.
CONSULTATION ON CONSOLIDATED TAXI LICENSING POLICY

PURPOSE OF REPORT
1. For the Licensing and Public Safety Committee to consider the proposal for a consolidated Taxi Licensing Policy and the consultation of the draft document.

RECOMMENDATION(S)
2. That the Licensing and Public Safety Committee determine to consult on the proposed Draft Hackney Carriage and Private Hire Licensing Policy.
3. That the results and responses from the consultation are reported back to the Licensing and Public Safety Committee.
4. That the Licensing and Public Safety Committee determine the proposals and options for implementing and the timetable for review of the policy following the reporting of the consultation.

EXECUTIVE SUMMARY OF REPORT
5. Chorley Council is responsible for Taxi Licensing within the provisions of the Local Government (Miscellaneous Provisions) Act 1976, in this document to be referred to as ‘The Act’.
6. Additional provisions in relation to Hackney Carriage Vehicles are present within the Town and Police Clauses Act 1847.
7. Taxi licensing legislation is limited and most functions and decisions with regard to Taxi Licensing refer to policy decisions made by the Council.
8. Chorley Council’s Licensing and Public Safety Committee are responsible for making these policy decisions, which provides a framework for how the Council will process, administer, enforce and charge fees for Taxi Licensing.
9. Policy decisions are held within committee reports and the purpose of a consolidated Hackney Carriage and Private Hire Licensing Policy is to make those policy decisions easily accessible to promote efficiency and consistency in the Council’s licensing functions.
10. The draft Hackney Carriage and Private Hire Licensing Policy (Appendix 1) consolidates all previous Taxi Licensing policies with the addition of a very few proposals that are detailed below in paragraphs 19 to 22.
11. Therefore, the Licensing and Public Safety Committee has already carefully considered and made decisions on the details of each of the policies at previous committees.

Confidential report
Please bold as appropriate

Yes
No
CORPORATE PRIORITIES

12. This report relates to the following Strategic Objectives:

| Involving residents in improving their local area and equality of access for all | X |
| Clean, safe and healthy communities | X |
| A strong local economy | |
| An ambitious council that does more to meet the needs of residents and the local area | X |

BACKGROUND

13. The Licensing and Public Safety Committee has already carefully considered and made decisions on the details of each of the policies at previous committees, therefore the proposed Policy simply consolidates those decisions into one document with the exception of a few changes, the explanation for which is below.

14. There are a number of incomplete driver applications that cannot be determined, the application form was amended in March 2015 with agreement from the Licensing and Public Safety Committee to give a nominal 2 month period in which to complete a driver application. However, the policy does not fully reflect the need for that application to be rejected after this time period where the applicant continues to fail to provide the necessary application pre-requisites. Therefore this has been included in the proposed additions.

15. Proposed wording has been added to cover the issue of the expiry of the Right to Work/Visa where this occurs prior to the normal licence period (3 years) to allow for the licence to be issued for a shorter period and then extended where an updated Visa is presented.

16. The Disclosure and Barring Service require any authorised organisation to undertake a minimum number of checks per year and where an authority falls below this threshold the authorisations will be revoked. Because Chorley Council only just meet the threshold, in order to protect the policy from future changes, were the DBS authorisation for Chorley Council to be revoked, the policy now allows for the Council to contract those services through an outside organisation.

17. A number of companies that can carry out DBS checks offer an electronic service where very quickly they can confirm whether there are any changes to the most recent DBS certificate. This allows the Council to quickly determine if a licence can be issued in the absence of a full DBS certificate, which may save time for some applicants, as a full DBS can take 3-4 weeks to process. Chorley want to have the flexibility to be able to offer this type of service in the future, and therefore want the policy to reflect the fact that those options are available.

ADDITIONAL POLICY PROPOSALS

18. The following policy additions are proposed for inclusion in the draft Hackney Carriage and Private Hire Licensing Policy prior to consultation.

19. Where an incomplete driver application has been received, due to the absence of one or more of the pre-requisites, the application will be rejected following a period of 2 months from receipt of the application. The applicant will be notified in writing and will be entitled to a refund of the application fee, minus any costs incurred to the Council, charges from outside agencies and the standard administration fee. The applicant will be responsible for contacting the Council and providing the necessary details for a refund.

20. Where the Right to Work does not extend for the length of the driver licence at the time of issue (3 years), then the licence will only be granted up to the date of the expiry of the visa. Once the licence holder is able to provide satisfactory evidence of a renewed Right to Work and Reside Visa, then the licence will be extended to the natural termination date, or again until the expiry of the latest visa, whichever is the shorter period. There will be no additional fee to the licence holder for the extension to a licence initially issued for a shorter period.
than the usual duration of 3 years. However, where the visa is not extended, no refund will be made in relation to the licence, as all fees relate to the administration and issue of the original licence, not the duration for which the licence can be used.

21. DBS checks must originate through the Chorley Council or through a company contracted by the Council to carry out this check, as authorised by the DBS, thereafter an electronic DBS update will be accepted.

22. Applicants may be given the option to pay an additional fee for a quick electronic check, which will identify if there are any changes since the previous DBS. Where no changes are identified the licence may be issued without sight of the full DBS certificate. Where changes are identified then no licence will be granted until the full DBS certificate has been provided to the Council.

IMPLICATIONS OF REPORT

23. This report has implications in the following areas and the relevant Directors’ comments are included:

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<th>Finance</th>
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<tr>
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<td>Equality and Diversity</td>
<td></td>
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<tr>
<td>Legal</td>
<td>X</td>
<td>Integrated Impact Assessment required?</td>
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<tr>
<td>No significant implications in this area</td>
<td>Policy and Communications</td>
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COMMENTS OF THE MONITORING OFFICER

24. There is no statutory requirement to maintain an overarching policy on taxi licensing and no national guidance to that effect. However a comprehensive written policy will assist in promoting consistency and fairness in decisions. It is also a useful resource for officers to refer to in the absence of the Lead Licensing and Enforcement Officer and should assist in succession planning.

25. There is no statutory requirement to review the policy but it is good practice to keep it under periodic review in the light of changes in legislation, relevant case law and any national guidance.

26. The policy is not rigid and officers and members are not obliged to follow it. However the Council should have good reason to depart from the policy.

JAMIE CARSON
DIRECTOR OF EARLY INTERVENTION

There are no background papers to this report.

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<th>Report Author</th>
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<tr>
<td>Lesley Miller</td>
<td>5299</td>
<td>September 2016</td>
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Draft

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Introduction
Chorley Council has the responsibility for licensing Hackney Carriage and Private Hire Vehicles, Drivers and Operators within the borough.

This guidance manual is aimed at consolidating in one document the Council’s Policy on Hackney Carriage and Private Hire Licensing to ensure a consistent approach to undertaking those licensing and enforcement responsibilities.

Terminology
Where this document refers to both Hackney Carriage and Private Hire Licensing provisions the generic term ‘Taxi Licensing’ will be used.

Where the term Hackney Carriage is used this refers specifically to Hackney Carriage Licensing. A Hackney Carriage is a vehicle that is licensed to ply for hire by waiting on the rank and also by being hailed by a customer. Pre-arranged journeys booked through an Operator can also be made.

Where the term Private Hire is used this refers specifically to Private Hire Licensing. A Private Hire vehicle can only carry passengers following pre-booking through a private hire operator, who is responsible for dispatching the driver and vehicle.

The Private Hire Operator will be referred to as ‘the Operator’ in this document.

Private Hire and Hackney Carriage Vehicles whether operating as a passenger vehicle or not, must be driven only by a person with the appropriate and corresponding private hire or hackney carriage driver licence.

Taxi Licensing Objectives
The Local Authority’s primary objective is to protect public safety and as such will regulate the Taxi Licensing trade to promote this objective.

Chorley Council also aims to stimulate a professional, responsible and efficient Taxi Trade within the borough. Consistent and fair regulation of the Taxi Trade will facilitate these further objectives without compromise to public safety.

Legal Framework
Chorley Council is responsible for Taxi Licensing within the provisions of the Local Government (Miscellaneous Provisions) Act 1976, in this document to be referred to as ‘The Act’.

Additional provisions in relation to Hackney Carriage Vehicles are present within the Town and Police Clauses Act 1847.
There are a number of other important pieces of legislation that the Local Authority must also have regard to including:

The Road Traffic Act 1988

The Rehabilitation of Offenders Act 1974

The Transport Act 1985

The Road Vehicles (Construction and Use) Regulations 1986

The Legislative and Regulatory Reform Act 2006

The Equality Act 2010

**Policy Decisions**

Taxi licensing legislation is limited and most functions and decisions with regard to Taxi Licensing refer to policy decisions made by the Council.

Chorley Council’s Licensing and Public Safety Committee are responsible for making these policy decisions, which provides a framework for how the Council will process, administer, enforce and charge fees for Taxi Licensing.

Policy decisions are held within committee reports and the purpose of this consolidated Policy is to make those policy decisions easily accessible to promote efficiency and consistency in the Council’s licensing functions.

**Administration and Delegation of Functions**

The Council is responsible for a number of licensing functions, including Taxi licensing, and the responsibility for making decisions depends on the type of decision, the Council’s constitution and the scheme of delegation.

The Licensing and Public Safety Committee is made up of 15 members, including a chair and vice chair and an additional 3 reserve members. This Committee meets 3 or 4 times per year and is responsible for making all policy decision in relation to taxi licensing. Therefore any changes to how the Council's processes, administers or regulates the service must be agreed by this committee.

In addition, the General Licensing Sub-Committee of the Licensing and Public Safety Committee meets as and when required to consider in particular applications for hackney carriage and private hire licences, where circumstances mean they cannot be decided by Licensing Officers.

Many matters can be dealt with by Officers through the Scheme of Delegation, which allows the Council to efficiently process applications or carry out regulatory functions without hindering applicants, drivers, proprietors or operators by having to wait for a committee meeting.

Delegated Authority is given to the Director of Early Intervention. Individual operational officers are in turn authorised to discharge some of these functions.
A summary of the scheme of delegation for taxi licensing is attached as Appendix 1.

**Committee Hearings and Decisions**

The Licensing and Public Safety Committee is made up of 15 members, including a chair and vice chair. This Committee meets up to 4 times per year and is responsible for making all policy decision in relation to taxi licensing (Full Council decision April 2008).

Reports are submitted by officers for decisions and are published 5 clear working days prior to the meeting.

Officers will give a verbal presentation of the report and the committee will vote. The minutes and decisions are published by Democratic Services.

In April 2016 a formal public questions procedure was agreed by the Council to ensure that members of the public and trade had an opportunity to put questions to the Committee in advance of the meeting and allow a response to be prepared. The Chair may still exercise discretion with regard to permitting additional questions or comments from the public during meetings.

The General Licensing Sub-Committee meetings are provisionally set on a monthly basis; however the dates can change in certain circumstances to accommodate applicants or deal with urgent issues or the meetings cancelled where there are no matters for consideration.

Where the General Licensing Sub-Committee meeting is hearing a matter whereby sensitive or personal information is necessary for the decision process, the reports for such cases will be restricted and not for general publication on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 4 of Part 1 of Schedule 12A to the Local Government Act 1972 (Information relating to any individual).

Information is exempt to the extent that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The General Licensing Sub-Committee consists of 5 members and will be chaired by either the chair or vice chair of the Licensing and Public Safety Committee (Full Council decision April 2008). The hearing follows a written procedure with the parties allowed to speak and question one another in sequence.

A legal advisor from the Council is present at both committees to provide guidance on the legislation and existing policy to members.

An Officer from the Council’s Democratic Services team will take minutes and is responsible for the publication of minutes and decisions.

Where representations are made by applicants or the trade, a legal advisor, advocate or friend may represent an applicant or members of the trade and will be given time to present their case.
Members may wish to ask Officers, applicants or trade representative further questions to clarify points regarding the decision.

When the members of the General Licensing Sub-Committee are ready to make a decision all officers, except for the Council’s legal advisor and democratic services officer, and all other attendees, including the applicant and their representative must leave the meeting.

Decisions made by the committee will be relayed to the applicant as soon as possible, initially verbally and then in writing within 5 working days of the meeting. Any right of appeal to the courts against the decision will be confirmed within the decision notice and letter.

**Licensing Liaison Panel**

The Council has established a licensing liaison panel, the purpose of which is to establish a regular means of consultation and discussion between the Council and the trades and trade representation about licensing policy matters and issues that the trades may wish to bring to the Council’s attention.

The Consultative Panel does not have a decision making role. Rather, its purpose is to review licensing matters and the wider context of licensed businesses and make recommendations, as appropriate, for the relevant Council bodies and other agencies to consider as they deem appropriate and make any decision as necessary.

**Licences**

**Fit and Proper Test**

The Council will apply the ‘fit and proper’ test to all applicants and licensed drivers, private hire operators and vehicle proprietors. It is the Council’s responsibility to ensure that all persons that have any control over a licensed vehicle, either because they drive the vehicle, operate a firm which dispatches the vehicle are safe and suitable and do not pose any risk to the safety of their passengers and the public.

Where an applicant or licensed driver, private hire operator cannot demonstrate that they meet the fit and proper standard, or where there is a suspicion that this may be the case, the Council must act to ensure protection for the public.

Councils must remember that there are generally no other circumstance in which someone will get into a car driven by a person they do not know, excepting when under arrest and being escorted in a police vehicle. This places the passenger in a very vulnerable situation and the driver of the taxi in a position of great power and trust. Drivers and operators are also privy to very private information, such as addresses, passenger’s regular routines and holiday dates, information which could be very valuable to those seeking to use it dishonestly. Therefore, it is imperative that safeguards are in place to ensure that only those persons that are safe, suitable and trustworthy are given this power.
The fit and proper assessment should be made either by an authorised officer or by the members of a committee, with the following question in mind:

- Would I want any members of my family, a child or a vulnerable person (including someone who may be intoxicated) to either be alone in a car with or in a vehicle under the control of this person.

If the answer is ‘no’ or ‘not sure’ then the fit and proper test has not been satisfied and the licence should be refused or revoked.

When the fitness and propriety of the holder of a driver licence or an operator licence is in issue the Council recognises that it may exercise its discretion to sanction the vehicle licence on the grounds that the holder is not fit and proper and it is undesirable for him/her to have access to a licensed taxi.

**Driver Licences**

There are a number of distinctions between licences for Private Hire and Hackney Carriage Drivers and these will be identified as appropriate. However, many of the requirements for licensing are the same for both driver licences.

Application must be made on the Council’s form and the appropriate fee paid. Where the applicant meets the Council’s criteria for licensing a licence will be issued for a period of 3 years (LPSC Sept 2010).

The following requirements must be met (LPSC March 2015):

- Applicants must be over 21 years of age
- Applicants must hold a full UK/European driving licence
- Applicants must have three years’ experience driving under a full licence
- Applicants must pass the Driving Standards Agency Practical Driving Test for Taxis and Private Hire Vehicles. Those that wish to operate a wheelchair accessible vehicle must pass the Enhanced Wheelchair Assessment also.
- Applicants must be able to demonstrate they have a right to work
- Applicants must pass the Council’s Knowledge Test
- Applicants must complete an enhanced Disclosure and Barring Service check for both grant applications and at each subsequent renewal
- Applicants must demonstrate they are fit to drive by submitting a Chorley Council group 2 medical form completed by their GP for both grant applications and at each subsequent renewal, unless over 65 where annual medicals are required.
- Applicants must be able to demonstrate that they are ‘fit and proper’.
- Applicants (including renewals for existing drivers) will be required to undertake safeguarding training.

Where an incomplete driver application has been received, due to the absence of one or more of the pre-requisites, the application will be rejected following a period of 2 months from the date of receipt of the application. The applicant will notified in writing and will be entitled to a refund of the application fee, minus any costs incurred to the Council, charges from outside agencies and the standard administration fee. The applicant will be responsible for contacting the Council and providing the necessary details for a refund.
Right to work

Chorley Council works closely with the Home Office and therefore applicants must provide an EEA Passport or UK birth certificate as part of the application. Where the applicant is not able to provide these, the Home Office will be contacted by the transactional team using a secure GCSX account and they will check all necessary visas and records and advise the Council on the eligibility of the applicant’s status with regard to their right to work and reside. (LPSC March 2015)

The application will not be processed until this confirmation is received and therefore may be subject to delay in these circumstances while awaiting information from another agency.

Where the Right to Work does not extend for the length of the driver licence at the time of issue (3 years), then the licence will only be granted up to the date of the expiry of the visa. Once the licence holder is able to provide satisfactory evidence of a renewed Right to Work and Reside Visa, then the licence will be extended to the natural termination date, or again until the expiry of the latest visa, whichever is the shorter period. There will be no additional fee to the licence holder for the extension to a licence initially issued for a shorter period than the usual duration of 3 years. However, where the visa is not extended, no refund will be made in relation to the licence, as all fees relate to the administration and issue of the original licence, not the duration for which the licence can be used.

UK & European Driving Licence Checks

The applicant is required to present their UK or European driving licence for inspection for both grant and application.

Under the 1976 Act the full UK/European driving licence must have been held for at least 12 months

Drivers need an ordinary driving licence covering category B which allows them to drive vehicles up to 3.5 tonnes and with up to eight passengers.

The removal of the DVLA counterpart in 2015 means that the applicant must now make an online application to the DVLA for access to their driving record which can then be made available to the Council for the purposes of the application process.

In addition, there may be times when the Council need to check a driver’s licence and this can be done using a service that provides access to these DVLA records for a small fee. There is a requirement for the driver to sign a mandate form at the application stage which permits this access. (LPSC Sept 2010)

The Knowledge Test

All new applicants are required to complete the Council’s Knowledge Test (revised LPSC Sept 2010)

The test will consist of:
• A number of written questions to test the knowledge of routes to local places of interest and a reasonable working knowledge of roads and streets in Chorley and District.
• A number of written questions which will test knowledge of the law, as it relates to the hackney carriage and private hire trade. The applicant will also be tested on their knowledge of the Highway Code.
• A number of written questions in relation to safeguarding of children.

No persons other than the applicant and the examiner may be present during any part of the test. The applicant will be told at the completion of the test whether they have passed or failed. If the test is failed at the first attempt, then a further test can be taken at a later date. There is a charge for a re-test.

The Knowledge test will still be valid if an applicant has previously taken a test and then apply as a new applicant, if this is within 5 years of the applicant previously holding a Chorley Council PH/HC Drivers Licence. (LPSC March 2015)

**Driver Qualifications**

The Driving and Vehicle Standard Agency (DVSA) provides driving assessments specifically designed for taxi driver licences and additional qualifications for drivers of Wheelchair and Disabled Access Vehicles (WAV/DAV).

All drivers applying for a grant of a licence to drive must complete the Driver and Vehicle Standards Agency Practical Driving Test for Taxis and Private Hire Vehicles (LPSC Sept 2010 and re-examined and resolved to retain at LPSC Feb 2016), except where an existing driver has allowed their licence to lapse and already holds a DVSA qualification, then there is no requirement for this to be repeated on re-application.

DAV and WAV vehicles shall only be driven by an appropriately qualified driver who holds a DAV classified driver’s licence. In which case such drivers have completed a recognised course in Equality and Diversity and wheelchair / disability handling and successfully complete the DSA Disabled Access Vehicle Driver assessment to qualify for the DAV/WAV Driver Licence as a condition of application (LPSC March 2011).

Drivers that have achieved this additional qualification will have this recognised on their licence and badge by use of a recognisable wheelchair emblem (LPSC March 2015).

The Council may consider alternative qualifications that are equivalent to the DSA and amend the policy as appropriate.

**Criminal Record or Disclosure and Barring Service Checks- DBS**

When submitting an application applicants are required to declare ALL convictions/cautions or fixed penalty notices or endorsements they may have. The information they give will be treated in the strictest confidence and will only be taken into account in relation to their application. To knowingly or recklessly make a false statement or omit any material particular from an application, or any document submitted with it, is an offence punishable on conviction by a fine.
Drivers (but not Operators) are exempt from the protection of the Rehabilitation of Offenders Act 1974, meaning that ALL convictions will be taken into consideration. Where a driver is renewing a licence and previous convictions have already been considered by committee these will not be revisited unless pertinent to any new convictions or any fresh complaint or behaviour.

The council is empowered by law to check with the DBS for the existence and content of any criminal record held in the name of an applicant. Information received from the DBS is kept in strict confidence while the licensing process takes its course and will be retained for no longer than is necessary.

DBS checks must originate through the Chorley Council or through a company contracted by the Council to carry out this check, as authorised by the DBS, thereafter an electronic DBS update will be accepted.

Checks on criminal records may take up to four weeks before being returned to licensing authorities. Initial licences will not be granted in less than that period. Applications to renew an existing licence will be granted where the applicant has submitted the DBS in a timely manner. Applications can be made up to 3 months prior to expiry of the licence and therefore the Council would consider that a timely application is made not later than 28 days prior to the expiry of the licence. Renewal applications made after this time will not be granted if the DBS disclosure is not available (LPSC March 2015). Applicants may be given the option to pay an additional fee for a quick electronic check, which will identify if there are any changes since the previous DBS. Where no changes are identified the licence may be issued without sight of the full DBS certificate. Where changes are identified then no licence will be granted until the full DBS certificate has been provided to the Council.

The disclosure of a criminal record or other information may not debar an applicant from gaining a licence unless the Council considers that the matters disclosed render the applicant unfit to hold a licence. The Council’s Safeguarding, Suitability and Convictions Statement of Policy for Taxi Licensing’ (Appendix 2) will be used to guide applicants and the sub-Committee when determining applicants from those with criminal convictions or any other matters raised by the police on the DBS.

Any licensed taxi driver shall notify the Council in writing of any conviction or caution recorded against him/her and/or the imposition of any endorsement or fixed penalty within 7 days of such conviction or caution or penalty being imposed (LSC Feb 2008). This requirement is a condition of a private hire driver’s licence. Failure to do so may result in enforcement action, referral to committee or delays in renewal of licences.

**Medical Examinations**

A medical examination to Group 2 standards will be required and the necessary forms are included. Once the Chorley Council medical is completed the applicant MUST apply for the licence within 3 Months (LPSC March 2015 and re-examined and resolved to retain at LPSC Feb 2016).

The examination must be carried out by their GP or a GP that has access to the applicant’s full medical records (LPSC March 2015). GP’s are required to reference the DVLA Group II guidance.
when completing the medical assessment. The GP will not be requested to give an opinion as to whether the driver meets DVLA Group II standards; this judgement is reserved for the Council’s appointed Group II expert medical practitioner only.

Any fee charged by the GP is payable by the applicant. The examination must be carried out by any registered medical practitioner. Medical certificates must be renewed every 3 years in line with the renewal of the licence until the age of 65 years (LPSC March 2015 and re-examined and resolved to retain at LPSC Feb 2016).

An applicant aged 65 years or over must undergo the medical examination every year (LPSC March 2015).

If any of the questions in the Council’s medical assessment form are answered indicating any specified Group II medical condition by the driver’s GP, then this will be referred by the transactional team to a Council appointed Group II expert medical practitioner.

The Council’s experts are employed to advise whether the applicant is fit to drive in accordance with the DVLA Group II standards as adopted by the Council as the standard that all drivers must meet. Applicants will be advised if medicals have been referred and kept informed as to the results of the referral.

Applicants may need to undertake further tests to satisfy the DVLA Group II standards and any charges for this will be met by the applicant. The Council’s appointed Group II expert medical practitioners will provide guidance to the Council and will therefore make the judgement on whether the driver meets the Group II standards of fitness to drive.

A Licensee must immediately inform the Council in writing of any deterioration in health, medical condition and illness or of any injury that would affect the licensee’s ability to drive a licensed vehicle.

**Determination of applications by Committee**

The General Licensing Sub-Committee will determine any application where there are criminal convictions or medical conditions not previously considered by the sub-committee or existing conditions which have worsened, or where there are any other reasonable grounds in relation to the applicant meeting the application criteria or the fit and proper person test.

