

## Crawley Borough Council

### Licensing Committee

Agenda for the **Licensing Committee** which will be held in **Committee Room A & B - Town Hall**, on **9 September 2019** at **7.30 pm**

Nightline Telephone No. 07881 500 227

A handwritten signature in black ink that reads "Anna Maria Brown".

**Head of Legal, Democracy and HR**

Membership:  
Councillors

M G Jones (Chair), M L Ayling (Vice-Chair), T G Belben, B J Burgess,  
M Flack, J Hart, K L Jaggard, K McCarthy, J Millar-Smith, C J Mullins,  
D M Peck, R Sharma, B A Smith and K Sudan

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Switchboard: 01293 438000  
Main fax: 01293 511803  
Minicom: 01293 405202 DX:  
57139 Crawley 1  
[www.crawley.gov.uk](http://www.crawley.gov.uk)

Town Hall  
The Boulevard  
Crawley  
West Sussex  
RH10 1UZ

The order of business may change at the Chair's discretion

## Part A Business (Open to the Public)

	Pages
<b>1. Apologies for Absence</b>	
<b>2. Disclosures of Interest</b>	
In accordance with the Council's Code of Conduct, Councillors of the Council are reminded that it is a requirement to declare interests where appropriate.	
<b>3. Minutes</b>	3 - 20
To approve as a correct record the minutes of the Licensing Committee held on 10 June 2019*.	
<i>*The draft minutes have been updated since the draft version put before Full Council at its meeting in July 2019.</i>	
<b>4. Update of Appendix L of the Hackney Carriage and Private Hire Vehicle Policy</b>	21 - 30
To consider report HCS/16 of the Head of Community Services.	
<b>5. Review of Statement of Licensing Policy Gambling Act 2005 (2020 - 2022) Consultation</b>	31 - 66
To consider report HCS/17 of the Head of Community Services.	
<b>6. Supplemental Agenda</b>	
Any urgent item(s) complying with Section 100(B) of the Local Government Act 1972.	

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Crawley Borough Council

**Minutes of Licensing Committee**

Monday, 10 June 2019 at 7.30 pm

**Councillors Present:**

M G Jones (Chair)

M L Ayling (Vice-Chair)

T G Belben, B J Burgess, M Flack, J Hart, K L Jaggard, K McCarthy, J Millar-Smith,  
C J Mullins, D M Peck, C J Petts, R Sharma, B A Smith and K Sudan

**Also in Attendance:**

Councillor A Belben

**Officers Present:**

Tony Baldock	Environmental Health and Licensing Manager
Kareen Plympton	Health, Safety and Licensing Team Leader
Astrid Williams	Senior Lawyer (Solicitor)
Chris Pedlow	Democratic Services Manager

**1. Disclosures of Interest**

No disclosures of interests were made.

All Councillors of the Committee confirmed that they had received some form(s) of lobbying in respect of Agenda item 5 Public Consultation Findings Hackney Carriage and Private Hire Vehicle Livery.

**2. Minutes**

The minutes of the meeting of the Licensing Committee held on 5 November 2018, approved as a correct record and signed by the Chair.

### 3. Licensing Sub Committee Minutes

The minutes of the Licensing Sub Committee listed below were approved as a correct record and signed by the Councillor indicated below:-

Date	Sub Committee Minutes	Minutes signed by
7 November 2018	Application to Review the Premises Licence applicable to the MOONRAKER, 199 Three Bridges Road, Three Bridges, Crawley	Councillor Mullins (Chair of the Panel)
12 February 2019	Application to Vary the 'Club Premises Certificate' - Crawley Masonic Club, St Margaret's Hall, Ifield Green, Crawley	Councillor Jaggard (Chair of the Panel)

### 4. Public Consultation Findings Hackney Carriage and Private Hire Vehicle Livery

The Licensing Committee considered report [HCS/13](#) by the Head of Community Services. The Committee was guided through each paragraph of the report by the Environmental Health and Licensing Manager, which detailed the results of a consultation exercise conducted in connection with a request from the Trade for a change to the Council's policy to allow the use of temporary (magnetic) livery signs. The Committee was asked to consider whether to amend the current vehicle livery conditions that required permanent signage.

The Committee then received a presentation by Ralph Sutcliffe from The Survey Initiative, on the recent taxi licensing consultation 'Have your say on Taxi Vehicle Signage' survey 2018. A copy of the full presentation is attached to these minutes as Appendix A. It was noted that there had been 355 responses returned with the responses being split into two categories: either from Hackney Carriage Drivers and Private Hire Drivers (Trade) or the general public, which included stakeholders (public). From the Trade, the response rate was 25% with 233 out of 937 responding to a paper questionnaire mailed to their home addresses. There were 111 public responses, including 11 responses from stakeholders, via the Council's website.

It was explained that the survey's findings showed there appeared to be directly opposite views by the Trade compared to the views of the general public on the matter of permanent signage compared to removable signage, with great support from the Trade for removable signage and great support from the public for permanent signage. This included the response on the question '*I would be confident that I was entering a genuine, licensed taxi if it was fitted with permanent signage*' with the Trade response being 32% compared to the public's 95%, and on the related question of '*I would be confident that I was entering a genuine, licensed taxi if it was fitted with removable signage*' the Trade view was 88% compared to the public's 24%.

The Committee was also informed that in response to the question '*Members of the public would use taxis less often if they were fitted with removable signage*' 79% of the public responded 'yes' compared to the Trade's response of 17%.

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Licensing Committee (3)  
10 June 2019

Following the presentation, the Chair of the Licensing Committee invited a representative from both the Trade organisations, the Crawley Hackney Carriage Association (CHCA) and the Private Hire Association (PHA) as well as an officer from Sussex Police to speak to the Committee on the findings of the survey and more generally on the permanent versus removable signage livery.

Mr Ellington, spoke on behalf Crawley Hackney Carriage Association. The views he expressed included:

- In Crawley, all the 123 hackney carriages (HC) and many hundreds of private hire vehicles all used magnetic roof signs and those roof signs did not routinely get stolen or taken from their vehicles.
- There was a licensed hire firm in Crawley that used magnetic doors signs, and had done so for a number of years, without any punishment from the Licensing Authority.
- Another taxi firm used magnetic door signs placed on the rear car doors to advertise their company along with the required fixed sign.
- On the survey, when referring to safeguarding which was paramount, he wanted to provide assurance to those who had raised this point, the signs would be magnetic and not removable.
- There was an issue within the town with cross-border hiring with firms using drivers from outside the area. They did not have to comply with this Council's policies i.e. door signs, roof signs or fixed plates. This could be very confusing to the public which was why it was imperative that taxis were identifiable, when they were working at all times.
- For CHCA as a trade, it was important for them, within their trade to be identifiable by the general public as a HC vehicle that could be hailed at any time (which was different to a Private Hire vehicle) and as such the HC Trade would have signs which remained attached at all times when the vehicle was working, as in line with the licensing authority's policy.
- As a Trade, the CHCA would be happy to assist the Council by reporting vehicles that were working without the correct livery.
- The CHCA supported the magnetic signage approach, to protect their safety, as evidenced by the attacks on licensing drivers/vehicles recently.
- Perhaps a 1 year probation period for the use of the magnetic signage could be arranged.

Mr Hussain, spoke on behalf of the Private Hire Association. He expressed views including:

- Whilst private hire (PH) and HC vehicles were both taxis with fixed stickers, there was a clear difference in operation between the two and this should be considered when coming to a decision.
- HC vehicles worked through the ranks and could be flagged down by customers from the streets.
- PH vehicles were pre-booked and sent out from the offices, and could only pick up passengers that had pre-booked. PH drivers were in direct communication with their customers.
- PH drivers used modern technology to inform their customers (via text message) of the make, model, registration and even name of the driver who was coming to pick them up, and the vehicle could also be tracked via GPS. In addition, the customer received a message that the vehicle had arrived.
- PH drivers were targeted more by the criminals when the taxis trade had been targeted recently and, whilst the Police had caught the suspects, the PHA were proposing some approaches to resolve the issue.

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10 June 2019

- HC vehicles must be white and thus it would be easy for them to get magnetic covers and signs to match their cars, however PH vehicles were allowed to be different dark colours so it would be more difficult to match and thus PHA want the permanent removal of the door signs and not magnetic signs.
- The removal of doors signs would reduce the number of people trying to jump in PH vehicles on the High Street thinking that it was HC.
- Magnetic signs could come off if driving at faster speeds, such as on motorways, anything removable could be stolen, and you could have them made easily online.
- The PHA also request that our rear plates removed and placed in the back window (like there is a front plate in the front windscreen), which was the approach used in many other areas. Again it would should the difference between the PH and HC.
- The Committee might wish to consider using a different policy for the HC and PH.