The Committee may grant the application with standard conditions, grant the application with certain additional conditions to be attached or refuse the application.

No application for the Grant of a Driver’s Licence will be granted until a DVLA Group II Medical, DBS Enhanced Disclosure, DSA certificate and the Council’s Knowledge test have been satisfactorily received.

**Renewals**

The invitation to renew any Driver Licence will be made at the point of granting the Licence. The information required will be provided to the driver when the licence is issued (LPSC March 2015).
It is the responsibility of the driver to ensure that an application for renewal is made prior to expiry of the current licence. The applicant can apply for renewal up to 3 months prior to expiry and may submit a medical and enhanced DBS at that time (LPSC March 2015).

The Council do not send out reminders in relation to the renewal and expiry of licences.

Failure to apply for renewal in time may result in a delay in the application being processed and issued.

Where a renewal application is not received on time or there are outstanding checks and the licence lapses, the applicant will ordinarily have to reapply for a grant of a new licence. The driver will not be licensed and it is an offence for the applicant to drive a taxi in the intervening period while awaiting the issue of the licence.

It is therefore in the best interests of the applicant that applications for renewal and provision of the relevant supporting documentation are made in a timely manner.

**Conditions of Licences**

The Authority is not permitted to place conditions on a Hackney Carriage Driver’s Licence, only on a Private Hire Driver’s Licence.

A Hackney Carriage Driver is still bound by the applications requirements and must meet the fit and proper test. When a Hackney Carriage Driver is driving a Hackney Carriage they are bound by the conditions attached to the Hackney Carriage Vehicle Licence.

**Code of Conduct**

The Driver shall:

- Afford all reasonable assistance with passengers’ luggage.
- At all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner.
- Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him/her.
- Not without the express consent of the hirer, drink or eat in the vehicle.
- Not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- At no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he/she is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- A driver must proceed by the shortest route, subject to the instructions of the hirer

**Smoking**

It is an offence for the driver or passengers to smoke in a licensed vehicle at any time (Legal requirement under the Health Act 2006).
Use of mobile phones and other communication devices

The use of hand held mobile phones for telephone conversations, texting and any other purposes when driving is prohibited under Road Traffic legislation.

The use of hands free devices in licensed vehicles is limited to single touch or voice activation (LPSC Feb 2016).

Drivers who are found to be using devices in a way that potentially distracts them from driving safely may be subject to enforcement action and referral to Committee for a determination on their suitability to hold a taxi licence.

Assistance to passengers in wheelchairs

Drivers of wheelchair access vehicles (WAV) must have undertaken additional DVSA qualifications commensurate to their role. Drivers that have achieved this additional qualification will have this recognised on their licence and badge by use of a recognisable wheelchair emblem (LPSC March 2015).

The Equality Act 2010 places a duty of drivers of WAVs to carry the passenger while in the wheelchair or in the passenger seat if the passenger requests this. To take all reasonable steps to ensure the passenger is carried safely and comfortably. To provide assistance to the passenger as required. Not to make any additional charge to a passenger in a wheelchair.

Where it is impossible or unreasonably difficult for a driver to comply with the duties of a DAV/WAV driver due to their physical condition, then the authority will issue an exemption and their licence will be converted to a standard driving licence and only reinstated as a DAV/WAV driving licence when they are fully able to perform those duties.

The WAV conditions will remain and stipulate that only suitably qualified drivers are permitted to drive the vehicle and therefore this will exclude a driver with an exemption from driving this type of vehicle.

Guide and Assistance Dogs

The Equality Act 2010 places a duty on all drivers and operators to accept to carry guide and assistance dogs unless the driver applies for an exemption on medical grounds. An Exemption will only be granted where there is a medical reason confirmed in writing by the driver’s GP or hospital consultant.

Safeguarding of Children and Vulnerable Adults

The taxi trade has a very important role to play in ensuring that children and vulnerable adults have access to education and services by providing transport. It is imperative for the protection of those individuals and the reputation of the licensed taxi trade in the borough that drivers undergo adequate checks at the time of application and that the Council has a robust response to complaints and allegations.
It is the responsibility of every individual in society to protect children and vulnerable adults from harm by reporting concerns and supporting the relevant authorities in any investigations.

Where the Council is in receipt of a complaint or allegation regarding concerns over the conduct of a licensed driver or operator then the relevant licence will be suspended forthwith. The matter will be fully investigated and matter referred to the General Licensing Sub-Committee for determination.

Relevant and unlawful activities include but are not limited to physical abuse, emotional abuse, sexual abuse, including child sexual exploitation, or neglect of children and vulnerable adults.

Following further investigations, if it is apparent at any time that any licensed driver or operator is found to be complicit in any unlawful activities by way of failing to report concerns then their licence will also be suspended further to a review by the committee.

The Council may suspend or revoke a licence regardless of charge or conviction by the police where the licensing authority determines that there is a risk to public safety.

The Council will have regard to the ‘Safeguarding, Suitability and Convictions Statement of Policy for Taxi Licensing’ (Appendix 2).

The principle of mandatory safeguarding training for all drivers and operators has been agreed by the Licensing and Public Safety Committee. **All existing Drivers, vehicle owners and private hire operators are required to attend Safeguarding and CSE Awareness Training. Applicants for the grant or renewal of a driver licence or private hire operator licence will be required to complete a safeguarding training package (except where an existing driver has attended the Council’s course within the last 12 months prior to their renewal) (LPSC July 16).**

**Private Hire Operators Licence**

In order to dispatch a driver and vehicle the operator must be licensed by the Council. An Operator may only dispatch a vehicle and driver that have corresponding valid driver and vehicle licences issued by Chorley Council.

The operator must also demonstrate that they are ‘fit and proper’ and this can extend to the persons they employ. Therefore, where an operator employs someone with criminal convictions this will reflect on the fit and proper status of the operator and may result in their licence being reviewed or revoked.

The operator’s licence is valid for 5 years (LG(MP)A 1976 as amended in October 2015).

On application and at each renewal the operator and any partners and directors of the company must complete a Basic DBS Disclosure where no enhanced DBS already exists for the applicant. Therefore existing Chorley Council licensed drivers that are already subject to regular enhanced DBS checks are not required to also obtain a basic DBS as part of the PHO licence application or renewal (LPSC March 2015).
Any licensed operator shall notify the Council in writing of any conviction or caution recorded against him/her and/or the imposition of any endorsement or fixed penalty within 7 days of such conviction or caution or penalty being imposed (LPSC March 2015).

All journeys must be pre-booked by the passenger. The operator may use a number of methods for collecting bookings, such as personal visits to the operator site where there is planning permission and waiting room provisions for this, by telephone calls, online using either the operator’s or referral company website or by the use of mobile applications.

Journeys may also be on a contract basis booked by a third party, such as a care establishment or school etc. on behalf of the passenger.

When the operator accepts a hiring, he/she shall, unless prevented by some sufficient cause, ensure that a licensed private hire vehicle attends at the appointed time and place.

**Fares**

Where at the time of booking, a fare or rate of fare is not agreed with the hirer, the fare charged to the hirer shall not exceed that printed in the Table of Fares approved by the Council.

**Records**

The operator must keep detailed records of all journeys including:
- the date and time of the booking,
- hirer name and address and passenger name if different,
- collection and drop off points and times,
- the name and licence numbers of the driver and vehicle used for the journey; and
- any remarks, including contract details.

These records must be kept for a minimum of 2 years and available for inspection by the Council at any reasonable time.

The operator shall maintain an up-to-date list of the owners, the description and registration numbers of all private hire and hackney carriage vehicles employed by the business and their drivers, which shall include details of any radio call sign used, and shall produce such a list on request to any Authorised Officer of the Council or Police Constable.

The operator shall immediately notify the Council when any vehicle or driver ceases in his/her employment, or any vehicle or driver commences in his/her employment.

Except with reasonable cause the operator shall have in his/her possession at all times:
- the current driver’s licence issued by the Council of any driver employed as a driver whether or not the vehicle driven is owned by him/her (unless the vehicle used is operated by another licensed operator by a sub-contract); and
- the current vehicle licence issued by the Council of any vehicle operated by him/her (unless the vehicle used is operated by another licensed operator by a sub-contract).
On leaving the employment of an operator a driver or vehicle proprietor shall be entitled to receive immediately on demand the return of the licences.

**Conditions of licence**

The authority may attach such conditions to the operator’s licence as it considers reasonable and necessary to achieve the taxi licensing objectives.

**Insurance**

The operator must provide evidence of employer’s liability insurance before an application will be granted (LPSC March 2015).

**Planning Permission**

Any premises used by an operator for the purpose(s) authorised by the operator’s licence shall have the appropriate planning permission for that use and the operator shall comply with any conditions attached to such permission.

**Change of Address**

The operator shall notify the Council in writing of any change of his/her address within 7 days of such change taking place.

**Business name**

The operator shall not include the words "taxi or "cab" or the plural of these words in his/her business name.

**Taximeters**

Where any vehicle operated by him is fitted with an approved taximeter, the operator shall ensure that the taximeter is set to the fare rate agreed by the Council and properly sealed in accordance with Council regulations.

The operator shall ensure that vehicles operated by him which are fitted with a taximeter, charge a fare or charge calculated from the point in the District at which the hirer commences his journey and shall not exceed that displayed on the taximeter at the finish of his journey, the taximeter being brought into operation at the commencement of the journey.

**Touting**

The operator shall not:-
• Tout or solicit in a public place any person to hire or be carried for hire in any private hire vehicle; or
• Cause or procure any other person to tout or solicit in a public place any person to hire or be carried for hire in any private hire vehicle.

Complaints

The operator shall on receipt of any complaint relating to a contract for hire or purported contract for hire relating to or arising from his/her business, immediately notify the complainant of his/her right to forward the complaint to the Council.

Any complaint shall be investigated immediately by the operator and the complainant notified of the outcome within a reasonable time.

Where a complaint is investigated by an Authorised Officer of the Council, the operator shall conform to any directions of the Officer in respect of that complaint.

Guide and Assistance Dogs

The Equality Act 2010 places a duty on all drivers and operators to accept to carry guide and assistance dogs unless the driver applies for an exemption on medical grounds. An Exemption will only be granted where there is a medical reason confirmed in writing by the driver’s GP or hospital consultant.

Safeguarding of Children and Vulnerable Adults

The taxi trade has a very important role to play in ensuring that children and vulnerable adults have access to education and services by providing transport. It is imperative for the protection of those individuals and the reputation of the licensed taxi trade in the borough that drivers undergo adequate checks at the time of application and that the Council has a robust response to complaints and allegations.

It is the responsibility of every individual in society to protect children and vulnerable adults from harm by reporting concerns and supporting the relevant authorities in any investigations.

Where the Council is in receipt of a complaint or allegation regarding concerns over the conduct of a licensed driver or operator then the relevant licence will be suspended forthwith. The matter will be fully investigated and matter referred to the General Licensing Sub-Committee for determination.

Relevant and unlawful activities include but are not limited to physical abuse, emotional abuse, sexual abuse, including child sexual exploitation, or neglect of children and vulnerable adults.
Following further investigations, if it is apparent at any time that any licensed driver or operator is found to be complicit in any unlawful activities by way of failing to report concerns then their licence will also be suspended further to a review by the committee.

The Council may suspend or revoke a licence regardless of charge or conviction by the police where the licencing authority determines that there is a risk to public safety.

The principle of mandatory safeguarding training for all drivers and operators has been agreed by the Licensing and Public Safety Committee. All existing Drivers, vehicle owners and private hire operators are required to attend Safeguarding and CSE Awareness Training. Applicants for the grant or renewal of a driver licence or private hire operator licence will be required to complete a safeguarding training package (except where an existing driver has attended the Council’s course within the last 12 months prior to their renewal) (LPSC July 16).

Out of Town Hackney Carriages

The legislation allows for a Private Hire Operator to employ a Hackney Carriage Driver and Hackney Carriage Vehicle licensed by another local authority (this must be the same local authority for both the driver and the vehicle they drive) to carry out private hire work within the local authority district by which the operator is licensed.

This is perfectly lawful and the Council cannot take action to prevent this practice.

Vehicle Licences- General Provisions

There are a number of distinctions between licences for Private Hire and Hackney Carriage Vehicles and these will be identified as appropriate. However, many of the requirements for licensing are the same for both vehicle licences.

Only a Chorley Council licensed driver may drive a Chorley Council licensed vehicle, whether or not the vehicle is carrying passengers. The type of licence, be it Private Hire or Hackney Carriage, must correspond to the type of vehicle licensed. The only exception to this is where the vehicle is driven for the purposes of mechanical assessment by a person authorised by the garage for that purpose.

A vehicle must be capable of being licensed for a minimum of 4 passengers and a maximum of 8 passengers. The proprietor of a vehicle must not allow the vehicle to carry more passengers than the licence specifies.

Chorley Council currently limits the number of Hackney Carriage Vehicles that are licensed to 36, 9 of which are wheelchair accessible (7 of these added by LSC April 2006 and conditions amended Nov 2006)). Chorley Council does not require specific models of Hackney Carriage Vehicles, such as London TX range which are the recognisable traditional ‘black cab’ style.

There is no requirement for the Hackney Carriage to have a separate driver compartment, except for WAV’s and therefore there is a wide variety of makes and models of saloons and estate vehicles that are available to the trade for use as ordinary Hackney Carriages.
Hackney Carriage Vehicles, except WAV’s, must be white in colour to distinguish them from Private Hire Vehicles.

Application Requirements

Application must be made on the Council’s form and the appropriate fee paid. Where the applicant meets the Council’s criteria for licensing a licence will be issued for a period of 6 months. Renewal information will be given at the time of issue of the licence (LPSC March 2015).

The following requirements must be met:

- Any vehicle for which an application for grant of a vehicle licence is being made will be subject to a pre-inspection by an authorised officer of the council to ensure that all vehicle conditions are met prior to the application being accepted. Each vehicle must meet the Council’s vehicle conditions in order to proceed to application for licensing (reviewed LPSC July 2014 and re-examined and resolved to retain at LPSC Feb 2016).
- Any vehicle for which an application is made for either grant or renewal will be subject to the Council’s Taxi Test at one of the Council’s approved garages. This test incorporates a VOSA approved MOT test, which must be carried out at the same time as the remaining assessments specific to the Council’s Taxi Test.
- The applicant must present the V5 vehicle registration document at the time of the application. Where the original V5 has been passed to the DVLA for change of owner details etc., the applicant must present a copy of the V5 plus the completed section relating to change of owner details or address etc. The updated V5 must be submitted to the Council within 6 weeks of the application date (LPSC March 2013).
- Where the vehicle is fitted with a meter, the calibration certificate must be presented at the time of application (LPSC March 2015).
- The applicant must provide proof of insurance for the vehicle and with specific reference to the proposed use and demonstrate that the vehicle has been continuously correctly insured during the preceding licensed period. Except during periods where the vehicle has been subject to a suspension notice being issued under section 60 or 68 of the local Government (Miscellaneous Provisions) Act 1976 (LPSC March 2015) and was not being driven as a taxi Under s.60 a vehicle may still be driven as a taxi if its suspended pending appeal, the requirement for continuous insurance is this case will still apply.
- The vehicle must not be licensed as a hackney carriage or private hire vehicle with any other Local Authority.

Vehicle Testing

The Council’s Taxi Test must be equivalent to or better than an MOT test. The current taxi test incorporates a VOSA approved MOT test, which must be carried out at the same time as the remaining assessments specific to the Council’s Taxi Test (LPSC Dec 2009 and re-examined and resolved to retain at LPSC Feb 2016). The vehicle will also be subject to a road test (LPSC March 2015).

The Taxi Test must be conducted in its entirety at a Council approved garage.
Each licensed vehicle must be tested every 6 months, irrespective of age of the vehicle (LPSC Dec 2009).

A Taxi Test will only be accepted;

- On renewal, where the vehicle test has been conducted not more than 28 Days prior to the expiry of the Current Vehicle licence (LPSC March 2015) and;
- In the case of an application for the grant of a HC / PH vehicle licence the vehicle inspection and Test shall not have been conducted more than 7 Days Prior to the date the application was made. In any case the vehicle shall have satisfactorily completed the Taxi test (LPSC March 2015).

A vehicle can be presented for the Taxi Test for a Vehicle Licence Renewal up to 28 days before the expiry of the licence date. The existing licence expiry date will still be honoured and in all cases the taxi test date will be the same date as the expiry of the licence (LPSC March 2015). The cut-off point for receipt of an application to renew a taxi vehicle licence will be at close of business before the licence expires (L & PSC 22 July 2015).

Where a vehicle fails the taxi test the proprietor will have the option to keep the vehicle at the test centre and arrange repair on the premises or remove the vehicle to an alternate location for the necessary repairs. However, at this point should the vehicle be removed from the Testing Station the vehicle will be subject to suspension and the Licence plate will be marked accordingly, until the vehicle is re-tested and passes the taxi test. The testing station will be responsible for notifying Licensing Enforcement where the failed vehicle is to be removed from their site for repairs (LPSC March 2015).

**Trailers**

No trailer shall be attached to a vehicle unless the trailer has been tested at the same time as the vehicle was tested and the trailer is clearly identifiable by a serial number or other permanent mark for purposes of identification.

Any trailer must provide secure and weatherproof storage for luggage.

**Change of Vehicle**

There is no provision with the Council’s policy for a proprietor to change a vehicle within an existing licence (LPSC March 2015 and re-examined and resolved to retain at LPSC Feb 2016). Where a vehicle is substituted, either permanently or temporarily, then a new application for a grant of a vehicle licence is required. The new licence will be valid for 6 months, unless subject to surrender, suspension or revocation.

The specific provisions in relation to Hackney Carriage Vehicles are as follows:

- Where the above applies to a HC Vehicle licence the Council will only recognise applications from existing HC vehicle proprietors whose details appear on the Council’s register. In such circumstances any application received shall be made in the name of all the registered proprietors for that vehicle. In the case of an existing WAV
vehicle only another WAV vehicle will be considered in accordance with the Council’s HCV licensing conditions of application.

- Where a vehicle is presented on behalf of an existing HCV proprietor by a company whose business it is to provide relief taxi vehicles (such a company shall be a company recorded at companies house and be of limited status), the application shall reflect the registered keeper details given in the V5 document alongside the original proprietors.
- Where the change of vehicle applies to a HC Vehicle licence the original licence number will be preserved to protect the plate for the HC vehicle proprietor. In all other cases a new Licence & Licence Plate will be issued with a New Number.

**Transfer of Vehicle Ownership**

Where a licensed vehicle is transferred between proprietors then a transfer notice (Council form) must be completed by both parties and presented to the Council within 14 days, so that the vehicle record can be updated. There is no charge for this notification (LPSC March 2015).

**Insurance of Vehicles**

The vehicle must be insured at all times for the specific use as a passenger vehicle for hire and reward. The insurance certificate must specify if the vehicle is for Private Hire or Hackney Carriage and provide insurance cover for all persons licensed to and with the authority to drive the vehicle.

The proprietor must be able to demonstrate that the vehicle is insured during the licence period, except for any period where the vehicle has been subject to suspension under s. 68 of the 1976 Act by the Council and was not driven as a taxi, (unless suspended under s.60 and pending an appeal).

Where a vehicle is not correctly insured or the insurance is deemed invalid then the Council’s licence conditions have been breached and enforcement action may be taken.

**Accidents**

The proprietor of a licensed vehicle shall report to the Council as soon as is reasonably practicable, and in any case within 72 hours of the occurrence of any accident to the licensed vehicle causing damage materially affecting the safety, performance and appearance of the licensed vehicle or the comfort or convenience of persons carried.

The Council may wish to inspect the vehicle and the proprietor must provide access to the vehicle for this purpose.

Where a vehicle has been involved in an accident he Council may choose to serve a defect notice requiring certain repairs where the damage is slight and the safety of the vehicle is not compromised.

In more serious cases, the Council will suspend the vehicle until such time as the repairs are completed and the vehicle is presented for re-inspection.
Further enforcement action may be required depending on the severity of the damage, such as a requirement to produce a full mechanical inspection report in order for the vehicle to be considered for licensing.

**Transport of animals**

All animals must be accompanied by and under the control of the hirer and must be transported in the rear of the vehicle.

All drivers and operators must accept to carry guide and assistance dogs unless the driver applies for an exemption on medical grounds. There can be no additional charge made for the carriage of such dogs.

**Record books and receipts**

The proprietor shall ensure that a record book is kept at all times in the vehicle. This record book must show the occasions when a receipt is issued. A receipt must be given if requested and each receipt must show the licence number of the driver, the date and the amount charged. A sign should be displayed in the vehicle indicating that a receipt will be given if requested.

**Change of address**

The proprietor shall notify the Council in writing of any change in his address within 7 days of such change taking place.

**Vehicle Licences- Vehicle Type Conditions**

The following conditions were approved by the Licensing and Public Safety Committee on 3rd February 2016

There are a number of distinctions between licences for Private Hire and Hackney Carriage Vehicles and these will be identified as appropriate. However, many of the requirements for licensing are the same for both vehicle licences.

The table of conditions will make clear where there is any distinction between conditions which are only applicable to or vary between Private Hire Vehicles and Hackney Carriage Vehicles.

Before a vehicle can be granted a licence it must undergo an inspection by a Council Officer to ensure compliance with all conditions below. This inspection is carried out prior to application to reduce the likelihood of the vehicle being refused a licence at the point of inspection once the administration of the licence has already begun, as the applicant would not be eligible for a full refund at that stage.
<table>
<thead>
<tr>
<th>Condition</th>
<th>Reason for Condition</th>
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<tbody>
<tr>
<td><strong>1. Colour:</strong></td>
<td>To ensure a clear distinction for the public between Hackney Carriage Vehicles and Private Hire Vehicles. To maintain the professional and respectable reputation of the taxi trade within Chorley.</td>
</tr>
<tr>
<td>a) All Hackney Carriage Vehicles must be white in colour except where the vehicle is a WAV, where other colours are permitted.</td>
<td></td>
</tr>
<tr>
<td>b) Private Hire Vehicles may not be white in colour, unless it is a stretched limousine or other similar vehicle.</td>
<td></td>
</tr>
<tr>
<td>c) Bizarre or garish colour schemes will not be permitted.</td>
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<tr>
<td><strong>2. Insurance write offs and accident damage:</strong></td>
<td>To protect public safety, vehicles subject to insurance write off must be identified. In order to protect public safety any vehicle that shows signs of accident damage would need to be tested to demonstrate that the vehicle is safe for fee paying passengers and structurally sound in that it is comparable with another vehicle of the same age, make and model that has not been subject to accident damage. The Assessor must provide a recommendation as to whether the vehicle meets the quality and safety standards and confirm if there is any additional risk associated with the vehicle in comparison to a vehicle of the same make, model and year of manufacture that has not been subject to accident damage. The cost of any additional testing would be borne by the applicant. The DVLA have changed their process and no longer reissue the V5 log book following insurance write off for either Category C or D. Therefore in order for the Council and the prospective/new owner of the vehicle to determine if the vehicle has been subject to such write off an HPI check would be required.</td>
</tr>
<tr>
<td>a) Vehicles that have been categorised as ‘write offs’ by any insurance company at any level will not be considered for licensing.</td>
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<tr>
<td>b) Where the vehicle shows signs of accident damage but has not been subject to an insurance write off, the Council may use its discretion and licence the vehicle where the vehicle passes a further mechanical and structural assessment, including assessment of road worthiness and handling. The testing must be conducted by a qualified independent expert who must be able to demonstrate that they have responsibility for insurance assessment and collision investigation. The assessor must provide details of their professional indemnity insurance.</td>
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<tr>
<td>c) All vehicles (except those newly registered) must be checked against HPI and a full printed report submitted as part of the application to the Council to confirm whether the vehicle has been subject to an insurance write off.</td>
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<tr>
<td><strong>3. Type Approval and Vehicle Adaptations and Conversions:</strong></td>
<td>All vehicles used for the carriage of passengers must have the relevant Type Approval, which determines the vehicles structural suitability for this purpose.</td>
</tr>
<tr>
<td>a) Any vehicle presented for licensing shall meet the technical standards for type approval to</td>
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<tr>
<td>i) European Whole vehicle type approval</td>
<td>The vehicle will be licensed to carry the number of passengers it was specifically designed to carry in order to protect public safety.</td>
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<tr>
<td>ii) British National type approval</td>
<td>Many versatile chassis are built by manufacturers with the ability to be used in any number of ways,</td>
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<tr>
<td>iii) British Single vehicles approval or</td>
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<td>iv) British Low volume type approval</td>
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<td>b) The vehicle must have a capacity for at least</td>
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4 adult passengers.

c) A vehicle that was designed and built for 5 persons will not be licensed for more than 4 passengers.

d) The proprietor shall not permit the vehicle to be used to carry a greater number of passengers than that prescribed in the licence.

e) Chorley Council may licence a suitable vehicle for up to 8 passengers. Where such a passenger vehicle is a conversion or adaptation of such a chassis, the applicant must demonstrate that this conversion was undertaken by a qualified conversion company and meets all necessary safety standards of the type approval.

f) In order to demonstrate that the vehicles is suitable and meets the requirements of 3 a) above, has been properly converted and meets all necessary safety standards, the applicant must submit a conversion certificate / certificate of conformity / type approval or other relevant document in relation to any conversion or alteration that has cause to alter that vehicle since its manufacture.

g) No ‘Q’ plated vehicles will be considered for licensing.

h) The proprietor shall not allow the mechanical and structural specification of the hackney carriage to be varied without the consent of an Authorised Officer of the Council. Unauthorised variations will result in the licence becoming immediately invalid.

<table>
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<tr>
<th>4. Disabled &amp; Wheelchair Access Vehicles:</th>
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<tbody>
<tr>
<td>a) Where a Hackney Carriage Vehicle is licensed for Disabled and /or Wheelchair Access, then any replacement vehicle must also be of equivalent accessible design.</td>
</tr>
<tr>
<td>b) Any vehicle incorporating a lifting device shall at first application provide a certificate of conformity issued in accordance with the LOLER Regulations 1998, and produce at any subsequent renewal a certificate of safety issued in accordance with LOLER Regulations 1998 and guidance to the satisfaction of the council.</td>
</tr>
<tr>
<td>c) Vehicles presented at first licensing from 5th October 2010 intended to provide Disability access shall for the purpose of Type 1 Disability Access will have the T this DAV/WAV type for type replacement ensures that the disabled taxi provision is maintained.</td>
</tr>
</tbody>
</table>

This new condition allows for conversion to be undertaken after UK registration but require the applicant to demonstrate that the vehicle meets type approval and safety standards by way of certification. The additional officer time associated with reviewing certificates and reports, employing independent experts to review such and compiling additional reports for the Licensing Committees would need to be met by the licensing fees.

For safety reasons the Council will not licence a Q plated car because a Q plate denotes a kit car or rebuild, where the full traceability of the vehicle cannot be authenticated by the DVLA.
following:

i. Wheelchair means of access and egress and means of securing wheelchairs safely in the vehicle where all fixtures and fittings meet E1 Type Approval or equivalent.

ii. A fixed bulkhead incorporating:
   - A partition screen
   - A pay point
   - Assisted means of communication.

iii. Offer suitable accommodation for the provision of at least one adult size occupied wheelchair.

iv. Suitable hand grips designed to be clearly recognisable to aid in the access and egress of passengers.

v. Where the DAV/WAV is a **Hackney Carriage** a forward-facing illuminated top sign permanently fixed to; or a built-in taxi sign as an integral part of the structure and operated by the taxi meter (The top sign does not have to display the words Chorley Borough Council)?

vi. All vehicles will have 2 side passenger doors to access the rear compartment of the vehicle.

vii. All seats must be accessible by a clear permanent opening of 400mm.

viii. All wheelchair accessible vehicles will have provision for at least two permanently fixed passenger seats in the rear compartment of the vehicle.

ix. All vehicles will have been converted by a recognised coachbuilder/conversion company.

x. Any ancillary equipment shall be capable of being stored securely and safely.

xi. All vehicles will be inspected and licensed at the discretion of the Council.

d) All vehicles of Type 1 or 2 Disability Access shall display the appropriate disability emblem in a prominent position on the vehicle.

<table>
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<tr>
<th>5. Identification plates &amp; livery:</th>
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<tbody>
<tr>
<td>a) The identification plate and livery shall remain the property of the Council at all times. The Plate will display the expiry date</td>
</tr>
</tbody>
</table>

Wheelchair Accessible Vehicles will be identified by use of a recognisable disability emblem on the plate.
of the vehicle licence and therefore must be replaced at each renewal.

b) The licence plate shall be affixed to the vehicle by the proprietor at his own expense, in the following manner:-
   - at the rear of the vehicle, and
   - to the exterior of the vehicle, and
   - with the number facing to the rear, and
   - in a vertical plane, and
   - must be affixed by bolts or screws or other similar secure means as approved by the Council, in such a manner as to be easily removed by an Authorised Officer.

c) The proprietor of the vehicle shall ensure the identification plates are maintained and kept in such condition that the information contained on the identification plate is clearly visible to public view at all times.

d) Internal licence plate must be fixed to the dashboard not obscuring the drivers view or on the windscreen outside the swiped area.

e) The internal disc must be fixed to the windscreen outside the swiped area not obscuring the driver’s view with the expiry date information visible from the vehicle exterior.

f) The vehicle shall display Council provided livery to the front driver and passenger door fixed in a readable position. The Council’s door signs shall be fixed permanently to the vehicle and the use of magnets or other means of temporary fixing shall not be used.

g) The proprietor shall cause to be fixed to the roof of any **Hackney Carriage** an illuminated sign bearing the words “**CHORLEY BOROUGH TAXI**” on both the forward and rearward faces of the sign. The sign shall be capable of being so operated that when the vehicle is engaged for hire, the sign is not illuminated, this operation shall be controlled by the meter.

<table>
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<tr>
<th>6. Exemptions to Signage Requirements:</th>
<th>the risk of unlicensed but plated vehicles being used unlawfully.</th>
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<tbody>
<tr>
<td>a) An Exemption Notice issued by Chorley Council, exempting a proprietor from the requirement to display the external licence plate on a private hire vehicle and the concurrent exemption for the wearing of the private hire driver’s identification badge is granted subject to the licensed vehicle</td>
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<td></td>
<td>It is important for the public to be able to easily identify a Chorley Council licensed vehicle and distinguish between a Hackney Carriage and Private Hire by use of clear signage.</td>
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<td></td>
<td>A suitable internal licence display allows the passenger to confirm any details of the vehicle while travelling.</td>
</tr>
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<td></td>
<td>The illuminated roof sign is a clear indicator to the public of the availability for hire of a Hackney Carriage.</td>
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<td></td>
<td>These conditions only apply to Private Hire Vehicles and would normally only be considered for stretched limousines and chauffeur driver executive saloons.</td>
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<tr>
<td></td>
<td>Failure to comply with these conditions may result in the withdrawal of the exemption notice.</td>
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<td></td>
<td>Once an exemption notice has been issued the</td>
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being operated in accordance with the following conditions:

i. When operating under the exemption notice the internal plate issued by the licensing authority will be displayed on the nearside of the windscreen or dashboard so as not to obscure the driver's view.

ii. The Exemption Notice issued by the Licensing Authority in respect of the licensed private hire vehicle will be carried in the vehicle at all times and will be produced upon request to any authorised officer or any police officer.

iii. Other than the internal plate, the proprietor will not display in, on or from the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a private hire vehicle without the approval of the Licensing Authority.

iv. The private hire vehicle licence plate will be affixed in a visible position within the boot of the vehicle and shall not be displayed externally whilst the exemption notice is in force. Upon request the licence plate will be shown to any authorised officer or any police officer.

v. When issued with an exemption notice, the vehicle will not be required to display any other signs which the Licensing Authority may at any time require private hire vehicles to display.

vi. No taximeter shall be fitted in the vehicle.

vii. A table of fares/tariffs will not be displayed in the vehicle.

viii. During the period of the exemption notice, the driver shall not wear the private hire driver's badge but will have it available for inspection by any authorised officer or any police officer on request.

ix. At all times during the period of the exemption notice the driver of the vehicle will be appropriately dressed in either a formal chauffeur's uniform or a business suit with collar and tie.

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<th>7. Other Signage:</th>
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<tbody>
<tr>
<td>a) Approved no smoking signage must be fitted internally to the vehicle for the benefit of all passengers.</td>
</tr>
<tr>
<td>b) No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols,</td>
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The limitation on other signage reduces the likelihood of confusion or misunderstanding by the public by allowing clear observation of the signs relevant to the licence.
emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision or required or permitted by these conditions.

c) Except where the sign:
   - contains no words or numbers other than the name, address and telephone number of the operator of the vehicle or the name under which he carries on his business and his business address and telephone numbers;
   - displays sponsored commercial advertisements, for which prior permission has been obtained from the Council.
   - displays an information sticker or disc describing membership of a taxi trade associations or similar taxi trade body is permitted in the windscreen of licensed hackney carriage and private hire vehicles provided that it is of such a size and in such a position so as not to obscure the field of vision of the driver. The display of such sticker or disc shall be limited to one per vehicle.

d) Any additional livery must not be above 12” measured from the bottom of the front passenger and driver door, and in any case must not protrude higher than the bump bar strip fitted to the door, this area will be regarded as the lower panel of the door.

e) Every Hackney Carriage vehicle must display in a prominent position inside the vehicle, the Council’s table of fares in force at that time.

8. Meters:
   a) All Hackney Carriage Vehicles must be fitted with a taximeter and this must be linked to the illuminated roof sign in order that the meter controls the illumination of the sign.
   b) Where any taximeter is fitted to any licensed vehicle, the meter must be calibrated and the table of fares shall be prominently displayed within the vehicle. Any fares should be previously agreed by the Council. The meter shall be bear the original seal(s) as fitted by the person authorised to carry out the calibration.
   c) The calibration certificate should be made available to an authorised officer upon

<p>| Where a meter is used to calculate a fare for a journey the passenger should be provided with information relating to the fares charged for that journey. |
| Where a meter is used by a taxi to calculate the fare in accordance with the table of fares published by the Council. Once the meter is on the roof sign must not be illuminated in order to indicate to the public the vehicle is not available for hire. The meter must be calibrated and sealed to ensure that the correct fees are being calculated and the council should be given sight of the certificate to validate the security of the system. |</p>
<table>
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<tr>
<th><strong>9. Radios and Communication Devices:</strong></th>
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<tbody>
<tr>
<td>a) Where radios are used to communicate between the driver, proprietor or operator, the proprietor shall ensure that any radio equipment fitted to a vehicle is at all times kept in a safe and sound condition and maintained in proper working order.</td>
<td>Radios should be maintained to ensure that they can be effective for communication.</td>
</tr>
<tr>
<td>b) Any means of radio communication used by the proprietor or driver of a vehicle with respect to the operation thereof must be a means of radio communication using radio frequencies other than those licensed by the Department of Trade and Industry for use by Citizens Band Radio.</td>
<td>The frequencies used must not interfere with other communication systems.</td>
</tr>
<tr>
<td>c) The licensee shall not fit, carry or use any radio frequency scanning apparatus in or on a licensed vehicle.</td>
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</tr>
<tr>
<td>d) The use of data-head systems as a means of dispatching vehicles and for drivers to remotely accept bookings and log journeys is permitted. All data recorded by the system shall be retained by the Operator or proprietor and available for inspection for a minimum of 2 years.</td>
<td>These new conditions relating to the use of data head systems and mobile phones have been included for the following reasons:</td>
</tr>
<tr>
<td>e) Where a mobile phone is used as a means for the driver to communicate with the proprietor or operator of the vehicle or any other person during the course of a journey this must be by the use of hands free device which is limited to single touch or voice activation.</td>
<td>To reduce the likelihood and risk to public safety associated with the use of hand held mobile devices, hands free systems should be fitted which can be operated by single touch or voice activation.</td>
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<tr>
<th><strong>10. Exterior Bodywork Condition:</strong></th>
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<tbody>
<tr>
<td>a) No hole or tear of metal, or other items (e.g. trim) to be capable of injuring a pedestrian or passenger. This is to include doors, door panels (inside) etc.</td>
<td>These conditions are to ensure the safety of passengers and protect the reputation of the fleet of licensed vehicles in Chorley.</td>
</tr>
<tr>
<td>b) The bodywork, partially or wholly to show no discoloration that is beyond normal ageing, for the vehicles age/mileage in the opinion of the Authorised Officer. It is not acceptable for panels to be of contrasting colour e.g. panels, door skins, bonnet, that are replacements by ‘second hand’ or primer coated.</td>
<td>This is because convertible cars are usually on</td>
</tr>
<tr>
<td>c) No tape or other means of fixings to any parts of the vehicle will be accepted other than the vehicle’s standard fixings.</td>
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<tr>
<td>d) The vehicle must not be a convertible, i.e.</td>
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have a soft top.
e) Forward mounted driving mirrors must be fitted on both sides of the vehicle. The mirrors must be maintained at all times to ensure the driver has a clear view to the rear of the vehicle.
f) The proprietor shall ensure that the vehicle shall be maintained in a sound mechanical and structural condition and be capable of satisfying the Council’s Vehicle Inspection & Safety Test at all times.
g) The proprietor shall ensure that at all times when the vehicle is in use or available for hire, it is maintained in an efficient, safe, tidy and clean condition and that all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations) are fully complied with.

two-door, not four-door vehicles. Mirrors must be effective to ensure the safety of both passengers and the public.

The vehicle must not show signs of rust, damaged or mismatched paintwork or have any sharp or jagged edges. Windows should not be chipped or scratched and the wipers must work effectively. The external fittings such as bumpers and light units must be securely fixed with the appropriate fitment to ensure the safety of passengers and protect the reputation of the fleet of licensed vehicles in Chorley.

<table>
<thead>
<tr>
<th>11. Engine Compartment:</th>
<th>These conditions clarify matters considered by the vehicle inspection to ensure the safety of passengers and also the reputation of the fleet of licensed vehicles.</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) The engine compartment should not have any loose wiring, cables or coverings. The engine and its components must be secure within the engine compartment.</td>
<td>These conditions relate to safety for passengers and the public.</td>
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<tr>
<td>b) There should be no signs of leakage of any fluids.</td>
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<tr>
<th>12. Tyres:</th>
<th>These conditions relate to safety for passengers and the public.</th>
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<tbody>
<tr>
<td>a) A vehicle must be fitted with at least four road wheels. This is to ensure the safety and comfort of passengers. Tyres must be road legal with a minimum tread of 1.6mm.</td>
<td>These conditions relate to safety for passengers and the public.</td>
</tr>
<tr>
<td>b) Where the vehicle is designed to hold a spare wheel then a manufacturers approved spare wheel must be provided.</td>
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<tr>
<td>c) The spare wheel must have a minimum of 3mm tread, be inflated to the correct pressure and maintained in a ready to use condition.</td>
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<tr>
<td>d) Where there is no provision for a spare wheel then a manufacturer’s approved inflation kit will be accepted. Any such kit must be used in accordance with the manufacturer’s instructions.</td>
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<tr>
<th>13. Lights:</th>
<th>These conditions relate to safety for passengers and the public.</th>
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<tbody>
<tr>
<td>a) All lights should be working in accordance with their designed function. There should be no loose connections, defective bulbs or</td>
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<tr>
<td><strong>14. Dashboard and Steering Column:</strong></td>
<td>Left hand drive vehicles may pose a safety risk to the passengers and the public because they are not designed or specifically intended for driving on UK roads and as such does not provide the best driving position and visibility for the driver. These conditions clarify matters considered by the vehicle inspection to ensure the safety of passengers and also the reputation of the fleet of licensed vehicles.</td>
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<td>--------------------------------------</td>
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</tr>
<tr>
<td>a) The vehicle must not be left hand drive.</td>
<td>Left hand drive vehicles may pose a safety risk to the passengers and the public because they are not designed or specifically intended for driving on UK roads and as such does not provide the best driving position and visibility for the driver. These conditions clarify matters considered by the vehicle inspection to ensure the safety of passengers and also the reputation of the fleet of licensed vehicles.</td>
</tr>
<tr>
<td>b) Speedometer and odometer must be working correctly and illuminated.</td>
<td>Left hand drive vehicles may pose a safety risk to the passengers and the public because they are not designed or specifically intended for driving on UK roads and as such does not provide the best driving position and visibility for the driver. These conditions clarify matters considered by the vehicle inspection to ensure the safety of passengers and also the reputation of the fleet of licensed vehicles.</td>
</tr>
<tr>
<td>c) All settings to work and de-mist.</td>
<td>Left hand drive vehicles may pose a safety risk to the passengers and the public because they are not designed or specifically intended for driving on UK roads and as such does not provide the best driving position and visibility for the driver. These conditions clarify matters considered by the vehicle inspection to ensure the safety of passengers and also the reputation of the fleet of licensed vehicles.</td>
</tr>
<tr>
<td>d) Air-conditioning must be in working order where fitted.</td>
<td>Left hand drive vehicles may pose a safety risk to the passengers and the public because they are not designed or specifically intended for driving on UK roads and as such does not provide the best driving position and visibility for the driver. These conditions clarify matters considered by the vehicle inspection to ensure the safety of passengers and also the reputation of the fleet of licensed vehicles.</td>
</tr>
<tr>
<td>e) There should be no warning or service lights visible on the display when the ignition is switched on.</td>
<td>Left hand drive vehicles may pose a safety risk to the passengers and the public because they are not designed or specifically intended for driving on UK roads and as such does not provide the best driving position and visibility for the driver. These conditions clarify matters considered by the vehicle inspection to ensure the safety of passengers and also the reputation of the fleet of licensed vehicles.</td>
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<tr>
<th><strong>15. Interior Trim Condition:</strong></th>
<th>The internal fittings such as handles, trim and lights must be securely fixed with the appropriate fitment to ensure the safety of passengers and protect the reputation of the fleet of licensed vehicles in Chorley. Mirrors must be effective to ensure the safety of both passengers and the public.</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) The proprietor shall ensure that at all times when the vehicle is in use or available for hire, it is maintained in an efficient, safe, tidy and clean condition and that all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations) are fully complied with.</td>
<td>The internal fittings such as handles, trim and lights must be securely fixed with the appropriate fitment to ensure the safety of passengers and protect the reputation of the fleet of licensed vehicles in Chorley. Mirrors must be effective to ensure the safety of both passengers and the public.</td>
</tr>
<tr>
<td>b) An interior rear mirror must be fitted. The mirror must be maintained at all times to ensure the driver has a clear view to the rear of the vehicle.</td>
<td>The internal fittings such as handles, trim and lights must be securely fixed with the appropriate fitment to ensure the safety of passengers and protect the reputation of the fleet of licensed vehicles in Chorley. Mirrors must be effective to ensure the safety of both passengers and the public.</td>
</tr>
<tr>
<td>c) All pedal rubbers should be fitted; none should be worn to the metal, or missing.</td>
<td>The internal fittings such as handles, trim and lights must be securely fixed with the appropriate fitment to ensure the safety of passengers and protect the reputation of the fleet of licensed vehicles in Chorley. Mirrors must be effective to ensure the safety of both passengers and the public.</td>
</tr>
<tr>
<td>d) An interior passenger light shall be fitted and operative.</td>
<td>The internal fittings such as handles, trim and lights must be securely fixed with the appropriate fitment to ensure the safety of passengers and protect the reputation of the fleet of licensed vehicles in Chorley. Mirrors must be effective to ensure the safety of both passengers and the public.</td>
</tr>
<tr>
<td>e) All floor covering should be secure, tear/hole free, appropriate and present no risk to safety.</td>
<td>The internal fittings such as handles, trim and lights must be securely fixed with the appropriate fitment to ensure the safety of passengers and protect the reputation of the fleet of licensed vehicles in Chorley. Mirrors must be effective to ensure the safety of both passengers and the public.</td>
</tr>
<tr>
<td>f) No noticeable/abnormal odours.</td>
<td>The internal fittings such as handles, trim and lights must be securely fixed with the appropriate fitment to ensure the safety of passengers and protect the reputation of the fleet of licensed vehicles in Chorley. Mirrors must be effective to ensure the safety of both passengers and the public.</td>
</tr>
<tr>
<td>g) The vehicle should be watertight with no sign of water ingress or staining on the roof covering.</td>
<td>The internal fittings such as handles, trim and lights must be securely fixed with the appropriate fitment to ensure the safety of passengers and protect the reputation of the fleet of licensed vehicles in Chorley. Mirrors must be effective to ensure the safety of both passengers and the public.</td>
</tr>
<tr>
<td>h) The roof covering and all trim around doors and sills etc. shall be suitably fixed in position. They should be clean and free from any damage.</td>
<td>The internal fittings such as handles, trim and lights must be securely fixed with the appropriate fitment to ensure the safety of passengers and protect the reputation of the fleet of licensed vehicles in Chorley. Mirrors must be effective to ensure the safety of both passengers and the public.</td>
</tr>
<tr>
<td>i) There should be openable windows for passengers on each side of the vehicle and these shall be maintained in working order and be free from damage.</td>
<td>The internal fittings such as handles, trim and lights must be securely fixed with the appropriate fitment to ensure the safety of passengers and protect the reputation of the fleet of licensed vehicles in Chorley. Mirrors must be effective to ensure the safety of both passengers and the public.</td>
</tr>
<tr>
<td>j) The floor shall be provided with a proper carpet or other suitable covering that is not worn and is in such a condition as not to cause any passenger to trip or slip.</td>
<td>The internal fittings such as handles, trim and lights must be securely fixed with the appropriate fitment to ensure the safety of passengers and protect the reputation of the fleet of licensed vehicles in Chorley. Mirrors must be effective to ensure the safety of both passengers and the public.</td>
</tr>
<tr>
<td>k) Any mats must be kept in clean condition and must be appropriately fitted so as not to cause any passenger to trip or slip.</td>
<td>The internal fittings such as handles, trim and lights must be securely fixed with the appropriate fitment to ensure the safety of passengers and protect the reputation of the fleet of licensed vehicles in Chorley. Mirrors must be effective to ensure the safety of both passengers and the public.</td>
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</tr>
<tr>
<td>l)</td>
<td>All fittings and fixtures must be kept in a clean condition, well maintained and in every way fit for public use</td>
</tr>
<tr>
<td>16. Doors:</td>
<td>These conditions relate to the ease of ingress and egress from the vehicle for passengers and were agreed to ensure the safety and comfort of passengers and allow all passengers unhindered access and exit from the vehicle.</td>
</tr>
<tr>
<td>a)</td>
<td>The vehicle must have at least two side doors for the boarding and alighting of passengers in addition to a separate door for the driver.</td>
</tr>
<tr>
<td>b)</td>
<td>No vehicle will be licensed if the passenger has to climb over seats or luggage to gain access or egress, or where such entrance or exit is sited over a fuel tank or high sill.</td>
</tr>
<tr>
<td>c)</td>
<td>Door catches must be secure at all times whilst being capable of easy operation by passengers.</td>
</tr>
<tr>
<td>d)</td>
<td>All door handles and levers shall be clearly visible and of a type consistent with those fitted to all other doors of the vehicle.</td>
</tr>
<tr>
<td>17. Seats:</td>
<td>These conditions were agreed by Committee to ensure the safety and comfort of passengers</td>
</tr>
<tr>
<td>a)</td>
<td>All seats are to be secure. No movement will be allowed that compromises the safety and comfort of any passenger or driver.</td>
</tr>
<tr>
<td>b)</td>
<td>Seating for each passenger must be not less than 400mm (16”) with a minimum width, measured between the arm rests, or any other point that is protruding into passenger seating area, and be measured between the rear side passenger doors of not less than 1220mm (48”).</td>
</tr>
<tr>
<td>c)</td>
<td>Where the vehicle is fitted with continuous seats, one person shall be counted for each complete length of 400mm (16”) measured in a straight line lengthwise on the front of each seat.</td>
</tr>
<tr>
<td>d)</td>
<td>Where any such continuous seat is fitted with arms for the purpose of separating the seating spaces and those arms can be folded back or otherwise put out of use, the seat shall be measured as if it had not been fitted with such arms.</td>
</tr>
<tr>
<td>e)</td>
<td>Only one passenger may be accommodated in the front of the vehicle next to the driver in cases where the vehicle is designed to take only one front seat passenger.</td>
</tr>
<tr>
<td>f)</td>
<td>All seats must be fitted with the manufacturer’s head restraints to protect passenger safety in the event of an accident.</td>
</tr>
<tr>
<td>Condition</td>
<td>Description</td>
</tr>
<tr>
<td>-----------</td>
<td>-------------</td>
</tr>
<tr>
<td><strong>g)</strong></td>
<td>No vehicle with rear or side facing seating will be considered for licensing except where that vehicle has been purposely constructed to accommodate such seating and holds a suitable vehicle type approval. In any event any vehicle presented with such seating arrangements will be licensed at the discretion of the council.</td>
</tr>
<tr>
<td><strong>h)</strong></td>
<td>Any vehicle application received for a vehicle licence for more than 4 passenger seats, that vehicle shall have been purposely constructed to accommodate such seating and hold a suitable vehicle type approval.</td>
</tr>
<tr>
<td><strong>i)</strong></td>
<td>The vehicle shall be of the original manufactures design and specification, every seat shall be regarded as a permanent seat for the purposes of licensing.</td>
</tr>
<tr>
<td><strong>j)</strong></td>
<td>Where seating is capable of being stowed within the confines of the body of the vehicle the Council may use its discretion to licence the vehicle where it meets the foot-well and legroom provisions in condition 18 below.</td>
</tr>
<tr>
<td><strong>k)</strong></td>
<td>Where additional stowable seating is used in the rear of the vehicle, the seats in front must lift as one unit in order to provide sufficient, easy and safe access to the rear seats. There must be a minimum opening of 400mm to the rear row of seats.</td>
</tr>
<tr>
<td><strong>l)</strong></td>
<td>No vehicle shall by any design or feature of that vehicle be capable to offer seating for more than the number of passengers as stated on the vehicle licence. Any modifications made to satisfy this requirement shall be made to the satisfaction of the council.</td>
</tr>
<tr>
<td><strong>m)</strong></td>
<td>Seats and upholstery shall be dry and have no obvious stains, rips, tears or holes. All upholstery shall match.</td>
</tr>
<tr>
<td><strong>n)</strong></td>
<td>All original seating must be maintained in a clean and serviceable condition.</td>
</tr>
<tr>
<td><strong>o)</strong></td>
<td>Where seat covers are fitted they must be so designed and secured as to prevent any movement of the covering during use by passengers. They must be kept in a clean and serviceable condition and must be of a colour which is in keeping with the vehicle upholstery. See reasons for Condition 3.</td>
</tr>
</tbody>
</table>