Insp. Peter Dommett, then spoke to the Committee on behalf of Sussex Police. He expressed views including:

- It was acknowledged that Sussex Police work in partnership with both the HC and PH drivers as they form a very important function within the Town.
- Taxi drivers have an important responsibility by driving and taking care of vulnerable people, including drunk/intoxicated people during Crawley's night time community and during the day elderly and young vulnerable people.
- Taxi drivers provide good witnesses for the Police, as they were out and about across the Borough.
- Crawley's taxis were a very identifiable brand both for the Police and for the public, which leads to confidence.
- Sussex Police opposes that Gatwick Cars don't have to be identifiable by signage, and EVO having removable signage, and would continue to in the future.
- The Police's message both at a local and a national level to the public, especially those vulnerable individuals, was to only get into or use licensed vehicles, and the easiest way to know if these were licensed, was if the vehicle had clear and obvious signage.
- Crime amongst licensed drivers was low, due to the checks associated with being licenced, but organised crime does occur. By having fixed branding this reduced the ability of our drivers to be caught up in such crimes.
- Whilst there was recently a crime spree targeting Crawley taxi drivers, the perpetrators had been caught, it must be considered why they were being targeted, was it because their vehicles had signage or was it because drivers were keeping large amounts of money in their vehicles.
- The type and make of vehicles used for taxis would be known without signs on them.
- We are opposed to removable signage and support the retention of permanent signage on all types of licenced vehicles on grounds of public safety.

Having received the officer's report, the presentation from the survey consultants and the views of the Hackney Carriage Association, the Private Hire Association and Sussex Police, the Chair of the Licensing Committee opened up the discussion to the Committee. During a detailed and lengthy discussion, Councillors expressed numerous views on the matter before them, which included:

- Concerns that the survey questions were misleading and inferred by the nature of the questions that there would be public safety concerns if either

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Licensing Committee (5)  
10 June 2019

removal or no signs were used on licensed vehicles. It may have caused a false public perception of the issues involved.

- Queried whether magnetic covers to the current permanent leverage could be used when the vehicles were not in use.
- Public safety and public perception of their safety was crucial to this decision, the public must feel and be safe. The survey showed that 79% of the public would be less likely to use the Council's licenced vehicles with the Trades' proposals. That would not be good for anybody.
- A taxi was a taxi and was a business car, not a family vehicle, and should not be used as such. Safety was the main concern.
- Drivers must feel safe in their vehicles, either when they were working or when they were not. But at the same time they must act responsibly, such as not keeping their earnings in their vehicle overnight as criminals would target them. White van drivers have to do the same with their tools and removed them nightly.
- This should be a national matter and not dealt with at a local level. The Government, should provide clear guidance in their new policy. The Deregulations Act has not helped.
- Queried whether there was a better way to differentiate between Private Hire vehicles and Hackney Carriages so that the public could understand the difference, especially relating to people jumping into Private Hire vehicles on the street. It was questioned whether the use of removable livery would help.
- There were two facts to consider, public safety and the impact on the drivers' livelihood.
- Magnetic plates could be stolen and lead to confusion as criminals could place the signage on unregistered vehicle and attempt to pick up or collect customers.
- Elderly people who phoned for a taxi, may not use/read a text message from a taxi company which stated the make, model or driver or enabled the customer to track the vehicle. Elderly people were more likely to look for a topbox and clear door signs. The door signs were important for public safety with regards to Private Hire and Hackney Carriages vehicles.
- Clear signage allowed the public to know that they were using a safe and licensed vehicle. The Council was there to look after public safety.
- Temporary signage could be stolen easily, both when vehicles were in use, either transporting or waiting for their next client, and when parked up at their driver's property. It would make it difficult for the Police to track dangerous driving etc. if the plate could be removed easily. Also, the drivers could be blamed for crimes they did not commit, if others were using their plates.
- Queried whether the removable livery could be used by the Trade on a pilot or trial period to ascertain public reaction to the change.
- Questioned whether the drivers would pay the cost of the removable signs.
- A pilot sounded like a good idea but it might lead to public confusion as to what was a legally licensed vehicle and what was not. It was also queried how the Council would choose which drivers would form part of the trial.
- The Council should wait for the Government findings to be published to see if there were minimum standards.

Also during the discussion a number of requests for information and clarity was sought from the officers present, which included:

- Magnetic livery were used in other councils in the area, however Crawley did have the responsibility of a major international airport, which other councils did not and this therefore meant they had a very different economic mix.

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- Magnetic door signs were known to come off licenced vehicles when driving at speed, posing a risk to other road users and pedestrians
- Confirmation that legislation specified that licensed vehicles could only be driven by a licensed driver, thus meaning that family members could not use those vehicles without being licensed themselves, if the rear licence plate is removed, the vehicle becomes unlicensed
- The Government had recently finished a Task and Finish Group on Taxi and Private Hire Vehicle Licensing, and 30 plus recommendations were being consulted upon as a result. There was currently no fixed timescale for the final report, but it was apparently high on their agenda.
- Drivers that failed to put on their topbox signs did get penalised, with 28 drivers having been fined over the last three years as a result.

At the conclusion of the debate, Councillor Mullins moved that the status quo remain namely that there be no change to the Council's policy regarding fixed livery for all Hackney Carriage and Private Hire vehicles. Councillor Mullins also requested that an advisory be made, that officers communicate to both Hackney Carriage and Private Hire Drivers that they may place magnetic signs over their licensed vehicle's door signs when they were parked at their home property, but that those magnetic covers must be removed before the vehicle was moved from those premises. This was seconded by Councillor McCarthy.

The proposal was carried by 14 votes in favour with 1 vote against.

## **RESOLVED**

1. That there be no change to the Council's policy regarding fixed livery for all Hackney Carriage and Private Hire vehicles.
2. That officers be asked to advise all licensed drivers that they may cover door signs on licensed vehicles with magnetic covers whilst the vehicle was parked and stationary at their own property, but that these must be removed before the vehicle is moved from those premises (noting that the licensing plate needed to remain uncovered at all times).

## **5. Review of Statement of Licensing Policy Gambling Act 2005 (2020 - 2023)**

## **RESOLVED**

The Committee agreed that it would like to provide a collective response to the consultation on the Review of the Statement of Licensing Policy Gambling Act 2005 for the next 3 years (2020-2023), and confirmed that the collective response will be sought at the Committee's meeting on 9 September 2019.

## **Closure of Meeting**

With the business of the Licensing Committee concluded, the Chair declared the meeting closed at 9.36 pm

M G JONES  
Chair

# Crawley Borough Council

Taxi Licensing Consultation

'Have Your Say on Taxi Vehicle Signage' Survey 2018



the survey initiative  
employee research

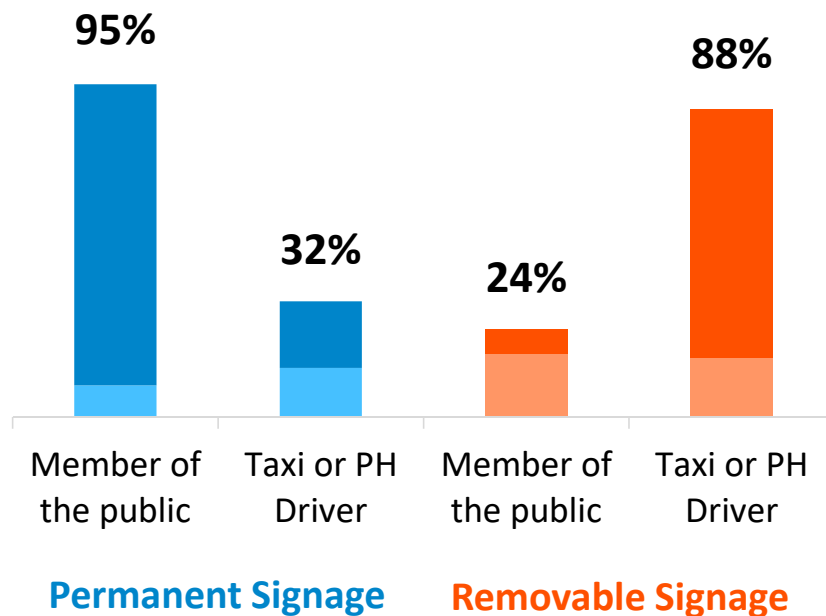


# Consultation

- Aims to uncover the feelings and attitudes the drivers of licensed private hires and hackney carriages (referred to as taxi drivers) and of members of the public regarding security, authenticity, reliability and propensity to use taxis in permanent/removable signage scenarios
- 15 October to 6 December 2018
- 355 responses returned
- Taxi Drivers **25%** response rate - 233 out of 937 invited via a paper questionnaire mailed to their home address
- 111 responses were received from Members of the public who accessed an online survey via the Council's website or were emailed an invitation to take part
- In addition, responses were provided by:
  - Connected with Taxis Trade other than a driver (1)
  - Member of a Group Representing Disabled People (3)
  - Visitor (Business) (1)
  - Visitor (Leisure) (2)
  - Not stated (4)