This condition relates to the ease of ingress and egress from the vehicle for passengers and comfort for passengers during the journey and were considered by the Committee following inspection of different vehicles with varying configurations. The condition was agreed to ensure the safety and comfort of passengers.

This new condition is in response to the consultation and offers some flexibility within the policy to allow vehicles with stowable seating to be considered where the vehicle has sufficient leg and foot space for a comfortable journey and is capable of easy and safe access to these seats by an average sized adult.

These conditions clarify matters considered by the vehicle inspection to ensure the safety of passengers and also the reputation of the fleet of licensed vehicles.

These conditions clarify the legal position with
with the original trim of the vehicle.

| p) | The law relating to child seats does not apply to taxis, children under 3 years old may travel without a car seat or seat belt but must be on the back seat. Children over the age of 3 must wear an adult seat belt and may travel in either the front or the back passenger seats. |
| q) | Where a passenger provides their own child seat the driver must ensure that it is properly fitted and secured for the duration of the journey. |

18. **Legroom:**
   a) There shall be a minimum gap of 180mm (7") between the back of any forward seat and the front edge of any rear seating; this shall be measured when the front seating is in its furthest pushed back position. (Seating relates to the base of the seat as opposed to the back support of the seating arrangement).
   b) Each passenger must be able to place their feet into a foot-well, in order that sufficient legroom is available for a comfortable journey. A foot-well will be defined as a marked/observable difference in level between the floor level where the base of the seat is fixed and the space where the passenger would place their feet.

|  | This condition relates to the ease of ingress and egress from the vehicle for passengers and their comfort and safety during the journey. This condition was included by the Committee following inspection of different vehicles with varying configurations. The condition was agreed to ensure the safety and comfort of passengers and was retained in February 2016 following the trade consultation where the trade proposed relaxation of this condition. Most stowable additional seating is unsuitable for the use of passengers as they do not usually provide sufficient leg room or a defined foot-well space. This condition ensures the comfort and safety of passengers. |

19. **Headroom:**
   a) The height as measured between the rear seat and the height to the roof lining in a vertical plane must be not less than 860mm (34"). This shall be measured at the centre of a passenger seat situated between the two rear passenger doors.

|  | This is to ensure the comfort of passengers. |

20. **Luggage Space:**
   a) Every estate type vehicle shall be fitted with the manufacturer’s approved or other universal type approved grille, securely fixed to the frame of the vehicle between the passenger area and load (luggage) carrying area.
   b) Each vehicle must provide suitable and sufficient luggage space and a means of securing the luggage to prevent damage or injury.

|  | This is to prevent any injury to passengers where luggage may become dislodged. |

21. **Emissions Standards:**
   a) **Hackney Carriage** Vehicles waiting on the rank are required to switch off engines

|  | This proposed condition has been agreed in principle by the Committee. The implementation of the condition will be agreed at a future... |
(except in extreme weather conditions where heaters would be required for the welfare of the driver) in order to reduce air pollution emissions in the town centre. b) Vehicles presented for licensing as taxis should meet a minimum Euro 5 emissions standard.

meeting.

Taxis provide a public transport service and as such are subject to a large number of journeys and high mileage. These vehicles have the ability to impact on the air quality of the district in the same way that any other public transport vehicle does. In the same way that fleet vehicles and public transport vehicles are required to meet a minimum emissions standards, vehicles licensed by the Council should also meet a minimum standard to ensure that the Council is fulfilling its duty in reducing harmful air emissions that impact on public health.

22. **NCAP Safety Rating:**

a) Vehicles presented for licensing as taxis should meet a minimum NCAP European Safety rating of 4 stars.

This proposed condition has been agreed in principle by the Committee. The implementation of the condition will be agreed at a future meeting.

The purpose of vehicle licensing is primarily to protect public safety.

### Stretched Limousines

Conditions in relation to stretched limousines were agreed by the LPSC in December 2008, as these vehicles are not able to conform to the usual vehicle type conditions.

No stretched limousine will be considered for use as a **Hackney Carriage** Vehicle and will only be licensed for Private Hire.

The following conditions apply:

<table>
<thead>
<tr>
<th>Condition</th>
<th>Reason for condition</th>
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</table>
| **1. Left Hand Drive Vehicles:**
  a) Left Hand Drive stretched limousines will be considered for licensing as a PHV. | The majority of stretched limousines are imported from the U.S. and are left hand drive. The Department for Transport has recommended that Councils should not refuse to licence limousines simply because they have characteristics which contravene their existing policy, i.e. left hand drive. |
| **2. Sideways Seating:**
  a) Stretched limousines with sideways facing seating will be considered for licensing as a PHV. | A main characteristic of stretched limousines is their sideways facing bench seats. In line with the Department for Transport’s guidance outlined above, the Council will consider the suitability of limousines with sideways seating for licensing. |
| **3. Signage:**
  a) The signage on limousines will consist of an internal plate fixed to the inside of the windscreen or dashboard on the nearside so as not to obscure the drivers view. | Signage serves to distinguish PHVs from ordinary saloon cars and to make them clearly identifiable to the public. However, the naturally distinctive appearance of stretched limousines means that they are |
b) Limousines do not require Council door signs.

c) The private hire plate has to be fixed in the boot, clearly visible and be able to be produced on demand to any authorised officer or a police officer.

d) The proprietor shall ensure that the licence plate & internal plate are displayed in accordance with the current requirements of the Council.

e) No other signs, notices or any other markings will be displayed on or in the vehicle without the written permission of the Council.

very unlikely to be confused with a private road user’s vehicle.

The internal plate must be displayed so that passengers know it is a licensed vehicle and the seating capacity

To convey information to passengers where appropriate.

To ensure that any material displayed in the limousine is suitable for public viewing.

4. Tinted Glass:
   a) Stretched limousines with heavily tinted glass in the windows behind the driver’s cockpit will be considered for licensing. Glass in the driver cockpit must satisfy the current legal requirements.

It is recognised that the privacy provided by tinted glass in the passenger compartment is a central characteristic of a limousine. However, glass in the driver cockpit must satisfy the standards within the Road Vehicles (Construction and Use) Regulations 1986 as amended.

5. Fare Table/ Taximeter:
   a) Limousines are not required to display a fare table or have a taximeter fitted.

Stretched limousines often do not operate under a fare system as journeys are generally pre-paid in advance based on the length of time they are hired for.

6. Roadworthiness:
   a) The stretched limousine must hold a valid Single Vehicle Approval (SVA) Certificate.

The SVA test comprises a visual examination of a vehicle by VOSA and certifies its safety and roadworthiness.

7. Vehicle Age:
   a) Stretched limousines to be licensed in accordance with the Council’s current PHV age policy.

To ensure that the limousines licensed by the Council are in a good and safe condition.

8. Insurance:
   a) An appropriate insurance policy must be in place which covers use of the vehicle for hire and reward.

The Council has concerns that some limousines may be operating under insurance policies which do not cover use for hire and reward or take into account that the vehicle has been stretched.

9. Tyres:
   a) The limousine must be fitted with tyres that meet the appropriate specification for both the size and weight.

Given the increased weight of the vehicle, tyres of the correct weight and size rating must be used at all times.

10. Vehicle Testing:
    a) Licensed limousines must be tested in accordance with the council’s current PHV testing policy.

To ensure that limousines licensed by the Council are maintained to high standards and remain safe.

11. Maximum Passengers:
    a) The limousine’s seating capacity must be reduced where necessary to a maximum of 8 passengers.

Councils can only licence vehicles with a maximum seating capacity of 8.

This is to ensure that passengers are not
b) No seats in the driver’s compartment shall be used to carry passengers
c) The vehicle must not carry more than 8 passengers at any time. (A babe in arms is classed as a passenger no matter what their age).
d) In any advertisement publicising their limousine service, the operator must state that the vehicle is only licensed to carry 8 passengers.

carried in the front of the vehicle to improve driver and passenger safety. This condition will be enforced by Council officers performing spot checks on licensed vehicles, and is in line with legislative requirements. To inform customers of the maximum carrying capacity of the vehicle.

<table>
<thead>
<tr>
<th>12. Seat Belts:</th>
<th>13. Alcohol:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Seatbelts must be fitted to all forward and rear facing seats and must be worn at all times by passengers whilst the vehicle is in motion.</td>
<td>a) Alcoholic drinks provided in the vehicle shall be under the terms of an appropriate licence relating to the sale and supply of alcohol</td>
</tr>
<tr>
<td>b) There is no legal requirement for seatbelts on sideways facing seats.</td>
<td>b) Alcohol shall only be served while the vehicle is stationary and afterwards, all bottles shall be placed in a secure receptacle.</td>
</tr>
<tr>
<td></td>
<td>c) No alcohol should be sold or supplied to any passenger under 18 years of age</td>
</tr>
<tr>
<td></td>
<td>To comply with requirements of the Licensing Act 2003 and to safeguard the public.</td>
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<tr>
<th>14. Entertainment:</th>
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<tbody>
<tr>
<td>a) The driver shall not play or permit the performance of any media which, because of its age restricted classification or its content, is unsuitable for the age of the passengers in the vehicle (based on the age of the youngest passenger).</td>
<td>To safeguard child passengers from viewing unsuitable material.</td>
</tr>
<tr>
<td>b) The limousine operator shall ensure that a performing rights licence is held where appropriate.</td>
<td>Limousines which have the capability of playing recorded media for the entertainment of customers and may be required to hold a performing rights licence.</td>
</tr>
<tr>
<td>c) The limousine operator shall ensure that a licence under the provisions of the Licensing Act 2003 is held where appropriate.</td>
<td>Entertainment regulated under the Act includes TV, video, video games, loudspeakers, or any other activity provided for the passenger’s enjoyment.</td>
</tr>
</tbody>
</table>

(The conditions relating to fire extinguishers has been removed in accordance with the removal of this conditions for all other vehicles and the signage conditions have been consolidated for clarity)
Compliance and Enforcement

Any applicant must meet the application criteria in relation to the particular licence before a licence will be issued. The Council has some discretion to depart from that policy on an individual basis and therefore some matters will be presented to the General Licensing Sub-Committee for a decision.

Once a licence is granted the holder must comply with all the conditions which relate to that licence.

The local authority is responsible for enforcing the requirements of the appropriate legislation and the conditions associated with each licence.

The Local Authority’s Health, Environment and Neighbourhoods Team Enforcement Policy has regard for the Regulator’s Compliance Code. The enforcement policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens. The principle of consistent, transparent and proportionate enforcement is a material consideration of any enforcement approach.

Enforcement action will be taken in accordance with the Council’s enforcement policy where it is necessary and reasonable to protect public safety. Therefore the impact of certain circumstances on the livelihood of the trade is inevitable. We will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented.

There are a number of enforcement options available for consideration and the action taken will depend on the circumstances of the case.

Warnings

In respect of minor breaches where there is no evidence of persistent offending, a written warning may be issued.

For instance, warnings may be issued following a delegated decision to renew a driver’s licence where driving offences have become apparent at renewal, but have not been declared at the time of receipt in accordance with the requirement to notify the Council within 7 days.

This warning will be kept on the licence holder’s file and may be presented at future hearings as appropriate.

Notices

There are a number of notices which may be served on licence holders, the decision to take such action is not made lightly and will require careful consideration by the authorised officer based on the evidence presented.

Production of documentation- sections 50 & 53 of the Act provides a formal mechanism for an Authorised Officer of the Council to require certain documents, such as proof of insurance and
production of a driving licence on request. Failure to comply with the notice is an offence and may result in prosecution.

Suspension of vehicles- sections 60 and 68 of the Act allows an authorised officer to issue a suspension notice on the proprietor of a vehicle where the vehicle is deemed to not meet the relevant fitness standard (section 60 or 68), that a hackney carriage driver has committed an offence under the 1847 Act (section 60 only) or for any other reasonable cause (section 60 only). The proprietor may appeal against the suspension to the magistrates’ court. Where a section 68 notice is served requiring repairs to the vehicle and the vehicle to be represented for the necessary testing and the vehicle does not pass such tests, after 2 months from the service of the notice, then the licence is automatically revoked. Where a vehicle fails the taxi test at the point of renewal, the vehicle will be suspended and the application for renewal will be refused if a vehicle not meeting the Council’s vehicle conditions is presented as part of the application.

Suspension of drivers- section 61 of the Act provides for a suspension notice to be served on a driver where the driver has been convicted of offences, or where a Hackney Carriage driver has failed to comply with the requirements of the 1847 Act or for any other reasonable grounds. A suspension may be issued where attention is brought to the Council in relation to activities that breach the accepted code of conduct or have the potential to undermine public safety, this can include medical conditions that require further investigation before the driver’s fitness to drive by meeting the group 2 standards can be ascertained. The suspension may be immediate where this action would be in the interests of public safety, or may come in to effect after 21 days in all other cases and be stayed pending the disposal of any appeal.

Suspension of Operators- section 62 of the Act allows the Council to suspend a Private Hire Operator Licence on a number of grounds. Again there is a right of appeal against the notice to the magistrate’s court.

NB: a suspension notice should in general only be served where there is a perceived temporary issue to be overcome or investigated. It should not generally be issued where there is an intention to follow this with a permanent sanction, then this permanent sanction should usually be pursued in the first instance.

**Revocation of licences**

**Where there is a potential threat to public safety, consideration of which information available at the time would normally preclude a driver from holding a licence then it is imperative that the Council takes action swiftly and revokes an existing licence. The Council must employ this precautionary approach as it is the Council’s responsibility to protect public safety as a priority. Where further investigations and evidence then demonstrate that the licence should be reinstated, this should also be done swiftly- a fast track reinstatement procedure should be available in these circumstances. This needs to be agreed by the LPSC.**

Cases relating to revocation will normally be present to the General Licensing Sub-Committee for consideration and decision, this maybe following the service of a suspension notice where the matter cannot be resolved and therefore a permanent sanction is necessary.

The members of the sub-committee will take all evidence into consideration when making the decision.
It is important to note that it is not a requirement for the licence holder to be in receipt of a criminal conviction for any alleged offence for which the matter is being brought before committee. The committee must consider the evidence on the balance of probability and therefore a much lower threshold of proof is required in comparison to a criminal court hearing. Nor do the police need to be conducting an investigation for the matter to be presented to the committee.

The Committee must first and foremost consider the allegations and complaint and make their determination in the interests of public safety, without reliance on criminal convictions as the sole indicator.

The Council’s Safeguarding, Suitability and Convictions Statement of Policy for Taxi Licensing is attached as Appendix 2

The right of appeal against the committee decision exists any appeal must be lodged with the magistrate’s court within 21 days of receipt of notice of the decision.

Refusal of licences

The scheme of delegation gives officers the authority to refuse to grant or renew vehicle licence applications. With applications which present no issues this will be done under delegated powers without reference to members. If there are relatively minor issues with an application such as a minor speeding offence then the driver licence may be granted by officers under delegated powers but only in consultation with the Chair or Vice-Chair.

All other determinations in relation to applications for driver licences must be made by the General Licensing Sub-Committee.

Again, the applicant has a right of appeal to the magistrates’ court and to the Crown Court in respect of a refusal to grant a hackney carriage proprietor’s licence.

Appeals

Appeals heard by the Magistrates’ Court may result in the following action:

Dismissal of appeal
Substitution of decision
Make an order for costs

The Magistrates’ Court should not lightly reverse a decision that has been made by the authority, where the decision is in accordance with the authority’s existing policies. It is not for the courts to be quick to undermine those policies, only to consider if they have been adhered to and executed properly or if there have been any failures of the authority to comply with the legislation.
Fees

The legislation provides that the fees charged for taxi licensing should reflect the costs of administering those functions. This includes the processing of applications and costs associated with hearings, licensing liaison panels and recovery of any direct costs to the council including DBS and DVLA checks etc.

The application fees are agreed by the Licensing and Public Safety Committee and are subject to a consultation process and regular review. The current fees were agreed in July 2014 and after consultation came into effect on 1 October 2014. A review of fees will see further consultation in 2016/17 for the implementation of revised fees in April 2017.

All fees must be paid on the submission of the application. Where the application fee is paid by cheque, the licence will not be issued until the cheque has been cleared by the bank.

Refunds

Fees are only eligible for refund where the licence application is rejected, refused or withdrawn. In which case, only the application fee is refunded and is subject to an administration charge, as set out in the fees and charges schedule. No refund for any other reason or of additional charges, such as DBS checks, knowledge test, taxi test fees etc. will be made.

This policy was reaffirmed in March 2015 by the LPSC, where it was reiterated that the fees reflect the cost to the Council of issuing the licence regardless of how long the licence holder chooses to use the licence, therefore there is no refund applicable for the surrender of any licence.

Reminder Letters

The Council has ceased sending reminder letters as each driver, operator and vehicle proprietor renews the relevant licences. The renewal application information will be provided with the licence. Each licence displays the expiry date and the responsibility lies with the licence holder to ensure that the renewal is made in good time (LPSC March 2015).
Appendix 1 - Scheme of delegation- to be added to final version once agreed by Full Council

Appendix 2 - Safeguarding, Suitability and Convictions Policy for Taxi Licensing- to be added to final version (already agreed in November 2015)

Appendix 3 - Early Intervention and Support Directorate Enforcement Policy- currently being reviewed and will be added to final version
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GAMBLING ACT 2005- STATEMENT OF PRINCIPLES POLICY REVIEW AND CONSULTATION

PURPOSE OF REPORT

1. To advise members of the Licensing and Public Safety Committee of the proposed amendments to the Statement of Principles required under the Gambling Act 2005.

RECOMMENDATION(S)

2. That the Licensing and Public Safety Committee are asked to recommend approval to Council of the reviewed Statement of Principles (Gambling Act 2005) subject to the following:

   a) On the expiration of the consultation period (19 September 2016) the Director of Early Intervention and Chair of Licensing and Public Safety Committee are given delegated authority to make any minor amendments arising out of any consultation responses.

   b) On the expiration of the consultation period (19 September 2016) any major changes considered to be necessary as a result of the consultation response will be reported back to the Licensing and Public Safety Committee for further consideration and approval.

REASONS FOR RECOMMENDATION(S)
(If the recommendations are accepted)

3. Recommendation for approval of the Statement of Principles in accordance with section 349 of the Gambling Act 2005 to ensure that the Council has a Statement of Principles that meets the statutory requirements of the Gambling Act 2005.

EXECUTIVE SUMMARY OF REPORT

4. Section 349 of the Gambling Act 2005 requires that the Licensing Authority prepare and publish a three year licensing Statement of Principles.

5. This duty also requires a periodic review of the licensing statement on a date prescribed by the secretary of state which is currently every 3 years.

6. Consultation in relation to the proposed changes came to an end on 19 September 2016, it was sent directly to partner agencies, including the responsible authorities. The consultation was also available on the Council’s website and the trade have been encouraged to comment.
7. At the time of writing this report; the Licensing Authority had received one response. The final Statement of Principles will take account of this.

8. It is noted that at the time of determining this matter, the consultation period will have expired however due to publishing deadlines; any alterations to the Statement of Principles arising from the consultation will be made after the meeting of the Licensing and Public Safety Committee.

9. The Council must approve the Statement of Principles under the Gambling Act 2005. This will provide clarity to licensing customers on the principles to be applied by the Council’s Licensing Authority.

10. The proposed Statement of Principles is appended at Appendix A.

11. The proposed amendments to the Statement of Principles are appended at Appendix B.

12. The consultation response is appended at Appendix C.

<table>
<thead>
<tr>
<th>Confidential report</th>
<th>Yes</th>
<th>No</th>
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CORPORATE PRIORITIES

13. This report relates to the following Strategic Objectives:

| Involving residents in improving their local area and equality of access for all | A strong local economy |
| Clean, safe and healthy communities | X | An ambitious council that does more to meet the needs of residents and the local area | X |

OTHER CONSIDERATIONS

14. No alternative options are appropriate or relevant due to the statutory requirement to produce the Statement of Principles.

IMPLICATIONS OF REPORT

15. This report has implications in the following areas and the relevant Directors’ comments are included:

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<tbody>
<tr>
<td>Human Resources</td>
<td>Equality and Diversity</td>
</tr>
<tr>
<td>Legal</td>
<td>X</td>
</tr>
<tr>
<td>No significant implications in this area</td>
<td>Policy and Communications</td>
</tr>
</tbody>
</table>

COMMENTS OF THE MONITORING OFFICER

16. The proposed revised Statement of Principles is in accordance with the Council’s legal powers under the Local Government (Miscellaneous Powers) Act 1976.

17. It is open to Committee to approve the revised Statement of Principles based on all the relevant information and following consideration of the report.
JAMIE CARSON  
DIRECTOR OF EARLY INTERVENTION

There are no background papers to this report.

<table>
<thead>
<tr>
<th>Report Author</th>
<th>Ext</th>
<th>Date</th>
<th>Doc ID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lesley Miller</td>
<td>5299</td>
<td>September 2016</td>
<td>...</td>
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Gambling Act 2005
Statement of Principles
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PART A: GENERAL

1. **The Licensing Objectives**

1.1 In exercising most of the functions under the Gambling Act 2005 (the Act), Chorley Council is designated the Licensing Authority (the Authority) and must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:

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

1.2 The Gambling Commission has specifically stated that the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling, to which the Authority will have regard.

1.3 In accordance with Section 153 of the Act, the Authority shall aim to permit the use of premises for gambling in so far as it thinks it:

- In accordance with any relevant code of practice issued by the Gambling Commission under Section 24 of the Act;
- In accordance with any relevant guidance issued by the Gambling Commission under Section 25 of the Act;
- Reasonably consistent with the licensing objectives, and
- In accordance with this Statement of Principles.

1.4 A Glossary of the key terms used in this Statement of Principles is detailed at Appendix 1.

2. **Introduction**

Chorley Council is situated in the County of Lancashire, which contains 12 District Councils and 2 unitary authorities. The Borough has 23 Parish councils and a population of 113,000 (Office of National Statistics 2015), covering an area of 80 square miles.

The Borough is set in attractive countryside between the West Pennine Moors and the Lancashire Plain.

A map of the Borough is in Appendix 2
Legal background and rationale

2.1 This Statement of Principles (the Statement) sets out the manner in which the Authority will generally apply to promote the licensing objectives when considering and making decisions on applications made under the Act. This Statement has been prepared under Section 349 of the Act and in accordance with the Gambling Commission’s Guidance (the Guidance) for Licensing Authorities issued under Section 25 of the Act. The Authority is therefore constrained by the provisions of the Act, the Guidance and any Regulations made under the Act. However, the Authority may depart from the Guidance if it has reason to do so, but will give full justification for such departure.

The Authority is required by Section 349 of the Act to publish this Statement, which it proposes to apply when exercising its functions. This Statement shall be effective from the (insert date of adoption) 2016, and shall remain in effect for three years; therefore this Statement will be reviewed in 2019. Following this full review of its Statement, and prior to its publication, the Authority will consult fully those groups and individuals consulted on this version.

2.2 This Statement will also be kept under review during this three year period, therefore the Authority may make revisions to the Statement from “time to time” as it considers appropriate. For example, where relevant issues have arisen. A further consultation will be carried out on any amendments made to the Statement, and the Statement will be re-published.

2.3 Nothing in this Statement will override the right of any person to apply under the Act for a variety of permissions and have that considered on its own merits and according to the statutory requirements of the Act.

2.4 Nothing in this Statement will override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act.

2.5 The Council also has a responsibility under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to reduce crime and disorder in its area. Accordingly, it is recognised that prevention of crime and disorder is a vital element of ensuring the quality of life in a community and an important aspect of a successful and vibrant economy.

2.6 Chorley Council recognises that in considering applications and taking of enforcement action under the Act, it is subject to the Human Rights Act 1998 and in particular:

- Part 1 of the First Protocol - peaceful enjoyment of possessions.
- Part 6 right to a fair hearing.
- Part 8 respect for private and family life.
- Part 10 right to freedom of expression.
Chorley Council also acknowledges the rights of businesses in its area to operate, but this must be balanced against the rights of residents not to be disturbed by unreasonable nuisance caused by licensed premises/activities. Full consideration has been given to these issues in formulating this Statement.

2.7 This Statement recognises the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, which places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. This Statement also recognises that the Council is required to produce a race equality scheme assessing the impact of proposed policies on race equality and to monitor polices for only adverse impact on the promotion of race equality, and this Statement is referenced in this race equality scheme. The Authority, in determining applications, will have regard to this legislation so as to avoid any possible indirect discriminatory impact on particular ethnic groups.

2.8 This Statement recognises the Disability Discrimination Act 1995, however no condition will be attached to a licence or certificate that conflicts or duplicates this requirement.

2.9 Chorley Council will steer to avoid duplication with other regulatory regimes as far as possible e.g. health & safety at work and fire safety requirements.

2.10 Unmet demand is not a criteria for the Authority in considering an application for a premises licence.

Development process and consultation

2.11 The Council consulted widely upon this Statement before finalising and publishing the document. A list of the persons consulted can be provided on request.

2.12 The Act requires the Authority to consult the following parties:

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.

2.15 Consultation for this review period takes place between 22nd August 2016 and 19th September 2016 and follows the Revised Code of Practice for public consultations

2.16 The full list of comments made, and the consideration by the Council of those comments, will be available from the Council using the contact details given below.
2.17 If you have any comments as regards this Statement, please send them via e-mail or letter to:

Director Early Intervention and Support

Email: contact@chorley.gov.uk

Mail to: Chorley Council  
Civic Offices  
Union Street  
Chorley PR7 1AL

3.0 Declaration

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

4.1 Responsible Authorities

These are specified in Section 157 of the Act and are set out in appendix 4.

4.2 When exercising its powers under Section 157(h) of the Act to designate, in writing, a body that is competent to advise the Authority about the protection of children from harm, the Authority is required to state the principles it will apply. These principles are:

The need for the body to be responsible for an area covering the whole of the licensing authority’s area;

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

4.3 Therefore, in accordance with the Guidance, the Authority designates Lancashire County Council Child Services Directorate (or equivalent) as the body that is competent to advise the Council about the protection of children from harm.

4.4 Responsible authorities are public bodies that must be notified of applications and are entitled to make representations to the Authority for and, in relation to, premises licences.

5.1 Interested Parties

Section 158 of the Act defines an Interested Party. An Interested Party can make representations about licence applications, or apply for a review of an existing licence.

5.2 Section 158 of the Act defines an interested party: as any person who:
• Lives sufficiently close to the premises to be likely to be affected by the authorised activities; or
• Has business interests that might be affected by the authorised activities; or
• Acts as a representative of those persons who satisfy either of the above points.

5.3 The Authority will consider whether a person is an interested party with regard to particular premises on a case-by-case basis and make a decision upon its merits. However, the Authority may have regard to a number of factors when making its decision e.g. the size of the premises and the nature of the activities taking place.

Larger premises may be considered to affect people over a broader geographical area compared to smaller premises offering similar facilities.

The factors that the Licensing Authorities may take into account when determining 'what sufficiently close to the premises' means, may include:

- size of the premises;
- nature of the premises;
- distance of premises from the location of the person making the representation;
- potential impact of the premises (number of customers, routes likely to be taken by customers) and;
- circumstances of the complainant. The Licensing Authority will not take into account the personal characteristics of the complainant but the interests of the complainant which may be relevant to the distance from the premises eg the Licensing Authority would reasonably conclude that "sufficiently close to be likely to be affected" could have a different meaning for a private resident or a residential hostel for vulnerable adults.

5.4 The Authority will consider the examples of considerations provided in the Guidance when making a decision as to whether or not a person is an interested party. If the Authority does not wish to follow the Guidance in any respect, it will provide written reasons as to why this deviation has taken place, noting that decisions on Premises Licences must be “in accordance” with the Guidance.

5.5 Interested parties may include trade associations, trade unions, residents and tenants associations. However, it will not generally view these bodies as interested persons unless they represent a person or body who comes within the definition as set out in paragraph 5.2

5.6 Persons representing these interested parties may also be persons who are democratically elected such as ward Councillors, Members of Parliament and Parish Councillors. Other than these persons, the Authority will require written evidence that a person ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation will be deemed as sufficient. The
Licensing Authority will have regard to anything an interested party says about his status to make representation.

5.7 Persons with business interests that could be affected:

The Licensing Authority will have to be satisfied that a relevant business is likely to be affected.

The Licensing Authority is aware that the "demand tests" in previous legislation has not been preserved in the 2005 Act.

The Licensing Authority considers factors likely to be relevant to include:

- size of the premises;
- "catchment" area of the premises and;
- whether the person making the representation has business interests in the area that may be affected.

5.8 If individuals wish to approach Councillors to ask them to represent their views, then care should be taken that the Councillors are not part of the Statutory Committee that will deal with the licence application. If there are any doubts, please contact the Councils Head of Legal Services using the contact details given at Appendix 5.

6.1 **Exchange of Information**

Sections 29 and 30 of the Act require the Authority to state the principles to be applied by the Authority with respect to the exchange of information between it and the Commission. In addition, Section 350 of the Act also requires the Authority to state the principles to be applied with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

6.2 In this regard, the Authority will act in accordance with the provisions of the Act in its exchange of information, which includes the provision that the Data Protection Act 1998 will not be contravened and conform to the requirements of the Freedom of Information Act 2000. The Authority will also have regard to any Guidance issued by the Commission to Local Authorities on this matter, as well as any relevant regulations, codes of practice etc.

6.3 Where any protocols are established to facilitate such exchange of information, these will be made available.

6.4 Details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being required, will form part of a public document. Any person making a representation, or applying for review of a premises licence, will be informed that their details will be disclosed.
7.1 Integration Strategies

General

7.2 There are many stakeholders in the gambling industry, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the licensing objectives. The Authority, therefore, recognises that as part of implementing local authority cultural strategies, proper account should be taken of the need to encourage such activities for the wider cultural benefit of the community. The Authority will aim to monitor the impact of its decisions to ensure that this principle is being upheld.

7.3 Many of these strategies deal in part with the licensing function, and the Authority will establish appropriate liaison arrangements to ensure proper integration of local crime prevention, planning, local transport, tourism and cultural strategies.

7.4 Coordination of duties will involve close, and regular, liaison with Responsible Authorities. This shall be carried out through regular local meetings, regarding strategic and operational issues raised by the Act.

7.5 The Authority recognises the need to avoid so far as possible duplication with any other regulatory regimes. However, some regulatory regimes do not cover the unique circumstances of some entertainment and, where relevant representations have been received, the Authority will consider attaching conditions to a licences or permission where these are necessary for the promotion of the licensing objectives and are not already provided for in any other legislation.

8.1 Enforcement

The Authority is required by regulation to state the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

8.2 The Authority’s principles for enforcement are that:

It will be guided by the Guidance and any code of best practice and aim to be:

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

The Council will take account of the Gambling Commissions guidance document issued in February 2015 (or any subsequent amendments) ‘Approach to Test Purchasing’ when considering making test purchases at gambling premises. The Council will also follow its own policies and procedures regarding the use of underage test purchasers.
Where there is a Primary Authority Scheme in place, the Council will seek guidance from the Primary Authority before taking any enforcement action. Further information, including an index of all Primary Authority arrangements can be found at:
https://primaryauthorityregister.info/par/index.php/home

8.3 In accordance with the Guidance, the Authority will endeavour to avoid duplication with other regulatory regimes so far as possible. The Authority will also, as recommended by the Guidance, adopt a risk-based inspection programme of premises. This involves targeting high-risk premises which require greater attention whilst operating a lighter touch in respect of low risk premises. In this way, resources are more effectively concentrated on problem premises. The criteria and programme that the Authority is to use to determine the level of risk in respect of risk will be made available separately from this statement.

8.4 The main enforcement and compliance role for the Authority will be to ensure compliance with the Premises Licences and other permissions that it authorises. The Commission will be the enforcement body for Operator and Personal Licences. Any concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Authority, but will be notified to the Commission. The Commission will also be responsible for compliance as regards unlicensed premises.

8.5 The Authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities and will adopt the principles of better regulation.

8.6 To ensure transparency in its enforcement action, the Authority maintains an enforcement policy to which all staff must comply. A copy of the enforcement policy is available upon request to the Licensing Service, using the contact details provided at Appendix 5.

9.1 Licensing Authority functions

The Act requires the Authority to:

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

Issue Provisional Statements.

- Regulate members’ clubs and miners’ welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits.

- Issue Club Machine Permits to Commercial Clubs.

- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres.

- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machine.

- Grant 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.
• Register small society lotteries below prescribed thresholds.
• Issue Prize Gaming Permits.
• Receive and Endorse Temporary Use Notices.
• Receive Occasional Use Notices.
• Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange').
• Maintain registers of the permits and licences that are issued under these functions.

9.2 It should be noted that the Authority is not involved in licensing remote gambling at all. This is the responsibility of the Commission, which is controlled via Operator Licences.

The Licensing Authority will determine the delegated functions under the Act.

9.3 The Licensing Authority is aware that the Code of Conduct will apply in their decision making and that public confidence in their decision making is paramount.

9.4 The general principles that apply in decision making to underpin the Code of Conduct are that members of licensing authorities should:
   
   - serve only the public interest and should never improperly confer an advantage or disadvantage on any person;
   - not place themselves in situations where their honesty and integrity may be questioned and make decisions on merit;
   - be accountable to the public for their actions;
   - reach their own conclusions on the issues before them and act in accordance with those conclusions; and
   - uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

10.1 **Hearings**

A hearing will be arranged to deal with any applications, which cannot be dealt with under delegated powers or resolved by agreement between applicants and interested parties and/or Responsible Authorities.

10.2 Each case will be determined on its individual merits.

10.3 Hearings will be held at the earliest possible date having regard to the regulations published under the Act and the laws of natural justice. The Licensing Sub-Committee will conduct a quasi-judicial consideration of the application, objections and representations. Members will carefully consider their position should they be requested to hear a matter which occurs in their own ward.

10.4 A legal advisor, advocate or a friend may represent applicants where they do not choose to represent themselves. The Authority will endeavour to assist applicants in preparing for and participating in a hearing.
10.5 Whilst the Committee and Sub-Committees will usually meet in public they do have the power to hear certain applications in private. A public announcement of the decision will be made at the end of the hearing. The decision determined by the Committee or Sub-Committee will be accompanied with clear reasons for the decisions, having regard to the Human Rights Act 1998, the three Licensing Objectives and all other relevant legislation.

10.6 Conditions may be attached to licences where relevant representations are received. Any condition attached to a licence will be related to one or more of the Licensing Objectives and conditions will not relate to matters, which are the subject of other legislation.

PART B: PREMISES LICENCES

11.1 General Principles

Where an individual or company proposes to offer gambling for which an operating licence is required, and which is premises based, that individual or company will also need to apply for a premises licence.

11.2 Premises licences are issued by the Licensing Authority with responsibility for the area in which the premises are situated. In the Borough of Chorley, the Licensing Authority is Chorley Council.

11.3 Premises licences, under Section 150 of the Act, can authorise the provision of facilities on:

- casino premises;
- bingo premises;
- betting premises; including tracks and premises used by betting intermediaries;
- adult gaming centres (for Category B3, C and D machines); and
- family entertainment centres (for Category C and D machines only).

11.4 Premises Licences will be subject to the permissions/restrictions set out in the Act and associated regulations, as well as specific mandatory and default conditions. The Authority is able to exclude default conditions and also attach others, where it is believed to be appropriate.

11.5 The Authority is aware that in making decisions about Premises Licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- In accordance with any relevant code of practice issued by the Commission.
- In accordance with any relevant guidance issued by the Commission.
- Reasonably consistent with the licensing objectives.
- In accordance with this Statement.
11.6 The Authority is aware that as per the Gambling Commissions Guidance, moral objections to gambling are not a valid reason to reject applications, and also that unmet demand is not criterion for a Licensing Authority.

11.7 The Licence Conditions and Code of Practice (LCCP) issued by the Gambling Commission places further onus on premises to complete a risk assessment based on code 8, the social responsibility code which came into force on 6th April 2016. The Council will have regard to this code when considering applications.

**Definition of “premises”**

11.8 Premises is defined in the Act as “any place” Section 152 of the Act prevents more than one Premises Licence applying to any place. However, it is possible for a single building to be subject to more than one Premises Licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can be properly regarded as being separate premises will always be a question of fact in the circumstances. However, the Authority follows the Commission guidance and does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

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

11.10 When considering applications for multiple licences for a building or those relating to a specific part of a building used for other (non-gambling purposes) the Authority will generally require entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.

11.11 With certain exceptions, children will not be permitted to enter licensed gambling premises. Therefore applicants should consider carefully how they wish to configure their buildings if they are seeking to develop multi-purpose establishments.

11.12 The Authority may, where reasonable, require persons operating premises in which gambling takes place to take measures such as the supervision of entrances, segregation of gambling from non-gambling areas frequented by children (if their non-gambling areas are compatible with the requirements of the Act) and the supervision of gaming machines in non-adult gambling specific premises in order to provide the licensing objectives. This will be done by attaching licence conditions where appropriate.

11.13 The Act permits premises licences to be granted for passenger vessels. A vessel is defined by the Act (Section 353(1) as:

- Anything (other than a sea plane or amphibious vehicle) designed or adapted for use on water.
• A hovercraft; or
• Anything, or part of any place, situated on or in water.

11.14 Structures which are an extension of land are not vessels. The Act applies in relation to a vessel which is not permanently moored or berthed as if it were premises situated in a place where it is usually moored or berthed. The relevant Licensing Authority will be the Licensing Authority for the area in which it is usually moored or berthed.

11.15 Where a premises licence is sought for a vessel which will be navigated whilst licensable activities take place the Authority will be concerned with the promotion of the Licensing Objectives on-board the vessel. The Licensing Authority will not focus on matters relating to safe navigation, operation of the vessel, general safety or emergency provision.

Location

11.16 Demand issues cannot be considered with regard to the location of premises but considerations in terms of the licensing objectives can. The Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. For example, the Authority would have regard to the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high concentration of families and children. If the Authority is mindful to make any specific decision that states any area(s) where gambling premises should not be located, this Statement will be updated. It should be noted that any such decision would not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how such concerns can be overcome.

Duplication with other regulatory regimes

11.17 The Authority will not take into account irrelevant matters i.e. those not related to gambling and the Licensing Objectives and will seek to avoid any duplication with other statutory / regulatory systems. The Authority will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it. However, the Authority will listen to, and consider carefully, any concerns about conditions, which cannot be met by licensees due to planning restrictions, should such a situation arise.

Licensing objectives

11.18 All Premises Licences granted by the Authority must be reasonably consistent with the licensing objectives. With regard to these objectives, the Authority has considered the Guidance and offers the following comments:

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - Notwithstanding the above paragraphs, the Authority will pay attention to the proposed location of any gambling premises in relation to this objective. Therefore, if an area has known high levels of organised crime, the Authority will consider whether gambling premises are suitable for that location.
The Authority is also aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it. Issues of nuisance cannot be addressed under the Act.

**Ensuring that gambling is conducted in a fair and open way** – The Authority will not concern itself with ensuring that gambling is conducted in a fair and open way, as this will be addressed via operating and personal licences.

**Protecting children and other vulnerable persons from being harmed or exploited by gambling** – The Authority will take the approach that in practice this would often mean preventing children from taking part in gambling, and therefore when determining a relevant application, the Authority will consider whether specific measures are required at the premises.

At present no definition is offered with regard to the term “vulnerable persons”, therefore the Authority will consider this objective on a case-by-case basis. However the Guidance does state that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” Where a practical definition is made available in the future, this Statement will be updated.

Section 7 of the Gambling Commission Guidance to Local Authorities sets out considerations that an operator must make in order to protect children and young people from accessing gambling premises.

The Licence Conditions and Codes of Practice (LCCP) issued in 2015 prescribe how operators must prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are licensed.

- In particular operators must ensure that:-
  - all staff are trained;
  - that all customers are supervised when on gambling premises; and
  - must have procedures for identifying customers who are at risk of gambling related harm.

The Council will expect all operators to have policies and procedures in place as required by the LCCP codes on social responsibility to cover all aspects of the code, in particular staff training records and self-exclusion records.

Further provisions with regard to self-exclusion and marketing are included in the social responsibility code. The Council will take all conditions and codes into account when considering applications or performing enforcement activities.

11.19 Section 183 applies to all premises licences. It attaches a mandatory condition that facilities for gambling must not be provided on Xmas Day (i.e. 00.01 hrs on 25 December until 00.00 hrs on 26 December).

11.20 Secretary of State to set out in Regulations, conditions that must be attached to premises licences.
The Authority shall only consider imposing individual conditions when imposing a more restrictive regime in respect of matters dealt with by mandatory conditions where there are regulatory concerns of an exceptional nature and any additional licence conditions will relate to the licensing objective.

Conditions

11.21 Any conditions attached to licences will be proportionate to the areas they are trying to address and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

11.22 Decisions upon individual conditions will be made on a case by case basis. However, there are a number of control measures that the Authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas etc. Specific comments made in this regard under each of the licence types below. The Authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

The Licensing Authority recognises that the Act specifies certain conditions which cannot be attached to premises licences namely:

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

Default Conditions

11.23 These may be imposed by the Secretary of State under Section 168 of the Act.

The Licensing Authority has the power to exclude a default condition and substitute it with one that is either more or less restrictive.

11.24 Section 169 of the Act gives the Authority power to:

- exclude from premises licence any default conditions imposed under S168; and
power to impose conditions on the premises licences it issues.

The Licensing Authority recognises that default conditions are intended to be the basic industry norm and where it excludes default conditions and replaces them with more restrictive areas it will ensure that it has clear regulatory reasons for doing so.

11.25 Where there are specific risks or problems associated with a particular locality or specific premises or class of premises the Licensing Authority may attach individual conditions to address this.

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

Door Supervisors

11.27 The Authority may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.

11.28 Where conditions requiring the presence of door supervisors may be attached to premise licences or other permissions, the authority will take account of available evidence, trading history and whether the presence of door supervisors is both necessary and proportionate.

11.29 It is noted that the Security Industry Authority cannot licence door supervisors at casinos or bingo premises.

11.30 Section 178 of the Act provides that if a condition is attached which requires someone to be responsible for “guarding the premises against unauthorised access or occupation, against outbreaks of disorder or against damage”, such a person would normally need to hold a licence from the Security Industry Authority, the requirement for a SIA licence becomes a condition of the premises licence. Bingo premises and Casino premises are exempt from the need to have licensed door supervisors.

The Authority can specify specific requirements for door supervisors, who are non-SIA registered. This could include training from a recognised provider which could cover:

- Licensing Law.
- Civil and Criminal Law.
- Drug Awareness.
- Equal Opportunities and Customer Service.
- Children and Vulnerable Adults.
- Eviction/Arrest and searching people.
12.1 **Adult Gaming Centres**

Persons operating Adult Gaming centres (AGC's) must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the Licensing Authority.

12.2 Any restrictions on the number and category of adult gaming machines allowed are determined by legislation. The Gambling Commission has developed some frequently asked questions for gaming machines which can be accessed on their website here: [http://www.gamblingcommission.gov.uk/FAQs/Gaming-machines/gaming-machines.aspx](http://www.gamblingcommission.gov.uk/FAQs/Gaming-machines/gaming-machines.aspx).

12.3 No one under the age of 18 is permitted to enter an Adult Gaming Centre.

12.4 The Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures in place to minimise the opportunities for children to gain access to the premises.

12.5 The Licensing Authority will expect applicants to offer their own measures/licensing conditions which may cover issues such as:

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

Please note that this list is not mandatory, nor exhaustive.

12.6 Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises; e.g. motorway service areas and shopping malls, the Council will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises and that the premises is adequately supervised at all times.

13.1 **(Licensed) Family Entertainment Centres**

The Act creates two classes of family entertainment centres (FECs)
Licensed family entertainment centres - category C & D machines and which require a premises licence and:

Unlicensed family entertainment centres - category D machines only and require a FEC gaming machine permit (see Section 21 below).