# Genuine licensed taxi/driver

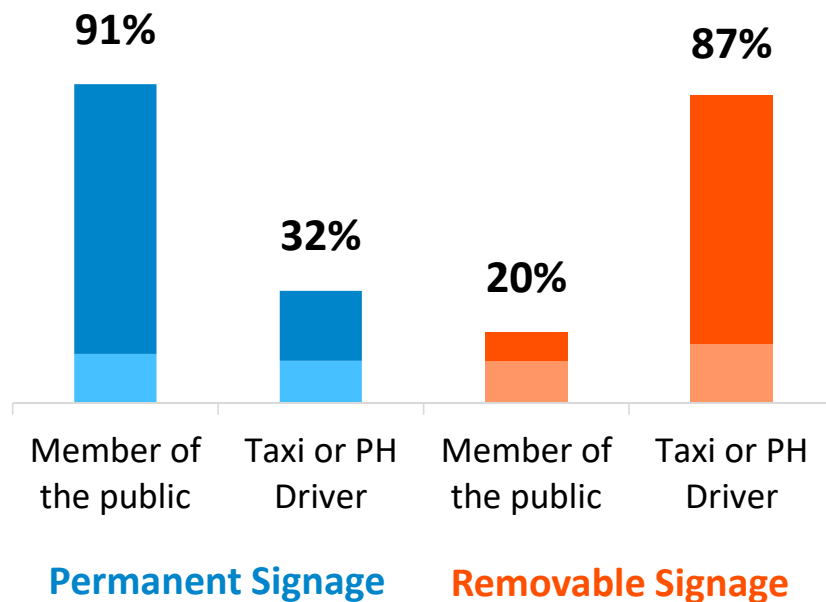
I would be confident that I **was entering a genuine, licensed taxi** if it was fitted with...



“To reduce the possibility of "fake taxis" in Crawley, keep permanent signage on taxis. Removable signage would inevitably lead to theft of the signs and ultimately an increase in unlicensed taxis operating using fake or stolen signage...”

# Genuine licensed taxi/driver

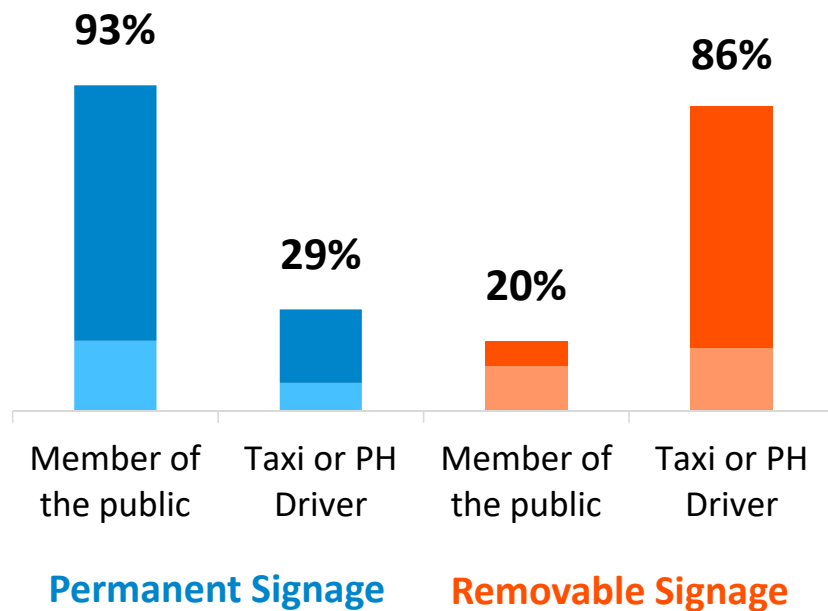
I would be confident that **the driver was licensed** if the taxi was fitted with...



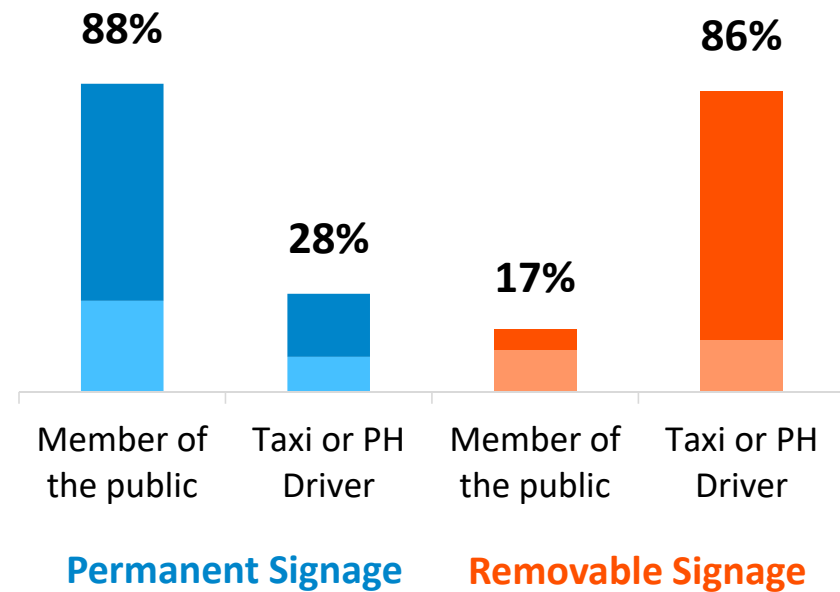
“With use of removable signage you could get unlicensed people claiming they are a taxi but forgot to install their signage before starting the day. Older people and ladies could be left unsure.”

# Insurance and maintenance

I would be confident that **the vehicle was fully insured** if the taxi was fitted with...



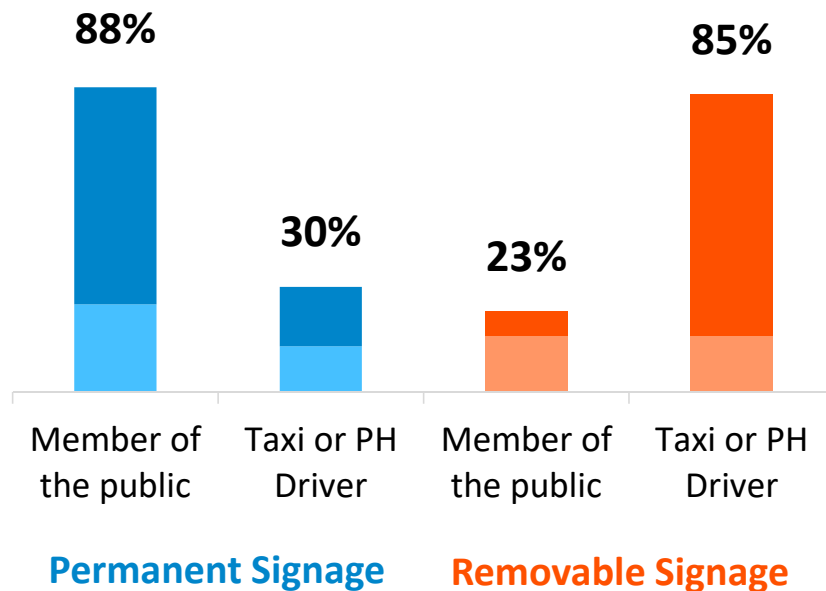
I would be confident that **the vehicle was properly maintained** if the taxi was fitted with...



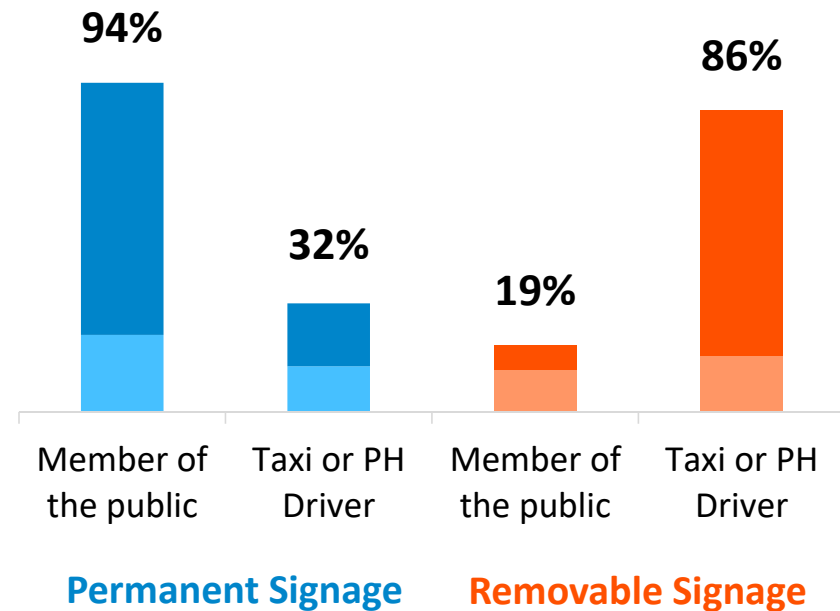
# Charged fairly and safely

“Anyone can fit removable signage to any car and pretend to be a taxi...”