13.2 Children and young persons are permitted to enter a FEC and may play on Category D machines only and there must be a clear segregation between the two types of machine so that children do not have access to Category C machines.
13.3 The Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

13.4 The Licensing Authority will expect applicants to offer their own measures/licensing conditions which may cover issues such as:

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

Please note that this list is not mandatory, nor exhaustive.

13.5 The Authority will refer to the Commission’s website to see any conditions that apply to operator licences covering the way in which the area containing the category C machines should be delineated. The Authority will also ensure that any mandatory or default conditions on these Premises Licences are used accordingly.

14.1 **Casinos**

Section 7(1) of the Act states that "a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games". Casino games are, in turn, defined by the Act to mean a game of Chance which is not equal chance gaming.

14.2 Licensing Authorities have been given the role of issuing premises licences for casinos and monitoring those licences.

14.3 Section 174 of the Act sets out three categories of casino premises licences. These are:

- one regional casino premises licence,
- eight large casino premises licence and
- eight small casino premises licence.
The Secretary of State, after consultation with the Independent Casino Advisory Panel, will specify the areas for the 17 new casinos.

14.4 The Licensing Authority recognises that unmet demand is not to be a criterion for a Licensing Authority in considering an application for a premises licence. Each application will be on its merits.

14.5 Section 166(1) of the Act provides that a Licensing Authority may resolve not to issue a casino premises licence.

Chorley Council has yet to pass a resolution on a Casino premises.

When the Council makes such a resolution, it will be a resolution passed by Full Council following considered debate and full reasons for the decision will be given.

14.6 Notwithstanding the above paragraph, where a licensing authority area is enabled to grant a Premises Licence for a new style casino (ie the Secretary of State has made such regulations under Section 175 of the Act) there are likely to be a number of operators which will want to run the casino.

The Licensing Authority will follow the Commissions guidance for considering applications in these circumstances. In particular, the Licensing Authority will not confuse planning or building regulation considerations with the matter before it. The Licensing Authority will comply with Schedule 9 of the Act and any relevant Codes of Practice in making its determination and in considering the matters to be taken into account when making any such determinations.

14.7 The Act authorises the holder of a casino premises licence to make facilities available for betting on virtual events.

14.8 The casino premises licence holder must comply with the Code of Practice issued in relation to access to casino premises for children and young persons.

14.9 Casino premises are exempt from the need to have licensed door supervisors by virtue of exclusion in the Private Security Industry Act 2001.

15.1 Bingo premises

The Act does not give bingo a statutory definition. It is to have its ordinary and natural meaning. The holder of a bingo operating licence will be able to offer any type of bingo game, whether cash or prize. That means that premises with a bingo premises licence will be able to offer bingo in all its forms.

15.2 Apart from commercial operators, prize bingo is traditionally a game played in arcades or travelling fun fairs. For these operators, prize bingo is subsumed within the allowances for prize gaming in the Act. This means adult gaming centres, both licensed and unlicensed family entertainment centres, travelling fairs (or any premises with prize gaming permit) will be able to offer prize gaming, which includes prize bingo. In this form of gaming, the nature of the prize must not be determined by reference to the number of people playing the game, and the nature or size of the prize must not be determined by reference to the amount
paid for or raised by the gaming. See the section on prize gaming.

15.3 It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than category D machines. Where category C machines, or above, are available in the premises to which children are admitted, the Authority will ensure that:

- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance.
- Only adults are admitted to this area where the machines are located.
- Access to the area where the machines are located is supervised.
- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder, and
- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

15.4 Under the Act, children and young persons (up to age of 18) cannot be employed in providing any facilities for gambling in bingo premises and children (under 16) cannot be employed in any capacity, at any time when facilities for playing bingo are offered. The Commission will issue further guidance relating to the suitability and layout of bingo premises. The Authority will therefore consider this information when it is published.

15.5 The holder of a bingo premises licence may make available for use up to four category B machines (B3 & B4), any number of Category C and Category D machines.

16.1 Betting Premises

The Act contains a single class of licence for betting premises. However, within this class, there will be different types of premises that will require licensing.

16.2 This section relates to off-course betting, that is betting that takes place other than at a track. Please see Part 17 for track betting.

16.3 The Licensing Authority is responsible for issuing and monitoring premises licences for all betting premises.

16.4 Children and young persons will not be able to enter premises with a betting premises licence.

16.5 The holder of a betting premises licence may make available for use up to four gaming machines of Category B (B2, B3 and B4), Category C and Category D. See Part 27 for information on gaming machines.
16.6 The Act provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. Such machines will not count towards the maximum permitted number of gaming machines nor have to comply with any stake or prize limits. However, machines that take bets on virtual races (re images generated by computer) are classed as gaming machines and do count towards the maximum permitted number of gaming machines and must meet the relevant category limitations for the premises.

16.7 The Licensing Authority has the power to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a condition to the betting premises licence.

16.8 When considering whether to impose a condition to restrict the number of betting machines in a particular premises the Authority will take into account any known or likely breach of licensing objectives, the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons.

16.9 Section 183 of the Act attaches a condition to a betting premises licence that facilities for gambling must not be provided on Christmas Day (00.01 on 25 December until 00.00 on 26 December).

17.1 Tracks

Tracks are sites where races or other sporting events take place re horse racecourses and dog tracks.

17.2 There is no special class of betting premises licence for a track but the Act contains rules which apply specifically to a premises licence granted in respect of a track.

17.3 Betting is often divided into "on-course" and "off-course" in relation to tracks:

- On-course betting operator - comes onto the track temporarily, while races are taking place and operates at the track side.
- Off-course betting operators - may, in addition to the premises away from the track, operate self-contained betting premises within the track premises (See Part 16)
- Pool betting - can take place on tracks, but only on certain types of track, and the people who run it are limited.

17.4 Tracks are different from other premises in that they may be subject to one or more Premises Licences, provided each licence relates to a specified area of the track. There can be a primary (betting) licence for the track and, in addition, subsidiary premises licences for other gambling activities may be issued. The Licensing Authority recognises that this will allow racecourses and other track venues to develop leisure facilities which offer a range of gambling facilities where this meets the principles for granting premises licences.
17.5 An applicant for a track premises licence does not need to hold an operating licence unless he, as the occupier of the track, wishes to offer pool betting or general betting facilities himself. If the betting provided on track is by other operators who come on course, they are required to hold the necessary operating licences. They in turn will be covered by the track premises licence held by the track operator.

17.6 Occasional use notices, which can only be issued in relation to tracks, may be relied upon for the provision of betting facilities for no more than 8 days in any calendar year. Please see Part 26.

**Gaming Machines**

17.7 The Licensing Authority will have regard to any guidance, issued by the Commission relating to the location of such machines and any special conditions relating to them. A betting premises licence does not give automatic entitlement to use gaming machines. However if the track operator who holds the premises licence also holds a pool betting operator’s licence then up to 4 gaming machines may be sited on the track (Categories B2 to D).

**Betting Machines**

17.8 The Licensing Authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons when considering the number, nature and/or circumstances of betting machines an operator wants to offer. The Authority will also consider restricting the number and location of such machines in respect of applications for track betting Premises Licences.

17.9 The Licensing Authority, following the Commissions guidance, would require all self-contained premises operated by Off-Course betting operators on tracks to be the subject of separate premises licence. This would ensure that there was clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

**Condition on rules being displayed**

17.10 The Licensing Authority may attach a condition to track Premises Licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race card or made available in leaflet form from the track office.

**Applications and Plans**

17.11 The Licensing Authority, subject to any information being prescribed by Regulation, will require applicants for premises licence to submit detailed plans for the racetrack itself and the area used for temporary on-course betting facilities and in case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities. Applicants are to ensure that plans submitted with the
application make it clear what is being sought under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence. This is to ensure the appropriate licence conditions are applied.

17.12 There will be mandatory premise licence conditions for horse racecourses and dog tracks in relation to access to tracks by holders of general betting operating licences.

17.13 Under the Act, all those under the age of 18 must be excluded from any areas where facilities for betting are provided, and any area where Category B or C gaming machines are located. This is a condition of all track licences.

However, children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

7.13 The Authority will have particular regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter. The Authority would expect Premises Licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities.

7.14 The Authority will expect applicants to offer their own measures to meet the licensing objectives. For example, appropriate licence conditions may cover such issues as:

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

Please note that this list is not mandatory, nor exhaustive.

17.15 With regard to the protection of vulnerable persons, The Authority will consider measures such as the use of self-barring schemes, provision of information leaflets/helpline numbers for organisations such as ‘GamCare’.
Please note that this list is not mandatory, nor exhaustive.

18.1 **Travelling Fairs**

The Act defines travelling fairs as "wholly or principally" providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year.

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

18.3 The 27-day statutory maximum for the land being used as a fair, is per calendar year, and 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 Authority will work with its neighbouring authorities to ensure that land that crosses our boundaries is monitored so that the statutory limits are not exceeded.

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

18.5 Travelling fairs must comply with Schedule 14 to lawfully offer prize gaming. These are:

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

19.1 **Provisional Statements**

When considering Provisional Statements, it is a question of fact and degree whether premises are finished to a degree that they can be considered for a Premises Licence. Similarly, requiring the building to be complete ensures that the Authority can inspect it fully.

19.2 The application must be accompanied by plans and other prescribed information.

19.3 Responsible authorities and interested parties may make representations and the process for considering an application is as for a previous licence.
19.4 Once the premises have been constructed, altered or acquired the holder of a provisional statement may return to the Authority and make application for a premises licence.

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

- 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.

19.5 The Authority will not take into account irrelevant matters. An example of such an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.

Section 204 of the Act provides for a person to make an application for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

The Licensing Authority, where an applicant has also applied to the Commission for an operating licence will not take into account the likelihood of an operating licence being granted in its consideration of an application for a provisional statement.

20.0 Reviews

The Authority, under S200 of the Act may also initiate a review of a premises licence or class of premises licence in relation to a particular class of premises, the Authority may review the use made of the premises and, in particular the arrangements that premise licence holders have made to comply with licence conditions.

In relation to a particular premises the Licensing Authority may review any matter connected to the use made of the premises if it has reason to suspect that licence conditions may not be being observed or for any other reason which gives cause to believe that a review may be appropriate.

Decision to grant application for a review

20.2 The Licensing Authority must grant an application for a review unless, it decides to reject the application on one (or more) of the following grounds:
not relevant to Commission guidance/Codes of Practice, Statement of Principles or licensing objectives e.g. issues relating to demand, planning, public safety;
grounds are frivolous;
grounds are vexatious;
grounds "will certainly not" cause the Authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;
grounds are substantially the same as grounds used on a previous application relating to the same premises;
grounds are substantially the same as representations that were made at the time the application for a premises licence was considered.

The Licensing Authority, if action is justified may;
add, remove or amend a condition imposed by the Licensing Authority;
exclude a default condition or remove or amend such an exclusion;
suspend the premises licence for up to 3 months;
revoke the premises licence.

In determining what action, if any, should be taken following a review the Authority will have regard to the general principles set out in Section 153 of the Act as well as any relevant representations.

The Licensing Authority will hold a hearing unless the applicant and any person who has made relevant representations that have not been withdrawn (that are not vexatious, frivolous or irrelevant) consent to the review being conducted without one.

20.3 A premises licence may be reviewed by the Authority of its own volition or following receipt of an application for a review by a responsible Authority and Interested Party. However, it is for the Authority to determine whether the review takes place. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, or whether it is substantially the same as previous representations or requests for a review.

- In accordance with any relevant code of practice issued by the Commission.
- In accordance with any relevant guidance issued by the Commission.
- Reasonably consistent with the licensing objectives.
- In accordance with this statement.

20.4 The Authority can also initiate a review of a licence on the basis of any reason that it considers is appropriate.
PART C: PERMITS / TEMPORARY & OCCASIONAL USE NOTICES

21.1 Unlicensed Family Entertainment Centre Gaming Machine Permits (Statement of Principles on Permits – Schedule 10 paragraph 7)

21.2 Unlicensed FEC’s will be able to offer only Category D machines. Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Authority for this permit. Applicants should note that under Section 238 of the Act they must demonstrate that the premises will be wholly or mainly used for making gaming machines available for use. Permits cannot be issued for vessels or vehicles.

21.3 If the operator of a FEC wants to make Category C machines available in addition to Category D machines, the Operator will have to apply for an operating licence from the Commission and a premises licence from the Licensing Authority. (See Section 13 above)

21.4 The Authority in accordance with the Guidance has prepared a statement of principles that it proposes to apply when considering applications for permits in particular the suitability of an applicant for a permit. In preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25. The Licensing Authority will give weight to child protection issues when considering these permits.

2.4 The application for a permit can only be made by the person who occupies or plans to occupy the premises as an unlicensed FEC. If the applicant is an individual he must be aged 18 or over.

21.5 Applications for a permit cannot be made if a premises licence is in force for the same premises. The application must be made to the Licensing Authority in whose area the premises are wholly or partly situated.

21.6 An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an Unlicensed Family Entertainment Centre, and if the Licensing Unit of Lancashire Constabulary has been consulted on the application.

21.7 The Authority cannot attach conditions to this type of permit and the “statement of principles” only applies to initial applications and not to renewals.

21.8 Statement of Principles = This Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. However they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with un supervised / very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also require following the Commission Guidance, that applicants demonstrate a full understanding of the
maximum stakes and prizes of the gambling that is permissible in Unlicensed Family Entertainment Centres; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

21.9 A permit will have effect for ten years unless it ceases to have effect because it is surrendered or lapses or is reviewed.

21.10 If the person to whom a permit is issued changes their name or wants to be known by another name they may send their permit to the Licensing Authority for amendment with the appropriate fee.

21.11 The permit may lapse for a number of reasons:

- if the holder ceases to occupy the premises;
- if the Licensing Authority notifies the holder of the premises they are not being used as an unlicensed FEC;
- if the individual permit holder dies, becomes incapable by reason of mental or physical incapacity, becomes bankrupt, or sequestration of his estate is ordered or;
- if the company holding the permit ceases to exist or goes into liquidation;
- if the permit holder surrenders it to the Licensing Authority.

21.12 If the permit holder is convicted of a relevant offence set out in Schedule 7 of the Act, the Court may order forfeiture of the permit.

Renewals

21.13 An application for renewal of the permit must be made during the period beginning six months before the permit expires and ending two months before it expires. The procedure for renewal is the same as for an application.

The authority may refuse an application for renewal of a permit only on the grounds that:

- an authorised local authority officer has been refused access to the premises without reasonable excuse, or
- that renewal would not be reasonably consistent with pursuit of the licensing objectives. The Licensing Authority will consult the Licensing Unit of Lancashire Police regarding any concerns that may have arisen about the use of the premises during the life of the premises.

Maintenance

21.15 The permit must be kept on the premises and be produced when requested to do so by a constable, an enforcement officer or an authorised local authority officer.
22.1 *(Alcohol) Licensed Premises Gaming Machine Permits – (Schedule 13 Para 4(1))*

22.2 The Act makes provision for premises that holds a Premises Licence under the Licensing Act 2003 for the sale/supply of alcohol on the premises to automatically have 2 gaming machines, of categories C and/or D. The person who holds the on-premises licence merely needs to notify the Authority. The Licensing Authority may 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 Act.
- The premises are mainly used for gaming.
- An offence under the Act has been committed on the premises.
- The Licensing Authority, before making an order will give the licensee at least 21 days notice and consider any representations that they make.

22.3 In determining an application the Licensing Authority will have regard to the Guidance and the licensing objectives and any other matters, which are considered relevant to the objectives.

22.4 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Authority will consider that application based upon the licensing objectives, the Guidance, and “such matters as they think relevant.” This Authority considers that “such matters” will be decided on a case-by-case basis, but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Such measures may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of assistance. With regard to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

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

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

22.7 The holder of a permit must comply with any Code of Practice issued by the Commission about the location and operation of the machine.
22.8 The permit holder can apply to the Authority to amend the permit to reflect a change in the permit holders name.

22.9 The permit is indefinite and will remain in effect as long as the premises continue to hold an alcohol licence and the permit holder continues to hold that licence.

22.10 The permit holder may apply to vary the permit by changing the number and/or category of machines authorised by it.

22.11 The Licensing Authority is able to cancel a permit in the following circumstances:

- the premises are used wholly or mainly by children or young persons;
- an offence under the Act has been committed;
- permit holder fails to pay annual fee (excepting any administrative error).

Before the Licensing Authority cancels a permit they will give the permit holder at least 21 days notice and consider any representations made by the holder.

22.12 Where a person applies to the Licensing Authority for a transfer of an alcohol premises licence they will also need to apply separately for the transfer of the licensed premises gaming machine permit.

23.1 Prize Gaming Permits – (Statement of Principles on Permits - Schedule 14 Para 8 (3))

23.2 The Act 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.

23.3 A prize gaming permit is a permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes at specified premises.

23.4 The Authority in accordance with the Guidance has prepared a Statement of Principles that it proposes to apply in exercising their functions in considering applicants. In particular, it has specified matters that the Authority propose to consider in determining the suitability of the applicant for a permit.

The Statement of Principles, requires the applicant to set out the types of gaming that he or she is intending to offer and requires the applicant to demonstrate:

- That they understand the limits to stakes and prizes that are set out in Regulations; and
- That the gaming offered is within the law.

23.5 Children and young persons may participate in equal chance prize gaming only.
23.6 An application may only be made by a person who occupies or plans to occupy the relevant premises, and if the applicant is an individual, he must be aged 18 or over.

23.7 The application must be made to the Licensing Authority in whose area the premises are wholly or partly situated.

23.8 An application for a permit cannot be made if a premises licence or club gaming permit is in effect for the same premises.

23.9 The Licensing Authority can refuse or grant a permit but cannot attach conditions.

23.10 The Licensing Authority will consult the Licensing Unit of Lancashire Police and will take account of any objections made by Lancashire Police if they are relevant to the Licensing Objectives. Relevant considerations may include the suitability of the applicant in the light of any convictions the applicant may have which would make them unsuitable to operate prize gaming and the suitability of the premises in relation to their location and issues about disorder.

23.11 The Licensing Authority will give weight to child protection issues in making its decision on an application for this permit and the applicant should be able to demonstrate that they have considered such issues and offer up appropriate measures where relevant. The Licensing Authority does not need to but may have regard to the licensing objectives, but must have regard to any guidance produced by the Commission.

23.12 A permit cannot be issued with regard to a vessel or vehicle.

23.13 There are conditions in the Act to which the permit holder must comply, but that the Authority cannot attach conditions. The conditions in the Act are:

The limits on participation fees, as set out in regulations, must be complied with;

- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- Participation in the gaming must not entitle the player to take part in any other gambling.
- The permit will have effect for ten years unless it ceases to have effect and is reviewed.

23.14 The permit may lapse for a number of reasons:

- if the holder ceases to occupy the premises;
24.1 **Club Gaming and Club Machines Permits**

24.2 Members Clubs and Miners’ welfare institutes (but not Commercial Clubs) may apply to this Licensing Authority for a Club Gaming Permit or a Club Gaming machines permit. This is in addition to exempt gaming authorised by the Act. The Club Gaming Permit will enable the premises to provide gaming machines, equal chance gaming and games of chance as described in the regulations. A Club Gaming Machines Permit may not be issued in respect of a vehicle or vessel.

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

24.4 Commercial clubs have the same characteristics as members clubs, except that the key difference is that they are established with a view to making a profit e.g. snooker club.

24.5 The definition of miners’ welfare institutions has changed. These are associations established for recreational and social purposes. They are managed by representatives of miners or uses premises regulated by a charitable trust which has received funds from one of a number of mining organisations.

24.6 Club gaming permits allow the provision of no more than 3 gaming machines from Categories B4, C or D. The club is permitted to choose the combination of machines on its premises.
24.7 The Club gaming permit also allows the club to provide facilities for gambling, providing the gambling meets the following conditions:

(a) equal chance gaming:

- the club does not deduct money from sums staked or won;
- the participation fee does not exceed the prescribed amount;
- the game takes place on the premises and is not linked with a game on another set of premises. Games are to be considered linked if:
  - the result of one game is, or may be, wholly or partly determined by reference to the result of the other games;
  - the amount of winnings is wholly or partly determined by the participation of more than one set of players;
  - the game is split by sites so that part of one game is played on one site and another part is played elsewhere.

(b) Other games of chance:

- the games are prescribed by regulations;
- that no participation fee is charged otherwise than in accordance with the regulations;
- that no amount is deducted from sums staked or won otherwise than in accordance with the regulations.

(c) in respect of gaming machines:

- that no child or young person uses a Category B or C machine on the premises;
- that the holder complies with any relevant Code of Practice about location and operation of gaming machines.

(d) That the public, children and young persons are excluded from any area of the premises when gaming is taking place.

24.8 A 48 hour rule applies in respect of all three types of gaming, so that the game may be played by people who have been members of the club for at least 48 hours, or have applied or been nominated for membership or are genuine guests of a member.

24.9 There are a number of premises that are not licensed to sell alcohol but have been entitled to site gaming machines by virtue of being registered under Part II or III of the Gaming Act 1968. These premises may apply for a club machines permit. Before granting the permit the Authority will need to satisfy itself that the premises meet the requirements of a members’ club and may grant the permit if the majority of members are over 18.
24.10 Applications accompanied by the prescribed fee and documents must be made to the Licensing Authority in whose area the premises are situated. The applicant must also copy the application to the Commission and Lancashire Police.

24.11 The Authority may only refuse an application on the grounds that:

(a) The applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;

(b) The applicant's premises are used wholly or mainly by children and/or young persons;

(c) An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;

(d) A permit held by the applicant has been cancelled in the previous ten years; or

(e) An objection has been lodged by the Commission or the police (Gambling Commission’s draft Guidance for Local Authorities 25.18).

If the Licensing Authority is satisfied that (a) or (b) is the case it must refuse the application. The Licensing Authority will have regard to the relevant guidance issued by the Commission and (subject to that Guidance), the Licensing Objectives.

24.12 There is also a ‘fast-track’ procedure available for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or Lancashire Police, and the grounds upon which the Authority can refuse a permit are reduced. The grounds on which an application under the process may be refused are:

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

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

24.14 The permit will have effect for ten years unless it ceases to have effect because it is surrendered, lapsed or renewed.
24.15 Permits may be amended to meet changing circumstances. The Licensing Authority will only refuse a variation if on consideration of a completely new application they would refuse the permit.

24.16 A permit will lapse if the holder of the permit stops being a club or miners' welfare institute, or if it no longer qualifies under the fast track permit system for a permit. In addition, a permit will cease to have effect upon being surrendered to the Licensing Authority.

24.17 The Licensing Authority may cancel a permit if:

- premises are used wholly by children and/or young persons; or
- an offence or breach of a permit condition has been committed in the course of gaming activities by the permit holder.

24.18 Application for renewal of a permit must be made during the period beginning three months before the licence expires and ending six weeks before it expires.

25.1 Temporary Use Notices

25.2 A temporary use notice allows the use of the premises for gambling where there is no premises licence, but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. These may include hotels, conference centres and sporting venues.

25.3 A temporary use notice may only be granted to a person or company holding a relevant operating licence.

25.4 Section 218 of the Act provides that a set of premises is the subject of a temporary use notice if any "part" of the premises is the subject of a notice.

There are a number of statutory limits with regard to Temporary Use Notices. As with the definition of "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the Licensing Authority will look at, amongst other things, the ownership/occupation and control of the premises. The Authority 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 set of premises.

25.5 The holder of an operating licence must give notice to the Licensing Authority in whose area the premises are situated in the prescribed form.

25.6 The same set of premises may not be the subject of a temporary use notice for more than 21 days in any 12-month period. The Licensing Authority will issue a counter notice if this limit is exceeded. As notices may be given by different operators in respect of the same premises the Licensing Authority will check whether a counter notice is appropriate.
25.7 A temporary use notice may not be given in respect of a vehicle. It may be given in respect of a vessel but only if it is a passenger vessel or a vessel that is situated at a fixed place.