I would be confident that **I was being charged fairly** if it was fitted with...

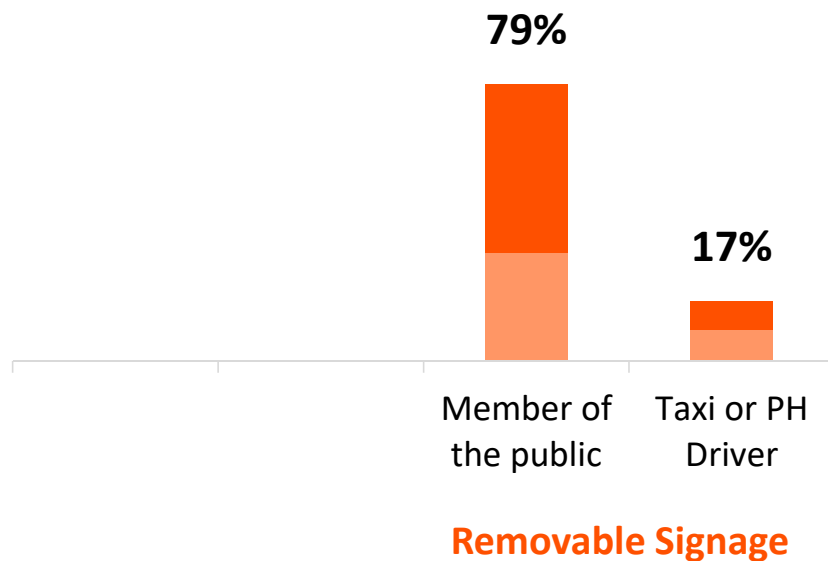


I would be confident that **I would feel safe** if it was fitted with...



# Propensity to use taxis

Members of the public **would use taxis less often** if they were fitted with...



“I would feel far more confident about permanent signage, whilst removable signage may not entirely stop me using a taxi, it would put a doubt in my mind as to the vehicle complying with necessary regulations.”

# Vehicles being broken into or damaged

- Taxi drivers raised concerns over risk that their vehicles, displaying permanent signage, will be broken into or damaged when parked overnight
  - They felt that removable signage would alleviate this risk, saving them the expense of repairing damaged vehicles
  - 99 comments raised by taxi drivers, 39 related to 'Removable signage would help keep our vehicles safe when not in use and be clear as to when we are / are not available for hire'
- “ I have had my car broken into on several occasions which I strongly believe is due to the door signage. This comes at a great cost to every driver who has had this happen to them ”*

# Vehicles being broken into or damaged

- There was a pertinent comment made by a stakeholder

*Due to the small sample size, to preserve confidentiality we are unable to disclose the writer's association with the consultation, but this group includes those Connected with Taxis Trade other than a driver, Members of a Group Representing Disabled People, Visitors and the Police.*

“There would be an increased safeguarding risk if taxis had removable signs. Not only around insurance but taxis with signs that are transferrable increases the risk of them being stolen and used by criminals within organised crime gangs around drugs related crime or placing those who are vulnerable at risk of serious sexual offences etc. On a scale of threat harm and risk, using transferrable signs vs permanent signs is much greater risk of harm to vulnerable people or criminal exploitation as opposed to the harm and risk to individual owners associated with theft. As such this is not something I would support. Instead I would encourage owners taking more responsibility around keeping loose change or money in the taxi (especially if visible). It was shown that this reduced the theft during the recent summer months.”

Are there any other comments you would like to make or answers you've given which you wish to develop or explain?

Theme	Total Mentions	Member of the public	Taxi or PH Driver	Stakeholder
Removable signage would help keep our vehicles safe when not in use and be clear as to when we are / are not available for hire	<b>39</b>	-	39	-
Removable signage raises safety, legitimacy and crime concerns	<b>37</b>	33	1	3
Public indifference / use booking procedure to obtain full taxi details	<b>29</b>	5	24	-
Look for an alternative solution and take a closer look at why there are so many break ins	<b>21</b>	16	4	1
Generally pro removable / no signage	<b>12</b>	1	11	-
Issues surrounding other taxi companies working in the area with minimal signage	<b>11</b>	-	11	-
Permanent signage will minimise incidents of crime / potential for crime	<b>5</b>	4	-	1
Generally pro permanent signage	<b>2</b>	2	-	-
<i>Other</i>	<i>17</i>	<i>7</i>	<i>9</i>	<i>1</i>

## In summary

- Consultation has shown that opinions of taxi drivers and the public contrast
- Taxi drivers strongly feel removable signage will resolve the issues with regard to vehicle damage/ break-in
- Removable signage may make the public feeling less likely to use a taxi
- The solution to the issues faced by the taxi drivers is unlikely to lie in implementing removable signage unless there is further consideration of how to solve the issues relating to the public's concerns of ensuring that only licensed taxi drivers are operating with the removable signage

# Thank you

For more information contact  
The Survey Initiative  
+44 (0) 1255 870735  
[info@surveyinitiative.co.uk](mailto:info@surveyinitiative.co.uk)

# Agenda Item 4

## Crawley Borough Council

### Report to Licensing Committee

9<sup>th</sup> September 2019

### Update of Appendix L to the Hackney Carriage and Private Hire Vehicle Policy

Report of the Head of Community Services – HCS/16

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#### **1. Purpose**

- 1.1 To update and amend Appendix L of the current CBC Policy dealing with Hackney Carriages and Private Hire Vehicles (referred to as "The Policy" in this report) which deals with enforcement for the purpose of improving public safety. This is attached as Appendix 1.

#### **2. Recommendations**

- 2.1 That the Committee considers the report and decide what amendments, if any, it wishes to make to the revised Appendix L of the policy.
- 2.2 That the Committee approves the undertaking of a public consultation to be undertaken by the Licensing Team, with those who may be affected by the changes to the policy in line with the Code of Practice on Consultation.
- 2.3 That the Committee agrees that:
  - a) if at the close of the consultation there have been no adverse comments or objections, the revised Appendix L shall be adopted on 19th November 2019; or
  - b) if there have been adverse comments or objections, the proposed revised Appendix L with the comments and objections shall be reported back to the Committee for consideration and a decision as to whether the Appendix be adopted, with or without amendment.

#### **3. Reasons for the Recommendations**

- 3.1 To improve, simplify and strengthen the policy for the purpose of public safety.
- 3.2 To adopt the appropriate recommendations of the Institute of Licensing concerning the creation of a shared national standard for Licensing Authorities regarding policies dealing with taxis, enforcement and public safety to build consistency in regulatory practice.
- 3.3 To take notice of research concerning multiple offences and recidivist offenders and ensure the policy is updated accordingly.

# Agenda Item 4

## 4. Background

- 4.1 A licensing authority must not grant a taxi or PHV driver's licence unless it is satisfied that the applicant is a fit and proper person to hold such a licence. This is in stark contrast to the Licensing Act 2003 or Gambling Act 2005, where presumption is to permit a licence application. The licensing authority is also entitled to suspend or revoke a taxi or PHV driver's licence if there is evidence to suggest that the individual is not a fit and proper person, and specifically.
  - if s/he has been convicted since the grant of the licence of an offence involving dishonesty, violence or indecency
  - for non-compliance with the licensing requirements of [the 1847 Act or the 1976 Act] and related legislation, or
  - for any other reasonable cause.
- 4.2 Properly applying the 'fit and proper' person test, which includes the consideration of convictions and other matters relating to an applicant's conduct, is essential to ensuring a robust licensing scheme that ensures the safety and commands the confidence of the general public.
- 4.3 Notwithstanding the above Licensing Authorities with responsibility for the enforcement of the law concerning hackney carriages or private hire vehicles are not statutorily required to have a policy dealing with this part of their role again in contrast to the Licensing Act 2003 and Gambling Act 2005. It is nevertheless considered to be good practice as per the findings of the Central Government Taxi Task and Finish Group.
- 4.4 Crawley Borough Council already has a policy which was adopted in 2014 and which has had a number of updates such the inclusion of a penalty point scheme and code of conduct. The document is intended to be a living document and subject to regular review and improvement to ensure it is fit for purpose. The policy is also a highly useful document assisting in the determination whether a person is fit and proper as regards taxi regulation ensuring a transparent and consistent approach is taken at all times. It is therefore important that it is updated as regularly as possible.
- 4.5 A great deal of attention has been given to enforcement matters regarding taxis in recent years due to a number of scandals concerning child sexual exploitation. This has resulted in a lot of interest in this subject and Institute of Licensing was commissioned by the Local Government Association to come up with suggestions for a national standard to ensure public safety is paramount in Local Government considerations regarding taxis. The conclusion of the work has resulted in a new guidance document endorsed by all parties titled Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades. Together with the adoption of the above the council has also included current licensees in the scope of the proposed drugs testing.
- 4.6 The policy currently has at Appendix L a scheme dealing with enforcement and how convictions are to be considered etc. which has evolved from a Department of Transport Circular first issued in 1995. This guidance has been used prior to the policy having been adopted and is the common standard that most Licensing Authorities rely upon in deciding if an applicant is a fit and proper person.
- 4.7 The current policy is quite specific in regards to offence type and does not fully take into account applicants with multiple offences. This often results in debate as to

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whether a specific offence type is covered and also impairs judgement about likely recidivist behaviour of the applicant.

- 4.8 The guidance produced by the Institute of Licensing contains no detailed list of offences. All offences are allocated to a general category such as 'dishonesty' or 'drugs'. This will be a useful addition to the current policy as it prevents it being argued that a specific offence is not covered by the Policy as it 'is not on the list'. Furthermore such an approach also helps to address issues such as whether an offence involving firearm is more serious than an offence involving a knife and should lead to differentiation. In each case, appropriate weight will be therefore be able to be given to the evidence provided.

## **5. Description of Issue to be resolved**

- 5.1 The current policy does not specifically deal with persons who have multiple convictions or other matters of concern. The proposed amendment will allow consideration to be taken when deciding the suitability of applicants or dealing with enforcement matters in a more effective and complete manner.
- 5.2 The current policy is very specific in part and this results in certain offences and other matters of concern falling out of scope. Using the offence categorisation suggested by the Institute of Licensing will ensure the policy is wider in scope.
- 5.3 Central Government have recently consulted on draft statutory guidance concerning hackney carriages and private hire vehicles. There is currently no further information on the likely date any new statutory guidance will take effect. As a consequence it is considered sensible to update our controls as soon as possible to avoid unnecessary delays. Should any further amendments to the policy be required this as a result of said draft statutory guidance it will be subject to further report to the Licensing Committee.

## **6. Information & Analysis Supporting Recommendation**

- 6.1 The work undertaken by the Institute of Licensing was conducted on behalf of and in partnership with the leading bodies of expertise in the field of taxi control and had input from the Local Government Association. The document produced and recommended for adoption by this group is therefore considered the most up to date and relevant evidence to base the update and improvement of the Council's regulatory practice in this area of enforcement approach upon.
- 6.2 This is a borough wide matter and not ward specific and will also be subject to wide public consultation Ward Members have therefore not been contacted individually.

## **7. Implications**

- 7.1 An issue that will be of interest to existing licence holders is whether the amended Appendix L will apply to them.
- 7.2 Your officers propose that existing licence holders will be allowed to continue as licence holders provided they do not come to attention of the Council for alleged misconduct and they renew their licences in a timely fashion.
- 7.3 If, however, an existing licence holder:

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- a) comes to the notice of the Council for alleged misconduct the new Appendix L will be applied to them at that time;
  - b) if an existing licence holder fails to renew their licence on time and has to apply for a new licence the new Appendix L will be applied.
- 7.4 Your officers propose that all applications for new licences that are determined after the new Appendix L is in place shall be determined in accordance with the new Appendix L whether the application was made before or after the new Appendix L comes into force.
- 7.2 There are no foreseen implications concerning staffing or finance.

## 8. Background Papers

[CBC Hackney Carriage and Private Hire Policy](#)

[Code of Practice on Consultation](#)

[Findings of the Government's Taxi Task and Finish Group](#)

[IoL Guidance on Suitability](#)

[Taxis and Private Hire Vehicles Protecting Users - Consultation on Statutory Guidance](#)

Tony Baldock  
Environmental Health and Licensing Manager  
Email: [tony.baldock@crawley.gov.uk](mailto:tony.baldock@crawley.gov.uk)  
Tel: 01293 438220

## **Revised Appendix L Private Hire Vehicle and Hackney Carriage Policy**

### **Enforcement**

In most cases where there are reasons to believe that enforcement action against a licence holder may be required the procedure to be followed is that set out in the Council's General Enforcement Policy (available on the Council's website at [www.crawley.gov.uk](http://www.crawley.gov.uk)), in particular the procedure relating to enforcement reviews. The following should therefore be read in conjunction with, and is in addition to, the Council's General Enforcement Policy.

#### **Private hire drivers, hackney carriage drivers and private hire operators**

The Council has considered the Department of Transport's 2010 Best Practice Guidance and in particular notes that a paragraph 59 councils are encouraged to have a clear policy for the consideration of criminal records. The Council has also considered the Institute of Licensing guidance on the suitability of applicants and licensees in the hackney carriage and private hire trades.

Set out below are the factors, both in relation to criminal activity and other types of unacceptable behaviour and factors of concern, which will be considered when the delegated officer is considering whether or not they are satisfied that a person is a fit and proper person to hold a licence. The Council's overriding consideration will be the protection of public safety based on a balance of probability test concerning information it is made aware of and any subsequent enquiries.

#### **1.0 General matters**

- 1.1 Each case will be decided on its own merits.

#### **2.0 Drivers**

- 2.1 As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
- 2.2 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over

# Agenda Item 4

passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

- 2.3 Where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a fit and proper person.
- 2.4 In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

## **3.0 Crimes resulting in death**

- 3.1 Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

## **4.0 Exploitation**

- 4.1 Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

## **5.0 Offences involving violence**

- 5.1 Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

## **6.0 Possession of a weapon**

- 6.1 Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **7.0 Sex and indecency offences**

- 7.1 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.
- 7.2 In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

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## **8.0 Dishonesty**

- 8.1 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **9.0 Drugs**

- 9.1 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
- 9.2 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
- 9.3 All new applicants for a drivers licence will have to undergo drugs testing when applying for an initial licence to demonstrate that they are not using controlled drugs.
- 9.4 Where the Council has suspicion that a driver may be using controlled drugs they will be required to submit to drugs testing which will be undertaken by an authorised Licensing Officer.

## **10.0 Discrimination**

- 10.1 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **11.0 Motoring convictions**

- 11.1 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a fit and proper person to be granted or retain a licence.
- 11.2 Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving
- 11.3 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

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- 11.4 Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

## **12.0 Other motoring offences**

- 12.1 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.
- 12.2 A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **13.0 Hackney carriage and private hire offences**

- 13.1 Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **14.0 Vehicle use offences**

- 14.1 Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **15.0 Private Hire Operators**

- 15.1 A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.
- 15.2 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a fit and proper person.
- 15.3 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This

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can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority's overall criteria, that will lead to the operator's licence being revoked.

- 15.4 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

## **16.0 Vehicle proprietors**

- 16.1 Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.
- 16.2 Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.
- 16.3 Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.
- 16.4 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a fit proper person to be granted or retain a vehicle licence.
- 16.5 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

## **17.0 Cautions and Endorsable Fixed Penalties**

- 17.1 For the purpose of these guidelines simple cautions and endorsable fixed penalties shall be treated as though they were convictions.

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# Agenda Item 5

## Crawley Borough Council

### Report to Licensing Committee

9 September 2019

### **Review of the Statement of Licensing Policy Gambling Act 2005 (2020 – 2022) Consultation**

Report of the Head of Community Services – HCS/17

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#### **1. Purpose**

- 1.1 To draw Councillors' attention to the proposed revised Statement of Licensing Policy – Gambling Act 2005 (2020-2022) as set out in Appendix A, together with the proposed changes to the current Statement of Licensing Policy summarised in Appendix B.
- 1.2 All Members of the Licensing Committee have been consulted as part of the Consultation – as consultees. The Statement of Licensing Policy Gambling Act 2005 (2020 - 2022) is a Policy Framework Document, and as such the report on the outcomes of the consultation and on the Policy as updated will be considered by the Overview and Scrutiny Commission, before its submission to the Cabinet and the Full Council in December 2019 for approval and adoption.
- 1.3 At the Licensing Committee on 10 June 2019, the Committee agreed to provide a collective response on the Revised Statement of Licensing Policy Gambling Act 2005 (2020-2022) consultation.

#### **2. Recommendations**

- 2.1 To the Licensing Committee:

That the Committee is requested to provide a collective response to the Revised Statement of Licensing Policy Gambling Act 2005 (2020-2022) consultation, which will be included in the final report.

#### **3. Reasons for the Recommendations**

- 3.1 To assist in developing the proposed strategy to discharge the Council's role in its capacity of Licensing Authority for the 3 year period 2020 – 2022.
- 3.2 To ensure the Council's policy is revised for the coming 3 years as required by section 349 of the Gambling Act 2005 and that this is done in accordance with procedures compliant with statutory guidance regarding consultation.