25.8 A temporary use notice must be lodged with the Licensing Authority not less than three months and one day before the gambling event is to take place in the prescribed form and accompanied by the fee. The application must be copied to:

- the Gambling Commission;
- Lancashire Police;
- HM Commissioners for Revenue & Customs and, if applicable any other licensing authority in whose area the premises are situated.
- In considering whether they wish to give notice of objection, the Licensing Authority will have regard to the licensing objectives and any relevant representations and if it considers that gambling should not take place, or only with modifications, it will give counter notice to the person who gave the Temporary Use Notice.

25.9 If objections are received, the Licensing Authority will hold a hearing to listen to all relevant representations unless all parties agree a hearing is unnecessary.

Those person/bodies which raise objections may offer modifications to the notice that will alleviate their concerns. If such modifications are accepted by the applicant a new Temporary Use Notice must be prepared and the original withdrawn. The three-month time limit and fee will not apply to the new notice. The person who made the original objection and proposed the modification may not object to the new notice, but others to whom it is copied may object.

25.10 The Licensing Authority, may, after a hearing has taken place (or has been dispensed with) determine that the Temporary Use Notice should not have effect. In these circumstances it may issue a counter notice which:

- prevents the temporary use notice from taking effect;
- limit the activities that are permitted;
- limit the time period of gambling; or
- allow the activity to take place subject to a specified condition.

25.11 The Licensing Authority will apply the same principles in issuing a counter notice as those in determining premises licence applications. In particular, the Licensing Authority aims to permit the provision of facilities for gambling under a Temporary Use Notice subject to its view as to whether to do so accords with:

- relevant Codes of Practice;
- guidance issued by the Commission;
- reasonably consistent with the licensing objections;
- this Statement of Policy.
25.12 A copy of the Temporary Use Notice must be displayed prominently on the premises whilst the gambling is taking place.

26.1 **Occasional Use Notices**

26.2 The Act provides that where there is betting on a track on eight days in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence.

26.3 The Licensing Authority notes that the meaning of “track” in the Act covers not just a horse racecourse or dog track but also any other premises on any part of which a race or other sporting event takes place or is intended to take place.

26.4 This means that land which has a number of uses, or which fulfils the definition of track, can qualify for occasional use notice provisions (e.g. agricultural land upon which a point to point meeting takes place).

26.5 The occasional use notice dispenses with the need for a betting licence for the track in these circumstances.

26.6 A notice must be served by a person who is responsible for the administration of events on the track or by an occupier of the track. It must be served on the Licensing Authority and copied to Lancashire Police. Notices may be given for consecutive days so long as the overall limit of eight days is not exceeded in any calendar year.

26.7 Provided that the notice will not result in betting facilities being provided for more than 8 days in a calendar year, there is no provision for counter notices or objections to be submitted.

26.8 The Commissioner may require the Licensing Authority to provide information about occasional use notices. Where required to do so the Licensing Authority will provide information as requested

27.1 **Gaming Machines**

27.2 The Act defines "gaming machine" as a machine which is designed or adapted for use by individuals to gamble (whether or not it can be used for other purposes). However, it should be noted:

- there remains a distinction between skill machines and gaming machines. Skill machines are unregulated; and
- Section 235 of the Act contains exemptions for equipment that is not to be considered a gaming machine even when gambling can be performed on it. e.g. home pc.

27.3 If the Licensing Authority has concerns about the manufacture, supply or repair of machines or the manner in which they are operating, it will bring it to the attention of the Commission.
27.4 The Secretary of State has made regulations defining four classes of gaming machine, Categories A, B, C & D. These are set out in the table below.

<table>
<thead>
<tr>
<th>Category of Machine</th>
<th>Maximum Stake</th>
<th>Maximum Prize</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Unlimited</td>
<td>Unlimited</td>
</tr>
<tr>
<td>B1</td>
<td>£2.00</td>
<td>£4,000.00</td>
</tr>
<tr>
<td>B2</td>
<td>£100.00</td>
<td>£500.00</td>
</tr>
<tr>
<td>B3</td>
<td>£1.00</td>
<td>£500.00</td>
</tr>
<tr>
<td>B4</td>
<td>£1.00</td>
<td>£250.00</td>
</tr>
<tr>
<td>C</td>
<td>£0.50</td>
<td>£25.00</td>
</tr>
<tr>
<td>D</td>
<td>10p or 30p when non – monetary prize</td>
<td>£5.00 cash or £8.00 non – monetary prize</td>
</tr>
</tbody>
</table>

27.5 There is a minimum age of 18 for all players for all Category A, B and C machines. There is no minimum age for Category D machines, though the Secretary of State has a reserve power to set a minimum age for Category D machines.
The maximum number of machines permitted is set out by the premise type below –

<table>
<thead>
<tr>
<th>TYPE</th>
<th>GAMING TABLES (Minimum)</th>
<th>GAMING MACHINES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional casino</td>
<td>40</td>
<td>25 gaming machines of category A to D for each table available for use maximum of 1,250 machines</td>
</tr>
<tr>
<td>Large casino</td>
<td>1</td>
<td>5 gaming machines category B to D for each table available for use maximum of 150 machines</td>
</tr>
<tr>
<td>Small casino</td>
<td>1</td>
<td>2 gaming machines of category B to D for each table available for use maximum of 80 machines</td>
</tr>
<tr>
<td>Bingo premises</td>
<td>N/A</td>
<td>4 gaming machines of category B3 and B4 unlimited machines category C unlimited category D machines</td>
</tr>
<tr>
<td>Betting premises</td>
<td>N/A</td>
<td>4 gaming machines of category B2 to D</td>
</tr>
<tr>
<td>Track betting premises where pool betting licence held</td>
<td>N/A</td>
<td>4 gaming machines of category B2 to D</td>
</tr>
<tr>
<td>Adult gaming centre</td>
<td>N/A</td>
<td>4 gaming machines of category B3 or B4 unlimited category C unlimited category D</td>
</tr>
<tr>
<td>Family entertainment centre with operating licence</td>
<td>N/A</td>
<td>Unlimited gaming machines of category C to D</td>
</tr>
<tr>
<td>Family entertainment centre with gaming permit</td>
<td>N/A</td>
<td>Unlimited gaming machines of category D</td>
</tr>
<tr>
<td>Members club premises</td>
<td>N/A</td>
<td>3 gaming machines of category B4 to D</td>
</tr>
<tr>
<td>On sales alcohol licensed premises without food restriction</td>
<td>N/A</td>
<td>2 gaming machines of category C to D by notification unlimited of category C to D with alcohol premises gaming permit</td>
</tr>
</tbody>
</table>

27.6 The act does not cover machines that give prizes as a result of the application of pure skill by players e.g. trivia game machines.
PART D:
Licence Conditions and Codes of Practice
The Gambling Commission released an LCCP in February 2015 with a commencement date of May 2015. The code strengthened the social responsibility code (SR) requirements. Details regarding the LCCP and SR code can be accessed via the Gambling Commission website at www.gamblingcommission.gov.uk.

- The code requires operators;
  - To supervise customers effectively on gambling premises and identify customers who are at risk of gambling related harm;
  - With effect from April 2016 to have in place schemes to allow customers to self-exclude themselves from all operators of a similar type in the area where they live and work;
  - To have a range of measures with regard to marketing to ensure social responsibility that are transparent and not misleading; and
  - With effect from April 2016 to produce a risk assessment on individual premises, and have policies and procedures and control measures in place to mitigate local risks to the licensing objectives.

Risk Assessments
Such risk assessments are required from new applicants, and from existing premises licensees seeking to vary a licence and are to be presented to the licensing authority upon application. The code requires all operators of; Casino’s, AGC’s, Bingo Premises, FEC’s, Betting shops and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures and control measures in place to mitigate those risks.

Operators are required by the SR code to make the risk assessment available to licensing authorities when an application is submitted either for new premises licence or variation of a premises licence, or otherwise on request, and this will form part of the council’s inspection regime and may be requested when officers are investigating complaints.

The code requires the Council to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this council expects the following matters to be considered by operators when making their risk assessment.

- Information held by the licensee regarding self-exclusions and incidences of underage gambling;
- Gaming trends that may reflect benefit payments;
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends;
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall;
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities; and
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.

The council expects the following matters to be considered by operators when making their risk assessment.

- Matters relating to children and young persons, including;
Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling alleys, cinemas etc.;

- Any premises where children congregate including bus stops, café’s, shops, and any other place where children are attracted;

- Areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking, etc.; and

- Recorded incidents of attempted underage gambling.

- Matters relating to vulnerable adults, including:
  - Information held by the licensee regarding self-exclusions and incidences of underage gambling;
  - Gaming trends that may mirror days for financial payments such as pay days or benefit payments;
  - Arrangement for localised exchange of information regarding self-exclusions and gaming trends; and
  - Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor’s surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc.

Other issues that may be considered could include matters of faith including all religious and/or faith denominations, proximity to churches, mosques, temples or any other place of worship. This list is not exhaustive and other factors not in this list that are identified must be taken into consideration.

**Local Area Profile**

The Council has considered the local area profile and feels the main issues will be covered by the risk assessments required under the LCCP.
APPENDIX 1 - Glossary of Terminology

Licensing Objectives: As defined in paragraph 1.1

Council: Chorley Council

District: The area of Lancashire administered by Chorley Council (Map appended at Appendix 2)

Notifications: Means notification of temporary and occasional use notices

Act: The Gambling Act 2005

Regulations: Regulations made under the Gambling Act 2005

Premises: Any place, including a vehicle, vessel or moveable structure

Code of Practice: Means any relevant code of practice under Section 24 of the Gambling Act 2005

Mandatory Condition: Means a specified condition provided by regulations to be attached to a licence.

Default Condition: Means a specified condition provided by regulations to be attached to a licence, unless excluded by Chorley Council.

Responsible Authority: As detailed in Appendix 4

Interested Party: For the purposes of this Act, a person is an interested party in relation to 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;
c) Represents persons who satisfy a) or b) above.
APPENDIX 2
Map of Chorley Council area
APPENDIX 3 - SCHEDULE OF CONSULTEES.

<table>
<thead>
<tr>
<th>Councillors / MP / Parish Council</th>
<th>Address</th>
<th>Town</th>
<th>Postcode</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chorley MP Lindsay Hovle</td>
<td>35-39 Market Street,</td>
<td>Chorley</td>
<td>PR7 2SW</td>
</tr>
<tr>
<td>All elected Ward Councillors of Chorley Council, County Councillors (Chorley Area) and Parish Council Clerks</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Responsible Authorities</th>
<th>Address</th>
<th>Town</th>
<th>Postcode</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporate Director Business</td>
<td>Chorley Council, Union Street</td>
<td>Chorley</td>
<td>Internal Email</td>
</tr>
<tr>
<td>Corporate Director Governance</td>
<td>Town Hall, Market Street</td>
<td>Chorley</td>
<td>Internal Email</td>
</tr>
<tr>
<td>Corporate Director People &amp; Places</td>
<td>Chorley Council, Union Street</td>
<td>Chorley</td>
<td>Internal Email</td>
</tr>
<tr>
<td>Gambling Commission Policy Section</td>
<td>Victoria Square House</td>
<td>Victoria Square</td>
<td>Birmingham, B2 4BP</td>
</tr>
<tr>
<td>Regional Inspector for Lancashire &amp; Cumbria Gambling Commission</td>
<td>Victoria Square House</td>
<td>Victoria Square</td>
<td>Birmingham, B2 4BP</td>
</tr>
<tr>
<td>H M Revenue &amp; Customs</td>
<td>Custom House, Custom House Quay</td>
<td>Greenock</td>
<td>PA15 1EQ</td>
</tr>
<tr>
<td>Lancashire Constabulary</td>
<td>Chorley Police Station, St Thomas's Road</td>
<td>Chorley</td>
<td>PR7 1DR</td>
</tr>
<tr>
<td>Lancashire Fire &amp; Rescue</td>
<td>Chorley Fire Station, Weldbank Lane</td>
<td>Chorley</td>
<td>PR7 6DH</td>
</tr>
<tr>
<td>LCC Child Protection Service</td>
<td>P.O. Box 78, County Hall</td>
<td>Preston</td>
<td>PR1 8XJ</td>
</tr>
<tr>
<td>LCC Trading Standards</td>
<td>P.O. Box 78, County Hall</td>
<td>Preston</td>
<td>PR1 8XJ</td>
</tr>
</tbody>
</table>
### Trade Associations & Representative Bodies

<table>
<thead>
<tr>
<th>Organization</th>
<th>Address</th>
<th>City</th>
<th>Postcode</th>
</tr>
</thead>
<tbody>
<tr>
<td>The British Casino Association</td>
<td>38 Grosvenor Gardens</td>
<td>London</td>
<td>SW1W OEB</td>
</tr>
<tr>
<td>BACTA</td>
<td>134-136 Buckingham Palace Road</td>
<td>London</td>
<td>SW1W 9SA</td>
</tr>
<tr>
<td>British Holiday &amp; Home Parks Association</td>
<td>6 Pullman Court, Great Western Road</td>
<td>Gloucester</td>
<td>GL1 3ND</td>
</tr>
<tr>
<td>Association of British Bookmakers</td>
<td>Ground Floor Warwick House 25 Buckingham Palace Road</td>
<td>London</td>
<td>SW1W 0PP</td>
</tr>
<tr>
<td>Working Mens Club and Institute Union</td>
<td>253-254 Uppers Street</td>
<td>London</td>
<td>N1 1RY</td>
</tr>
<tr>
<td>Chorley &amp; South Ribble Community Safety Partnership</td>
<td>Paul Lowe- Internal Email</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chorley South Ribble Business Club</td>
<td>C/o Lancashire College, Southport Road</td>
<td>Chorley</td>
<td>PR7 1NB</td>
</tr>
</tbody>
</table>

### Gaming Machine Suppliers / Manufacturers

<table>
<thead>
<tr>
<th>Company</th>
<th>Address</th>
<th>City</th>
<th>Postcode</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leisure Link Ltd</td>
<td>3 The Maltings, Wetmore Road</td>
<td>Burton-on-Trent</td>
<td>DE14 1SE</td>
</tr>
<tr>
<td>Red Rose Leisure</td>
<td>Fleet House, Fleetwood Street</td>
<td>Preston</td>
<td>PR2 2PT</td>
</tr>
<tr>
<td>Gamestec Leisure Ltd</td>
<td>Low Lane, Horsforth</td>
<td>Leeds</td>
<td>LS18 4ER</td>
</tr>
<tr>
<td>Crown Leisure Ltd</td>
<td>Unit 1 Hillridge Road, Martland Mill Industrial Estate, Martland Park,</td>
<td>Wigan</td>
<td>WN5 0LS</td>
</tr>
</tbody>
</table>

### Head offices of Gaming Companies

<table>
<thead>
<tr>
<th>Company</th>
<th>Address</th>
<th>City</th>
<th>Postcode</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gala Coral Group Ltd</td>
<td>Newcastle House, Castle Boulevard</td>
<td>Nottingham</td>
<td>NG7 1FT</td>
</tr>
<tr>
<td>Ladbrokes PLC</td>
<td>Imperial House, Imperial Drive, Rayners Lane</td>
<td>Harrow</td>
<td>HA2 7JW</td>
</tr>
<tr>
<td>Stanley Leisure PLC</td>
<td>Stanley House, 151 Dale Street</td>
<td>Liverpool</td>
<td>L2 2JW</td>
</tr>
<tr>
<td>William Hill PLC</td>
<td>Greenside House 50 Station Road Wood Green</td>
<td>London</td>
<td>N22 7TP</td>
</tr>
</tbody>
</table>

### Gambling Premises within Chorley Borough

<p>| All Gambling Premises |</p>
<table>
<thead>
<tr>
<th>Solicitors/Consultants</th>
<th>Address</th>
<th>City</th>
<th>Postcode</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hardwicks Solicitors</td>
<td>10 St Thomas’s Rd</td>
<td>Chorley</td>
<td>PR7 1HR</td>
</tr>
<tr>
<td>Wallwork &amp; Company Solicitors</td>
<td>16 St Thomas’s Rd</td>
<td>Chorley</td>
<td>PR7 1HR</td>
</tr>
<tr>
<td>Kevills Solicitors</td>
<td>32 St Thomas’s Rd</td>
<td>Chorley</td>
<td>PR7 1HZ</td>
</tr>
<tr>
<td>Marsdens Solicitors</td>
<td>43 St Thomas’s Rd</td>
<td>Chorley</td>
<td>PR7 1JE</td>
</tr>
<tr>
<td>Birchall Blackburn Solicitors</td>
<td>24 St Thomas’s Rd</td>
<td>Chorley</td>
<td>PR7 1HY</td>
</tr>
<tr>
<td>Cobbetts Solicitors</td>
<td>58 Mosley Street,</td>
<td>Manchester</td>
<td>M2 3HZ</td>
</tr>
<tr>
<td>Flint, Bishop &amp; Barnett Solicitors</td>
<td>St Michael's Court, St Michael's Lane</td>
<td>Derby</td>
<td>DE1 3HQ</td>
</tr>
<tr>
<td>Ford &amp; Warren Solicitors</td>
<td>Westgate Point, Westgate</td>
<td>Leeds</td>
<td>LS1 2AX</td>
</tr>
<tr>
<td>Freemans Solicitors</td>
<td>7 St Mary’s Place</td>
<td>Newcastle</td>
<td>NE1 7PG</td>
</tr>
<tr>
<td>Gosschalks Solicitors</td>
<td>Queens Gardens</td>
<td>Hull</td>
<td>HU1 3DZ</td>
</tr>
<tr>
<td>John Gaunt &amp; Partners Solicitors</td>
<td>Omega Court, 372 Cemetery Road</td>
<td>Sheffield</td>
<td>S11 8FT</td>
</tr>
<tr>
<td>Roscoes Solicitors</td>
<td>St Andrew’s House, Wellington Street St Johns</td>
<td>Blackburn</td>
<td>BB1 8DB</td>
</tr>
<tr>
<td>Ridgeway Licensing Services</td>
<td>Harwell Innovation Centre, 173 Curie Ave</td>
<td>Didcot</td>
<td>OXII 0QG</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Chorley Library</td>
<td>Union Street</td>
<td>Chorley</td>
<td>PR7 1EB</td>
</tr>
<tr>
<td>Gam Care</td>
<td>2-3 Baden Place, Crosby Row</td>
<td>London</td>
<td>SE1 1YW</td>
</tr>
<tr>
<td>South Ribble Borough Council</td>
<td>Licensing, West Paddock</td>
<td>Leyland</td>
<td>PR25 1DH</td>
</tr>
<tr>
<td>West Lancashire District Council</td>
<td>Robert Hodge Centre, Stanley Way, Skelmersdale</td>
<td>Lancashire</td>
<td>WN8 8EE</td>
</tr>
<tr>
<td>Chorley Magistrates Court</td>
<td>St Thomas’s Square</td>
<td>Chorley</td>
<td>PR7 1RZ</td>
</tr>
<tr>
<td>Preston Magistrates Court</td>
<td>P O Box 52 Lawson Street</td>
<td>Preston</td>
<td>PR1 2QT</td>
</tr>
</tbody>
</table>
## APPENDIX 4 - List of Responsible Authorities

For the purposes of this Act, the following are Responsible Authorities in relation to premises:

1. The Licensing Authority in whose area the premises are wholly or mainly situated (Chorley Council)
2. The Gambling Commission
3. Lancashire Constabulary
4. Lancashire Fire and Rescue Service
5. Planning Dept Chorley Council
6. Environmental Protection Service, Chorley Council
7. Social Services Directorate, Lancashire County Council
8. HM Customs and Excise.

<table>
<thead>
<tr>
<th>Chorley Council</th>
<th>Lancashire County Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civic Offices</td>
<td>Social Services Directorate</td>
</tr>
<tr>
<td>Union Street</td>
<td>Quality &amp; Review Manager</td>
</tr>
<tr>
<td>Chorley</td>
<td>PO Box 162</td>
</tr>
<tr>
<td>Lancashire PR7 1AL</td>
<td>East Cliff County Offices</td>
</tr>
<tr>
<td>Telephone: 01257 515163/4</td>
<td>Preston PR1 3EA</td>
</tr>
<tr>
<td>Fax: 01257 515197</td>
<td>Telephone: 01772 531256</td>
</tr>
<tr>
<td>Email: <a href="mailto:contact@chorley.gov.uk">contact@chorley.gov.uk</a></td>
<td>Web: <a href="http://www.chorley.gov.uk">www.chorley.gov.uk</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lancashire Constabulary</th>
<th>Lancashire Fire &amp; Rescue Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Licensing Unit: C Division</td>
<td>Fire Safety</td>
</tr>
<tr>
<td>Chorley Police Station</td>
<td>Fire Station</td>
</tr>
<tr>
<td>St Thomas’ Road</td>
<td>Weld Bank Lane</td>
</tr>
<tr>
<td>Chorley PR7 1DR</td>
<td>Chorley PR7 3NQ</td>
</tr>
<tr>
<td>Telephone: 01257 246215</td>
<td>Telephone: 01257 262919</td>
</tr>
<tr>
<td>Fax: 01257 246217</td>
<td>Fax: 01257 234363</td>
</tr>
<tr>
<td>Email: <a href="mailto:southern-licensing@lancashire.pnn.police.uk">southern-licensing@lancashire.pnn.police.uk</a></td>
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</table>

<table>
<thead>
<tr>
<th>Gambling Commission</th>
<th>HM Customs and Excise</th>
</tr>
</thead>
<tbody>
<tr>
<td>4th Floor</td>
<td>Boundary House</td>
</tr>
<tr>
<td>Victoria square House</td>
<td>Cheadle Point</td>
</tr>
<tr>
<td>Victoria House</td>
<td>Cheadle</td>
</tr>
<tr>
<td>Birmingham</td>
<td>Cheshire SK8 2JZ</td>
</tr>
<tr>
<td>B2 4BP</td>
<td>Telephone: 0845 010 9000</td>
</tr>
<tr>
<td></td>
<td>Email: <a href="mailto:enquiries.nw@hmrc.gsi.gov.uk">mailto:enquiries.nw@hmrc.gsi.gov.uk</a></td>
</tr>
</tbody>
</table>
APPENDIX 5 - Useful Contacts

Further information on Chorley Council’s Statement of Principles or the Gambling Act 2005 can be obtained from the Public Protection Co-ordinator using the contact details below. The Director People and Places has overall responsibility for the Licensing Service.

Public Protection Co-ordinator
Chorley Council
People & Places Directorate
Civic Offices
Union Street
Chorley
Lancashire
PR7 1AL

Telephone: 01257 515151
Fax: 01257 515150
Email: contact@chorley.gov.uk

Information on the Gambling Act 2005 is also available from:

The Department for Culture, Media and Sport
2-4 Cockspur Street
London
SW1Y 5DH

Telephone: 020 7211 6200
Email: enquiries@culture.gov.uk
Internet: www.culture.gov.uk
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The Gambling Act 2005 – Statement of Principles

Proposed Additions to the Policy:

8. Enforcement
The Council will take account of the Gambling Commissions guidance document issued in February 2015 (or any subsequent amendments) ‘Approach to Test Purchasing’ when considering making test purchases at gambling premises. The Council will also follow its own policies and procedures regarding the use of underage test purchasers.

Where there is a Primary Authority Scheme in place, the Council will seek guidance from the Primary Authority before taking any enforcement action. Further information, including an index of all Primary Authority arrangements can be found at: https://primaryauthorityregister.info/par/index.php/home

PART B: PREMISES LICENCES
11.1 General Principles
11.2 The Licence Conditions and Code of Practice (LCCP) issued by the Gambling Commission places further onus on premises to complete a risk assessment based on code 8, the social responsibility code which came into force on 6th April 2016. The Council will have regard to this code when considering applications.