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## **4. Background**

- 4.1 Section 349 of the Gambling Act 2005 requires a licensing authority to prepare and publish a statement of the principles that it proposes to apply in exercising its licensing functions under the Gambling Act 2005 every 3 years.
- 4.2 There is comprehensive statutory guidance published by the Gambling Commission which has been used in the preparation of this report. The statutory guidance includes guidance in respect of preparing, revising and publishing a Statement of Licensing Policy. Local authorities must have regard to the Statutory Guidance.

## **5. Description of Issue to be resolved**

- 5.1 The Council is responsible for the issuing of Licences for premises that are covered by the Gambling Act 2005. Licences for operators and game types together with controls concerning gambling machines are dealt with directly by the Gambling Commission. The Council must have regard to statutory guidance and its own statement of Licensing Policy regarding the Gambling Act 2005 when issuing any licence for a premises.
- 5.2 It is a statutory requirement that the Council review and publish its statement of Licensing Policy under the Gambling Act 2005 at least every 3 years.
- 5.3 Whilst the Council has no actual role in setting prize machine limits a response was sent by the Council to the Gambling Commission in connection to their recent review of the Gambling Industry in support of the reduction of stakes for Fixed Odds Betting Terminals to £2.00 which is scheduled to become law in the future.
- 5.4 Details of the Gambling Commission's plans to amend controls concerning aforementioned consultation can be found at 8.1 under Background Papers. This includes details of the changes brought in after the Government's reviews concerning FOBT's and further to public consultation.

## **6. Information & Analysis Supporting Recommendation**

- 6.1 Before publishing its Statement of Licensing Policy for any three year period the Council must consult the persons listed in section 349(3) of the Gambling Act 2005 namely;
  - The Chief Officer of Police
  - One or more persons who appear to the Council to represent the interests of persons carrying on gambling businesses in the borough.
  - One or more persons who appear to the Council to represent persons who are likely to be affected by the exercise of the Council's functions under the Act.
- 6.2 The Statutory Guidance states that the list of persons to be consulted is deliberately wide so as to allow licensing authorities to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in the Gambling Policy.

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- 6.3 As part of the proposed 12 week consultation process details of the proposed revised Statement of Licensing Policy, together with an invitation to submit comments, have been published on the Council's website. The consultation period commenced at 12.00pm on 1st July 2019, and expires at 12.00pm on 20th September 2019.
- 6.4 Following the statutory consultation process, and subsequent Full Council approval the Council must then publish its revised Statement of Gambling Policy and advertise the publication by way of public notice, in accordance with legal requirements. The revised Gambling Policy will come into effect on the date specified in the public notice which must be at least 4 weeks from the date of publication of the revised statement and public notice.

## **7. Implications**

- 7.1 The Council would be at risk of potential legal challenge regarding any matters pertaining to the Act should its policy be out of date.
- 7.2 There are no financial or staffing consequences that will arise from the changes to the policy as the fees are set by statute.

## **8. Background Papers**

- 8.1 [Government response to the consultation on Gambling](#)
- 8.2 [Guidance to Licensing Authorities](#)

Tony Baldock  
Environmental Health and Licensing Manager  
Tel: 01293 438220  
Email: [tony.baldock@crawley.gov.uk](mailto:tony.baldock@crawley.gov.uk)

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# Consultation Statement of Licensing Policy

## The Gambling Act 2005 for the period 2020-2022



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## 1 Statement of gambling policy

### 1.1 Licensing objectives

The Gambling Act 2005 (the Act) requires that the council carry out its various licensing functions with a view to promoting the following Licensing Objectives:

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

- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

### 1.2 Introduction and area characteristics

The council as Licensing Authority (LA) for the Borough of Crawley in accordance with Section 349 of the Act is required to publish a 'Statement of Licensing Policy' that sets out the policies the council will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act. The form of the statement is set out in the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2007. The Gambling Commission's Guidance to licensing authorities contains further information on the form of the council's Policy document.

The council's Policy Statement has to be reviewed and be published at least every three years. Any proposed amendments must be consulted upon as considered necessary.

The council is responsible for granting premises licenses within the Borough in respect of:

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

"Gambling" is defined in the Act as either gaming, betting or taking part in a lottery:

- Gaming means a game of chance for a prize
- Betting means making or accepting a bet on the outcome of a race, competition or any other event; the likelihood of something occurring or not occurring or whether something is true or not.
- A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated wholly or partly on chance,

The Gambling Commission is responsible for issuing personal licences to individuals and operators. This aspect falls outside of the remit of the council as the Licensing Authority and as such, does not form a significant part of this Statement of Gambling Policy.

Crawley Borough Council is situated in the County of West Sussex, which contains seven District councils and one County council in total. The council area has a population of approximately 111,700 (2017 census) making it the second largest in the County in terms of population. In terms of area it is the second smallest, covering 17.36 square miles, and comprises of 14 neighbourhoods. A map of the District is contained at Appendix A.

### 1.3 Types of licence

This document sets out the policies that the council will apply when making decisions upon applications or notifications made for:

- premises licenses;
- temporary use notices;
- occasional use notices;
- permits as required under the act; and
- registrations as required under the act.

## 1.4 Licensable premises and permits

This Policy relates to all those licensable premises, notices, permits and registrations identified as falling within the provisions of the Act, namely: -

- casinos;
- bingo premises;
- betting premises;
- tracks;
- adult gaming centres;
- licensed family entertainment centres;
- unlicensed family entertainment centres;
- club gaming permits;
- club machine permits;
- alcohol licensed premises gaming machine permits / notices
- prize gaming permits;
- occasional use notices;
- temporary use notices; and
- registrations of small society lotteries.

## 1.5 General principles

Nothing in this 'Statement of Policy' will:

- Undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits; OR
- Override the right of any person to make representations on any application or seek a review of a licence or permit where they are permitted to do so under the Act.

The council will look to grant applications without conditions unless it is considered conditions are needed to meet the requirements of the Licensing Objectives and any conditions applied will not be overly onerous and will be proportionate to the scale of the application and the 'risks' involved. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

All applicants for premises licences will be required to set out how they will promote the Licensing Objectives, as specified in Section 1.1 above, and what measures they intend to employ to ensure compliance with these Objectives.

When determining an application to grant, vary a premises licence or whether to review a premises licence, regard will be given to matters including the proximity of the premises to schools, vulnerable adult centres or hostels, or to residential areas with a high concentration of families with children.

Regard will also be given and consideration upon the size and scope of the gambling premises concerned. Each case will be determined on its merits.

Therefore, if an applicant can effectively demonstrate how they might overcome Licensing Objective concerns, this will be taken into account.

Licensing is about the control and regulation of licensed premises, where Temporary Use Notices or Occasional Use Notices are in place and are operated within the terms of the Act. Conditions may be attached to licences as considered appropriate.

When considering any conditions to be attached to licences, the council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The Secretary of State may, by regulation, provide for specific conditions to be attached to a Premises Licence as either "mandatory" or "default" conditions. In determining an application, the Licensing Authority may not have regard to the expected demand for the facilities which it is proposed to provide.

In this respect, the council recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including:

- planning controls;
- ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other council departments;
- regular liaison with the police on law enforcement issues regarding disorder and anti-social behaviour;
- the power of the police, other responsible authorities or a local resident or business to seek a review of the licence.

Those making representations will be required to relate their objection to one or more of the Licensing Objectives, as specified in section 1.1 above, before the Licensing Authority will be able to consider it. Where a person, whether or not directly affected by an application or living in the vicinity of a licensable premises under consideration, puts themselves forward as representing the interests of residents in the vicinity, the Licensing Authority will normally ask them to provide written evidence that they are acting as representatives of others.

The council, in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination and to promote equality and good relations between persons of different racial groups.

## 1.6 Interested parties

A person is an interested party in relation to an application for or in respect of a premises licence if in the opinion of the LA, the person:

1. lives sufficiently close to the premises to be likely affected by the authorised activities
2. has business interests that might be affected by the authorised activities
3. represents persons in (i) or (ii)

4. Where an individual claims to represent a body or an individual, written confirmation of this will be required to demonstrate who and what is being represented.

## 1.7 Relevant representations

Representations relating to an application need to be made by an interested party or Responsible Authority. The council will normally only consider representations where they relate to the Act and Licensing Objectives, the Codes of Practice or the Statement of Principles. Any representations which are considered to be inadmissible, irrelevant, frivolous, or vexatious will not influence the council's determination of matters.

Anyone making a representation should note that their details will be made available to the applicant. This is to allow for negotiation and in the interests of fairness. In the event of a hearing, representations and associated details will be included as part of a public document.

## 1.8 Advisory body for the protection of children from harm

Crawley Borough Council, as the Licensing Authority, designates the Children's Safeguarding Unit as the competent authority to provide advice on the protection of children from harm.

The Children's Safeguarding Unit (formerly the Child Protection Agency) is the West Sussex County council Social Services' child protection unit and operates throughout the county of West Sussex, covering the Borough of Crawley and has the specialist knowledge and expertise to fulfil this role.

## 1.9 Consultees

This Statement of Licensing Policy was subject to formal consultation with a range of responsible authorities and others, including:

- chief officer of police for Crawley Borough, sussex police;
- West Sussex fire and rescue service;
- the children's safeguarding unit;
- Crawley community safety partnership;
- one or more persons who appear to the la to represent the interests of the persons carrying on the gambling business in the area.
- persons operating or carrying out gambling business and functions
- persons and businesses likely to be affected by authorised gambling within the borough (for further information, see appendix d)

A full list of those consulted is included at Appendix D.

## 1.10 Information exchange

In fulfilling its functions and obligations under the Gambling Act 2005 the council will exchange relevant information with other regulatory bodies and will establish protocols in this respect. In exchanging such information the council will conform to the requirements of the Gambling Act, data protection and freedom of information legislation in accordance with the council's existing policies.

Contact details of those persons making representations and details of the representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representation or applying for a review of a premises licence should be aware these details will be disclosed.

The council will act in accordance with the provisions of the Act in its exchange of information which includes the General Data Protection Regulations (GDPR) and the Data Protection Act 2018. The LA will have regard to any relevant Codes of Conduct, Guidance and Regulations.

Should any protocols be established regarding information exchange with other bodies, then these can be made available on request.

In fulfilling its obligations under the Act, the LA will exchange relevant information with other regulatory bodies where there is evidence of non-compliance, and will establish protocols accordingly. In the exchange of information, the LA will be mindful of the requirements of data protection and Freedom of Information legislation.

## 1.11 Declaration

This LA is aware that when exercising its functions in relation to premises licensing, it should aim to permit the use of premises for gambling, in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the gambling commission (the "codes of practice")
- in accordance with any relevant guidance
- reasonably consistent with the licensing objectives (subject to the above) and
- in accordance with this policy (subject to the above).

### 2.1 Licensing authority functions

Licensing Authorities are required under the Act to:

- be responsible for the licensing of premises where gambling activities are to take place by issuing premises licenses.
- issue provisional statements,
- regulate members clubs who wish to undertake certain gaming activities via issuing club gaming permits and 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, (FECs)
- receive notifications from alcohol licensed premises (under the licensing act 2003) for the use of two or fewer gaming machines.
- issue licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the licensing act 2003, where there are more than two machines.
- register small society lotteries below prescribed thresholds.
- issue prize gaming permits,
- receive and endorse temporary use notices,
- receive occasional use notices
- provide information to the gambling commission regarding details of licenses issued and other information as required.
- maintain registers of the permits and licenses that are issued under those functions.
- enforce legislation in relation to premises.

It should be noted that Local Authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licenses.

This Policy Statement sets out the policies that the LA will consider when determining applications for:

- premises licences
- use notices
- permits as required under the act
- registrations as required under the act.

It also relates to all authorisations identified as falling within the provisions of the Act:

- bingo premises
- betting premises
- casinos
- tracks
- adult gaming centres (AGCs)
- family entertainment centres (FECs)
- club gaming permits
- prize gaming and prize gaming permits
- temporary and occasional use notices
- registration of society lotteries

## 2.2 Matters outside of the scope of the policy

The LA will not be involved in the licensing of remote gambling as this falls under operating licence, regulated by the Gambling Commission as are personal licences for individuals. Spread betting is regulated by the Financial Services Authority, The National Lottery is regulated by the National Lottery Commission.

When determining an application, the council cannot take into account:

- a. the likelihood of an applicant obtaining planning permission or building regulations;
- b. the expected demand for facilities;
- c. irrelevant matters which are not related to gambling or the licensing objectives;
- d. moral objections or nuisance.

## 2.3 Legislation

In undertaking its licensing functions under the Gambling Act 2005, the council is also bound by other legislation, including:

1. Section 17 of the Crime and Disorder Act 1988;
2. Human Rights Act 1998;
3. Health and Safety at Work etc. Act 1974;
4. Environmental Protection Act 1990;
5. Anti-Social Behaviour, Crime and Policing Act 2014;
6. Equality Act 2010;
7. General Data Protection Regulations (GDPR) 2018.

However, the Statement of Gambling Policy is not intended to duplicate existing legislation and regulation regimes that already place obligations on employers and operators.

## 2.4 Relationship with planning policies

When determining an application, regard cannot, under the terms of the Act, be given to planning or building control permissions and/or any planning restrictions.

The issue of a provisional grant of a premises licence is a separate and distinct process to the granting of planning permission. Planning and building control permissions will have to be sought and approved before any development takes place.

## 2.5 National strategies

The council will also seek to discharge its responsibilities identified by other Government Strategies, so far as they impact on the objectives of the licensing function. Regard will also be had in relation to strategies to promote responsible gambling.

## 2.6 Local strategies and policies

The council will consider applications with reference to other adopted local policies, including the following:

1. the council's corporate strategy;
2. community safety strategy;
3. sustainable community strategy;
4. general enforcement policy;
5. local area profiles;
6. business improvement districts;
7. licensing policy statement, licensing act 2003.

## 2.7 Integrating Strategies

By consulting widely prior to this Policy Statement being published, the council endeavoured to secure proper integration with local crime prevention, planning, transport, tourism and cultural strategies.

However, any evaluation and/or granting of a premises licence or permit will be in keeping with Licensing Objectives contained within the Gambling Act 2005.

The Gambling Commission's Licence Conditions and Code of Practice (LCCP) require operators of gambling premises to undertake a risk assessment taking into consideration their local information. Specific information about localities within the Borough as regards deprivation is available at:

### **Local Information about Deprivation**

National statistics can also be found at:

### **National Statistics**

The council recognises that licensing applications under the Act should not be seen as a re-run of the planning application process and there will be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency.

In order to avoid duplication with other statutory regimes as far as possible the council will not attach conditions to a licence unless they are considered necessary for the promotion of the Licensing Objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

### 3.1 Gambling Committee - Terms of Reference

A licensing sub-committee to determine matters under the Act shall be comprised of three councillors of the Licensing Committee who will sit to hear applications where representations have been received from Interested Parties and Responsible Authorities. Ward councillors will not sit on a sub-committee involving an application within their ward.

The Licensing Committee will also sit to determine general licensing matters that have been delegated.

Where a councillor who is a member of the Licensing Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process affecting the licence in question.

The licensing sub-committee will also refer to the Licensing Committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it under the Act.

The Licensing Committee will refer to the Full council any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

Every determination of a licensing decision by the Licensing Committee or a licensing sub-committee shall be accompanied with clear reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable. A summary of the decision shall also be posted on the council's website as soon as possible after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the council.

### 3.2 Allocation of decision making responsibilities

The council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.

Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a sub-committee to deal with them.

Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example, those licences and permits where no representations have been made, have been delegated to council officers. The council's Licensing Team will deal with all other licence applications where either no representation have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.

Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by the council's Team Leader for Health, Safety and Licensing. This Officer will make the decisions on whether representations, other decisions under the Act, or applications for licence reviews should be referred to a licensing sub-committee established to determine matters under the Act or to the Licensing Committee.

Where representations are rejected, the person making that representation will be given written reasons as to why that is the case.

The Table shown at Appendix B sets out the agreed scheme of delegation of decisions and functions to Licensing Committee, sub-committees and officers.

This form of delegation is without prejudice to officers referring an application to a sub-committee, or to the Licensing Committee, or to Full council, if considered appropriate in the circumstances of any particular case.

A hearing may be required to attach or exclude conditions to a licence, unless the applicant waives their right to a hearing.

## 3.3 Licensing Reviews

The council will carry out a review of a premises licence where it has received a formal application for review in accordance with the Act that is relevant to one or more of the Licensing Objectives. Representations may be that activities, including the following, are taking place:

- a. use of licensed premises for the sale and distribution of class a drugs and the laundering of the proceeds of drugs crimes;
- b. use of licensed premises for the sale and distribution of illegal firearms;
- c. use of licensed premises for prostitution or the sale of unlawful pornography;
- d. use of licensed premises as a base for organised criminal activity;
- e. use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
- f. use of licensed premises for the sale of smuggled tobacco or goods;
- g. the use of licensed premises for the sale of stolen goods;
- h. children and/or vulnerable persons are put at risk.

Due consideration will be given to all relevant representations unless they fit the following:

- 1. the grounds are frivolous;
- 2. the grounds are vexatious;
- 3. the grounds are irrelevant;
- 4. the grounds will not cause the Licensing Authority to revoke or suspend a licence or to remove, amend or attach conditions on the Premises Licence;
- 5. the grounds are substantially the same as the grounds cited in a previous application relating to the same premises; or
- 6. the grounds are substantially the same as representations made at the time the application for a Premises Licence was considered.