Licensing objectives

Protecting children and other vulnerable persons from being harmed or exploited by gambling –
Section 7 of the Gambling Commission Guidance to Local Authorities sets out considerations that an operator must make in order to protect children and young people from accessing gambling premises.

The Licence Conditions and Codes of Practice (LCCP) issued in 2015 prescribe how operators must prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are licensed.

- In particular operators must ensure that:-
  o all staff are trained;
  o that all customers are supervised when on gambling premises; and
  o must have procedures for identifying customers who are at risk of gambling related harm.

The Council will expect all operators to have policies and procedures in place as required by the LCCP codes on social responsibility to cover all aspects of the code, in particular staff training records and self-exclusion records.

Further provisions with regard to self-exclusion and marketing are included in the social responsibility code. The Council will take all conditions and codes into account when considering applications or performing enforcement activities.

12.1 Adult Gaming Centres
12.2 Any restrictions on the number and category of adult gaming machines allowed are determined by legislation. The Gambling Commission has developed some frequently asked questions for gaming machines which can be accessed on their
Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises; e.g. motorway service areas and shopping malls, the Council will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises and that the premises is adequately supervised at all times.

PART D: Licence Conditions and Codes of Practice

The Gambling Commission released an LCCP in February 2015 with a commencement date of May 2015. The code strengthened the social responsibility code (SR) requirements.

Details regarding the LCCP and SR code can be accessed via the Gambling Commission website at www.gamblingcommission.gov.uk.

- The code requires operators;
  - To supervise customers effectively on gambling premises and identify customers who are at risk of gambling related harm;
  - With effect from April 2016 to have in place schemes to allow customers to self-exclude themselves from all operators of a similar type in the area where they live and work;
  - To have a range of measures with regard to marketing to ensure social responsibility that are transparent and not misleading; and
  - With effect from April 2016 to produce a risk assessment on individual premises, and have policies and procedures and control measures in place to mitigate local risks to the licensing objectives.

Risk Assessments

Such risk assessments are required from new applicants, and from existing premises licensees seeking to vary a licence and are to be presented to the licensing authority upon application. The code requires all operators of; Casino’s, AGC’s, Bingo Premises, FEC’s, Betting shops and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures and control measures in place to mitigate those risks.

Operators are required by the SR code to make the risk assessment available to licensing authorities when an application is submitted either for new premises licence or variation of a premises licence, or otherwise on request, and this will form part of the council’s inspection regime and may be requested when officers are investigating complaints.

The code requires the Council to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this council expects the following matters to be considered by operators when making their risk assessment.

- Information held by the licensee regarding self-exclusions and incidences of underage gambling;
- Gaming trends that may reflect benefit payments;
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends;
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall;
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities; and
Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.

The council expects the following matters to be considered by operators when making their risk assessment.

- **Matters relating to children and young persons, including:**
  - Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas etc.;
  - Any premises where children congregate including bus stops, café’s, shops, and any other place where children are attracted;
  - Areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking, etc.; and
  - Recorded incidents of attempted underage gambling.

- **Matters relating to vulnerable adults, including:**
  - Information held by the licensee regarding self-exclusions and incidences of underage gambling;
  - Gaming trends that may mirror days for financial payments such as pay days or benefit payments;
  - Arrangement for localised exchange of information regarding self-exclusions and gaming trends; and
  - Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor’s surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc.

Other issues that may be considered could include matters of faith including all religious and/or faith denominations, proximity to churches, mosques, temples or any other place of worship. This list is not exhaustive and other factors not in this list that are identified must be taken into consideration.

**Local Area Profile**
The Council has considered the local area profile and feels the main issues will be covered by the risk assessments required under the LCCP.
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Dear Sirs,

Re: Gambling Act 2005 – Statement of Principles Consultation

On behalf of Luxury Leisure, we make the following comments in response to the above consultation draft (the “Draft”):-

1. As the Authority will appreciate, in matters of regulation under the Gambling Act 2005 (the “Act”), it is subject to the Regulators’ Code. That code imposes a number of obligations on the Authority, including one that it should carry out its activities in a way that supports those they regulate to comply and grow. Additionally, when designing and reviewing policies, the Authority must, among other things, understand and minimise the negative economic impact of its regulatory activities and regulate and minimise the costs of compliance of those it regulates. Further, the Authority should take an evidence-based approach in determining priority risks and recognise the compliance record of those it regulates. We have not seen reference in the Draft to the Regulators’ code and suggest that it be amended to include a statement that the Authority recognises that it is subject to and will comply with the Regulators’ Code in relation to matters of gambling licensing and enforcement.

2. Paragraph 11.9 refers deal with the definition of premises and applications for a premises licence when access is through other premises. The Draft states that consideration will be given to whether the proposed arrangement “…otherwise would or should be prohibited under the Act”. With respect the correct question is whether an proposed arrangement would be prohibited under the Act – not whether it should be prohibited. It may be a case of unintended wording in the Draft, but again, it is not for the Draft or licensing committee to re-write the Act.

3. In a number of places, the Draft refers to additional conditions that it may impose or that it might expect the applicant to offer (e.g. Paragraphs 11.22, 12.5 and 13.4), where some if not all of those examples are already covered in the mandatory and default conditions imposed by legislation or by the LCCP and we do not see that they are necessary inclusions in the Draft as “control measures”, that might be imposed by the Authority. As the Draft accepts elsewhere, duplication is unwelcome and should be avoided. It might lead to confusion and as such we suggest that they are removed or redrafted.

4. The second bullet point of Part D of the Draft refers to the multi-operator local self-exclusion schemes that are now in place in accordance with the LCCP. The scheme is restricted to those operators who hold operating licences (and therefore does not apply e.g. to those holding permits, or to pubs) – as such it is not accurate to refer to “all operators of a similar type…” Additionally, the LCCP requires that the scheme covers the “locality”. It does not refer to “…the area where they live and work.” as the Draft states. While these might seem small points, it is important that when referring to obligations under the LCCP, the exact parameters of those obligations are specified – paraphrasing may led to confusion.

5. Local Risk Assessments (LRAs) are also dealt with in Part D and there are a number of paragraphs dealing with what the Authority expects to be dealt with in them. We
suggest that it would be more helpful if those separate paragraphs were to be consolidated. Further, the first such section requires that information on self-exclusions be included. We are not sure why this would be a requirement for a LRA.

6. The Draft also states that the Authority expects that gambling trends that may reflect benefit payments or pay days be included in the LRA – again we are unclear as to why this might be. However, the Act permits gambling and subject to certain matters, the Authority must aim to permit gambling. It is a perfectly legal activity and individuals are entitled to use their money lawfully, as they wish – subject of course to the operators’ SR obligations. Each operator has policies and procedures in place to help identify and deal with customers who have gambling issues, whenever they arise – but the suggestion that customers should not gamble on pay day, is a step too far. It seems to imply that individuals are quite free to spend money on pay day in shops, at the cinemas or at the pubs or supermarkets, but not in heavily regulated and licensed gambling venues. This of course would be quite wrong on many levels.

7. On the same point in the Draft we do not understand why the proximity of banks and post offices are relevant to the LRA; nor what the Authority means when suggesting that the LRA includes arrangements for exchange of information on self-exclusions – as above all relevant operators must be in a scheme for their licence type. The Draft also suggests that the range of facilities in proximity to the premises “such as other gambling outlets” should be considered in the LRA, but there is no explanation as to why their existence might pose a risk. Rather, the reference suggests that matters of “demand” are relevant when, as the Authority appreciates, they are not and should not be considered.

We hope the above will prove helpful. If you have any questions, please do not hesitate to contact us.

Yours faithfully

Elizabeth Speed
Group General Counsel
Novomatic UK
For Luxury Leisure
Direct +44 (0) 191 497 8222
Mobile +44 (0) 7808 571 588
elizabethspeed@luxuryleisure.co.uk
Report of Meeting Date
Director of Early Intervention Licensing and Public Safety Committee 21 Sept 2016

AMENDMENT TO SCHEME OF DELEGATION FOR LICENSING

PURPOSE OF REPORT
1. For the Licensing and Public Safety Committee to consider the proposed review of the scheme of delegation for Licensing functions.

RECOMMENDATION(S)
2. That the Licensing and Public Safety Committee recommend to full Council that it authorises the Head of Legal, Democratic and HR Services to amend the current scheme of delegation in the Constitution to allow the following decisions to be made by Officers:
   a) Grant (or in the case of an existing licence) revoke and immediately re-grant a Private Hire or Hackney Carriage Driver Licence with the addition of non-standard conditions following consultation with and recommendations from the Council’s Medical expert;
   b) Grant exemption on medical grounds under Equality legislation following referral for consideration where criteria is met, refuse where criteria is not met (2.16 of the constitution); i.e. requirement currently in Constitution for prior consultation with Chair or Vice Chair is removed;
   c) The power currently delegated to the licensing officer to suspend a private hire driver licence or hackney carriage driver licence for periods not exceeding 14 days (2.6 of the constitution) is amended to a period not exceeding 28 days and if longer only after consultation with Chair or Vice-Chair and a report is submitted to the next meeting of the General Licensing Sub-Committee
   d) Authority to determine applications from qualifying alcohol licensed premises (i.e. premises licence or club premises certificate) for up to an additional 2 category C-D gaming machines, where no objections have been received.

3. That the Licensing and Public Safety Committee review the existing constitution attached as Appendix 1 and make suggestions for any additional amendments following discussions.

4. That the Licensing and Public Safety Committee consider the inclusion of summary tables in the relevant licensing policies as a guide to the delegations and common decisions (proposed format to be brought to the meeting for members to view).

EXECUTIVE SUMMARY OF REPORT
5. The current scheme of delegation was agreed in March 2009 with minor amendments made in 2015.
6. Members of the Licensing and Public Safety Committee requested that the current scheme was reviewed and the amendments put before them for consideration following a number of cases being brought before the General Licensing Sub-Committee where an officer decision.
or Director decision in consultation with the Chair was considered a more appropriate approach.

7. A copy of the current scheme of delegation as set out in the Council’s Constitution is attached as Appendix 1.

8. The proposed summary tables of delegations and common decisions to be included in the appropriate policies as a guide.

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<thead>
<tr>
<th>Confidential report</th>
<th>Yes</th>
<th>No</th>
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CORPORATE PRIORITIES

9. This report relates to the following Strategic Objectives:

| Involving residents in improving their local area and equality of access for all | A strong local economy |
| Clean, safe and healthy communities | An ambitious council that does more to meet the needs of residents and the local area | X |

IMPLICATIONS OF REPORT

10. This report has implications in the following areas and the relevant Directors’ comments are included:

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<th>Finance</th>
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<tr>
<td>Legal</td>
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<td>Integrated Impact Assessment required?</td>
<td></td>
</tr>
<tr>
<td>No significant implications in this area</td>
<td>Policy and Communications</td>
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</table>

COMMENTS OF THE MONITORING OFFICER

11. Decisions of the Council or licensing authority must be intra vires. Decisions which are taken outside the scheme of delegation are open to challenge. The scheme of delegation sets out what decisions may be taken by officers (with or without consultation with the Chair or Vice Chair) with the remainder taken by elected members. The Council is under a legal duty to grant licences in certain circumstances e.g. to an applicant for a private hire driver licence where there are no issues with the application. Business efficacy means that such decisions are best made by officers because members could not lawfully refuse a licence.

12. There are a limited number of decisions which under legislation may not be delegated e.g. approval of both the gambling policy under the Gambling Act 2005 and the statement of licensing policy under the Licensing Act 2003 must be made by full Council. There are no statutory restrictions on the extent to which decisions in relation to taxi licensing may be delegated.

13. Functions under the Scrap Metal Dealers Act 2013 devolve to the Executive and are therefore not subject of this report. In 2015 draft Regulations were published which if and when brought into force will mean that the Council can choose whether or not scrap metal licensing should be an executive function or a council function. If full Council were to decide (probably following a report from this committee) that scrap metal licensing should switch
from the Executive to the Council than such functions could once again be delegated to this committee and General Licensing Sub-Committee which was the situation before the 2013 Act came into force.

COMMENTS OF THE FINANCE OFFICER

14. Any changes in delegation will have an effect on the licence fees the Council sets, as these are compiled on a cost recovery basis, with the exception of the Licensing Act 2003 which are set nationally.

JAMIE CARSON
DIRECTOR OF EARLY INTERVENTION

There are no background papers to this report.

<table>
<thead>
<tr>
<th>Report Author</th>
<th>Ext</th>
<th>Date</th>
<th>Doc ID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lesley Miller</td>
<td>5299</td>
<td>7 Sept 16</td>
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</tbody>
</table>
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2. **DIRECTOR OF PUBLIC PROTECTION, STREETSCENE AND COMMUNITY (and also individual officers where indicated)**

2.1 In the event of the Chief Executive being absent or unable to act or of the post of Chief Executive being vacant, authority to:

   (a) exercise any of the Chief Executive’s delegated powers; or
   
   (b) grant any approval required from the Chief Executive as a condition for the exercise of a delegated power granted to another officer

2.2 Refusal of applications for street collection permits where:

   (a) the applicant is not a registered charity and there is no exceptional reason why consent should be granted;
   
   (b) the applicant is a charity which is currently being investigated by the Charities Commission;
   
   (c) an officer of the applicant is connected with a charity under investigation by the Charities Commission or the applicant is being administered from the same address as one;
   
   (d) the applicant has failed to return the statutory statement following a previous collection;
   
   (e) the applicant has not previously run a street collection in Chorley and a satisfactory reference has not been obtained from a Council in whose area it has; or
   
   (f) a street collection has already been authorised in the area in question on the day requested.

2.3 Authority to approve applications for street collection permits following consultation with the Chair and Vice Chair of Licensing and Public Safety Committee where the applicant is not a registered charity and there are exceptional reasons why consent should be granted provided that applications may be referred to the Licensing and Safety Committee for determination.

2.4 Authority to refuse applications for licences under the House to House Collections Act 1939.

2.5 Authority to grant applications for licenses, permits and registration for Second Hand Goods Dealers, Small Lotteries and Societies Lotteries.

2.6 Suspending by written notice to the licence holder any Private Hire or Hackney Carriage Vehicle or Driver’s Licence for a period not exceeding two months

   (exercisable also by the licensing officer in respect of suspensions for periods not exceeding 14 days, provided the Chair or Vice-Chair is consulted and a report is submitted to the next available meeting of the Licensing and Public Safety Committee)

2.7 Entering into agency arrangements for the testing of motor vehicles on behalf of the Council for the purpose of its hackney carriage and private hire vehicle licensing functions.
2.8 To grant or renew Hackney Carriage, Private Hire Drivers Licences and Operators Licences where 8 or less penalty points have been endorsed on a DVLA Driving Licence in respect of the following offences:

(a) Construction and Use Offences (CU10,CU30 and CU40)

(b) Speed Limit Offences (SP10-SP60)

(c) Traffic Directional Signs Offences

2.9 To grant or renew Private Hire and Hackney Carriage Drivers Licences where the conviction would ordinarily be "spent" under the Rehabilitation of Offenders Act 1974 unless the offence is of a serious nature e.g. offences of a sexual nature, burglary, serious assaults of where the Head of Governance and Property Services is of the view that the offences are relevant to the application e.g. a series of offences over a number of years.

2.10 In consultation with the Chair and Vice Chair of the Licensing & Public Safety Committee, to issue written warnings as to future conduct to existing Private Hire and Hackney Carriage drivers (which should be retained on file).

2.11 In consultation with the Chair and the Vice Chair of the Licensing & Public Safety Committee, authority to approve applications for Drivers Licences which fall outside the Council’s usual policies for approval and to be reported to the Licensing and Public Safety Committee.

2.12 Authority to grant Hackney Carriage and Private Hire Vehicle Licence subject to compliance with the Council's criteria

2.13 Authority to grant applications for renewal of permits for use of machines for gaming amusement with prizes subject to applications being for the same permitted terms and conditions and no objections being received.

2.15 Grant or issue of any other licences or permits under a function which is the responsibility of the Council and is not specifically delegated to any other officer of the Council.

2.16 Following consultation with the Chair and Vice-Chair of the Licensing and Public Safety Committee, authority to grant exemptions on medical grounds from the requirement under the Disability Discrimination Act 1995 for hackney carriage and private hire drivers to carry guide, hearing or other assistance dogs.

Authority to refuse to grant and refuse to renew private hire and hackney carriage vehicle licences in consultation with the Chair or Vice Chair where the applicant has failed to meet all the Council’s requirements, such as the vehicle not meeting the Council’s vehicle conditions or failure of the taxi test or another aspect of the application is incomplete.

In such cases the cut-off point for receipt of an application to renew a taxi vehicle licence will be at close of business before the licence expires.
Authority to revoke an existing Chorley Private Hire/Hackney Carriage Driver licence and immediately re-grant to the same person with Disabled Access Driver (DAV) Driver provision where the appropriate requirements have been met.

Authority to grant and renew upon application a Private Hire/Hackney Carriage DAV (Disabled Access Vehicle) licence where appropriate requirements have been met.

**Functions under the Licensing Act 2003**

2.18 Authority to grant personal licence applications made under section 117 of the Licensing Act 2003 where no police objections made.

2.19 Authority to grant premises licence applications made under section 17 of the Licensing Act 2003 where no relevant representations made.

2.20 Authority to grant applications to vary premises licence applications made under section 34 of the Licensing Act 2003 where no relevant representations are made.

2.21 Authority to grant club premises certificate applications made under section 71 of the Licensing Act 2003 where no relevant representation made.

2.22 Authority to grant applications to vary club premises certificates made under section 84 of the Licensing Act 2003 where no representations are made.

2.23 Authority to grant provisional statement applications made under section 29 of the Licensing Act 2003 if no relevant representations made.

2.24 Authority to grant applications to vary designated premises supervisor made under section 37 of the Licensing Act 2003.

2.25 Authority to grant requests from a person to be removed as designated premises supervisor under the provisions of section 41 of the Licensing Act 2003.

2.26 Authority to grant applications for transfer of premise licence made under section 42 of the Licensing Act 2003 where no relevant representations made.

2.27 Authority to grant applications for interim authorities made under section 47 of the Licensing Act 2003 where no relevant representations made.

2.28 Authority to determine whether a complaint is irrelevant frivolous or vexatious etc. under the provisions of sections 18, 31, 35, 72, 84 and 88 of the Licensing Act 2003.

2.29 Authority to grant/renew Section 34 permits for up to two machines in alcohol licensed premises.

2.30 Authority to grant/renew Section 16 Lotteries and Amusements Act 1976 permits in alcohol licensed premises.

2.31 Authority to change permit holders name as a result of conversion of Justices Licence/Premises Licence.
2.32 Authority under the Licensing Act 2003 to grant/renewal of Section 34 permits for up to two AWP machines.

2.33 Authority under the Licensing Act 2003 to grant/renewal of Section 16 permits – alcohol licence permits.

2.34 Authority under the Licensing Act 2003 to change of name as a result of conversion of Justices Licence/Premises Licence.

**Functions under the Gambling Act 2005**

2.35 Power to serve notification of Intention to consider removal of exemption order under section 284

2.36 Authority to determine applications for a premises license (Including applications for reinstatement) where no representations have been received which have not been withdrawn

2.37 Authority to determine applications for a variation to a license where no representations have been received which have not been withdrawn

2.38 Authority to determine applications for a transfer of a license where no representations from the Gambling Commission have been received which have not been withdrawn

2.39 Authority to determine application for a transfer of a license where no representations have been received which have not been withdrawn

2.40 Authority to determine application for a provisional statement where no representations have been received which have not been withdrawn

2.41 Authority to determine applications for club gaming/club machine where no representations have been received which have not been withdrawn

2.42 Authority to determine applications for other permits

2.43 Authority to give consideration to temporary use notices

2.44 Power to serve notification of Intention to consider removal of exemption order section 284

2.45 Power to make representations from Licensing Authority on any applications as a Responsible Authority under section 161 Gambling Act 2005 (power to be exercised also by the Licensing manager or any other authorised officer)

2.46 Power to impose of conditions upon licenses where no dispute between Applicant and Responsible Authorities

2.47 Authority to exercise the power of the Licensing Authority, as a Responsible Authority to request a review
2.48 Power to determine representations which are vexatious, frivolous or will certainly not influence the Authority’s determination of the Application (power to be exercised also by the Licensing manager or delegated substitute)

2.49 Power to authorise officers for the purpose of the Gambling Act 2005

2.50 All powers in respect of administration of small society Lotteries except the power to refuse or revoke a license.

2.51 Power to attach a condition to a premises license in accordance with section 169 (a) (power to be exercised also by the Regulatory Services Manager.

2.52 The functions of the Council with regard to deposits on highways under section 149 of the Highways Act 1980.

2.53 Power to stop up or divert a highway under Section 247 of the Town and Country Planning Act 1990

2.54 Power to grant permission for provision, etc. of services, amenities, recreation and refreshment facilities on highway under Sections 115E to 115G and 115K of the Highways Act 1980.

2.55 In respect of the miscellaneous licensing and registration functions of the Council specified in Section 2.B of Part A of this Appendix:

The authority to:

i) decide applications for authorisations, registration, consents, licences or certificates of approval;

ii) serve notices and take consequential action including enforcement action, including carrying out work in default;

iii) issue formal cautions in consultation with the Chief Executive;

iv) recommend to the Chief Executive the institution of legal proceedings;

v) authorise officers to exercise statutory powers of entry (including obtaining warrants);

vi) enforce legislation with respect to take-away food shops; and

vii) Registered premises and stalls for the sale of goods by way of competitive bidding.

2.56 Power to make representations from Licensing Authority on any applications as a responsible Authority under section 161 Gambling Act 2005

2.57 Authority to exercise the Power of the Licensing Authority, as a Responsible Authority to request a review under the Gambling Act 2005

2.58 Power to authorise officers for the purpose of the Gambling Act 2005
2.59 Power to revoke a Gambling Premises Licence and cancel licensed premises gaming machine permits issued under the Gambling Act 2005 in respect of non-payment of the annual fee

Other powers

2.60 The Director of Public Protection, Streetscene and Community in consultation with the relevant Executive Member be authorised to issue all notices; to implement Public Spaces Protection Orders, to designate powers to social landlords, to designate powers to Council officers for the purposes of enforcement and to take all necessary steps under the Anti-Social Behaviour, Crime and Policing Act 2014 with regard to functions which are the responsibility of the Council.

2.61 Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council’s capacity as an employer; and in particular:

(a) agreeing transfers of responsibility for enforcement in the circumstances set out in Regulation 5 of the Health and Safety (Enforcing Authority) Regulations 1989 in relation to inspection of work places;

(b) agreeing assignment in cases of uncertainty in the circumstances set out in Regulation 6 of the Health and Safety (Enforcing Authority) Regulations 1989 in relation to inspection of work places; and

(c) authorising any other person to accompany any duly appointed inspector of the Council in relation to the power of inspectors contained in Section 20(2)(c)(i) of the Health and Safety at Work etc. Act 1974.

2.62 The following powers’ under the Land Drainage Act 1991:

(a) authorising the service of notices and the taking of consequential action, including carrying out work in default and the recovery of costs;

(b) recommending to the Chief Executive, the institution of legal proceedings; and

(c) authorising Officers to exercise statutory powers of entry (including obtaining warrants).

2.63 Power to authorise officers to take all actions required under the Sunbeds (Regulations) Act 2010 and any associated regulations

2.64 In respect of the licensing or registration functions of the Council in relation to caravans and mobile homes, the authority to:

i) decide applications for authorisations, registration, consents, licences or certificates of approval ;

ii) serve notices and take consequential action, including carrying out work in default;

iii) issue formal cautions;
iv) recommend to the Chief Executive the institution of legal proceedings; and

v) authorise officers to exercise statutory powers of entry (including obtaining warrants).