A Premises Licence issued under the Act may also be reviewed by the LA on its own volition.

### 4.1 Applications

An application for a premises licence under the Act can only be made by a person who either holds an operating licence which authorises the activity in respect of which a premises licence is sought, OR has made an application for an operating licence which has not been determined.

Applications for the grant, transfer or variation of a premises licence must be accompanied by an assessment that demonstrates how the applicant will promote all the Licensing Objectives in the form of a written Operating Schedule.

### 4.2 Location

The council is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the Licensing Objectives can be.

The council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

When determining an application to grant or vary a premises licence or whether to review a premises licence, regard will be taken as to the proximity of the premises to schools, vulnerable adult centres, or to residential areas with a high concentration of families with children. The proximity of premises etc. taken into consideration will vary depending upon the size and scope of the gambling premises concerned. Each case will, however, be determined on its merits.

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

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

The council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the Licensing Objectives.

Since 6 April 2016, it has been a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 10, for licensees to assess the local risks to the Licensing Objectives posed by the provision of gambling facilities at their premises. They must have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this Statement of Principles.

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

1. To take account of significant changes in local circumstance, including those identified in this policy;
2. When there are significant changes at a licensee's premises that may affect their mitigation of local risks;
3. When applying for a variation of a premises licence; and
4. In any case, undertake a local risk assessment when applying for a new premises licence.

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

- Whether the premises is in an area subject to high levels of crime and/or disorder;
- The demographics of the area in relation to vulnerable groups;
- The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children are likely to gather.

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

Other matters that the assessment may include:

- the training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- details as to the location and coverage of working cctv cameras, and how the system will be monitored.
- the layout of the premises so that staff have an unobstructed view of persons using the premises.
- the number of staff that will be available on the premises at any one time.
- if at any time the number of staff available on the premises is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.

## 4.3 Assessment of need

Unmet demand is not a criterion that will be taken into consideration when determining an application for a premises licence under the Gambling Act 2005.

## 4.4 Conditions

Conditions will be applied to licences that are proportionate and appropriate to the business, organisation or individual concerned. The council will principally draw upon the advice issued by the Gambling Commission and attach conditions relative to the given circumstances of each individual case.

Conditions attached to the premises licences will, so far as possible, reflect local crime prevention strategies. For example, the provision of closed circuit television cameras, licensed door supervision and other controls may be appropriate in certain premises.

## 4.5 Enforcement and inspection

The council is a signatory to the Regulators' Code and will follow the principles set out in it. The Regulators' Code is based upon the principles of consistency, transparency and proportionality.

The Regulators' Code proposes that a graduated response is taken where offences against legislation are found or where licence conditions have been contravened. An isolated administrative offence such as failing to maintain certain records may be dealt with purely by way of a written warning. More serious offences or repeated offences that have been committed over a period of time may result in referral to a licensing sub-committee, the issue of a Formal Caution or a referral for prosecution.

Premises may be subject to a scheme of routine inspection, the frequency of which will be determined by the risks posed by the premises i.e. those premises considered to pose a greater risk will be subject to more frequent inspections than those posing a lower risk.

When determining risk, consideration will be given to:

1. the nature of the gambling activities carried out on the premises;
2. the location of the premises in relation to schools etc.;
3. the procedures put in place by the management to meet the Licensing Objectives.

Additional random monitoring visits may be made, at the discretion of the licensing team, where it is considered necessary to meet the needs of the Licensing Objectives or following receipt of complaint. The Borough will be monitored for unlicensed premises.

The council will seek to work actively with the Police in enforcing the Act and associated legislation. It encourages the police to share information about licensees and licensed premises under the Crime and Disorder Act 1998.

The council recognizes that certain bookmakers have a number of premises within our area. In order to ensure that any compliance issues are recognized and resolved at the earliest stage, operators will be requested to give the council a single named point of contact, who should be a senior individual, and whom the council will seek to contact first should any compliance queries or issues arise.

## 4.6 Casinos

There is no resolution to prohibit casinos in the Borough at present. However, the council reserves its right to review this situation and may at some time in the future, resolve not to permit casinos.

Should the council choose to make such a resolution, this will be a resolution of Full council following considered debate and the reasons for making the resolution will be given.

## 4.7 Unlicensed Family Entertainment Centre (uFEC) gaming machine permits

Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to this licensing authority for a permit. UFEC's may offer any number of category D machines only in reliance on a gaming machine permit.

An application for a permit may be granted only if the LA is satisfied that the premises will be used 'wholly or mainly' as an unlicensed Family Entertainment Centre and if the chief officer of police has been consulted on the application. (A permit will not therefore be granted for an entire complex, shopping centre, airport, etc.).

The application for a permit can only be made by a person who occupies or plans to occupy the premises to be used as an uFEC and, if the applicant is an individual, he or she must be aged 18 or over. Applications for a permit cannot be made if a premises licence is in effect for the same premises.

In considering the application, the licensing authority shall have regard to this

Statement of Gambling Policy, the relevant guidance issued by the Gambling

Commission and may also have regard to the Licensing Objectives

(Schedule 10, paragraph 7 of the Act).

The LA may also consider asking applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in UFECs;
- that the applicant has no relevant convictions (those that are set out in schedule 7 of the act);
- that employees are trained to have a full understanding of the maximum stakes and prizes.

Relevant considerations to take into account would be the applicant's suitability, such as any convictions that they may have that would make them unsuitable to operate a family entertainment centre; and the suitability of the premises in relation to their location and issues about disorder.

Applications must therefore be completed and submitted on the council approved application form, accompanied by the following;

- prescribed fee.
- a satisfactory plan outlining the layout of the proposed authorized premises inclusive of entrance/exit(s), fixed furniture/fittings, location of the various gaming machines and supervisory station(s)).
- public liability insurance certificate for a minimum cover of £5 million.
- operating schedule outlining how the applicant proposes to promote the licensing objectives.
- the applicant (individual or each company director) will provide a recent (within one month of issue) DBS check together with a list of all staff names to be employed at the premises, such a list to be updated following the termination or employment of any new member of staff. a recent (within one month of issue) DBS check will be required for each employee before they take up their relevant post.

Given that the premises is likely to appeal particularly to children and young persons, the Licensing Authority will give considerable weight to matters relating to the protection of children from being harmed or exploited by gambling and to ensure that staff supervision adequately reflects the level of risk to this group.

- a permit shall cease to have effect at the end of the period of ten years beginning with the date specified unless it ceases to have effect before that time in accordance with legislation, or it is renewed.
- a permit shall lapse if the holder ceases to occupy the premises specified.
- a permit shall not take effect if on the date specified the person to whom the permit is issued is not an occupier of the premises as specified.
- a permit shall lapse if the licensing authority notify the holder that the premises are not being used as a family entertainment centre (premises used wholly or mainly for use of gaming machine not above category d as defined in the act).
- a permit shall lapse if the holder ceases to exist, or goes into liquidation (within the meaning of section 247(2) of the insolvency act 1986).
- a permit shall cease to have effect if the holder gives to the licensing authority notice of surrender, and either the permit, or a statement explaining why it is not reasonably practicable to produce the permit.

## 4.8 Alcohol Licensed premises and gaming machine permits

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

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

If a premises wishes to have more than two machines, then it needs to apply for a permit and the council must consider that application based upon the Licensing Objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “such matters as they think relevant”.

Where appropriate and depending on the individual circumstances of the premises the council in general may consider granting a permit for more than two machines without the need to hold a hearing.

This Licensing Authority considers that “such matters” will be decided on a case by case basis. Generally, there will be 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 machines.

Measures which will satisfy the LA that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare as well as the promotion of a Responsible Gambling Policy and self exclusion process.

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

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

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

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

## **4.9 Door supervisors (Security Industry Authority Registered)**

The Gambling Commission advises in its Guidance for Local Authorities that

LAs 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. This also needs to be considered in terms of preventing premises becoming a source of crime.

The council will make a door supervisor requirement if there is clear evidence that the premises cannot be adequately supervised and that supervision is necessary and appropriate to promote the licensing objectives.

## **4.10 Betting machines**

While the council has authority as to the number, nature and circumstances of use of betting machines, it will consider limiting the number where there is clear evidence that such machines have been or are likely to be used in breach in the Licensing Objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines.

## 5 Preventing gambling from being a source of crime and disorder

The council will, when determining applications, consider whether the grant of a premises licence is likely to result in an increase in crime and disorder.

The Gambling Commission, in its guidance for local authorities, has noted that “disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it.”

This LA agrees with this statement.

Applicants are encouraged to discuss the crime prevention procedures in their premises with the council and/or the Sussex Police before making a formal application.

In considering licence applications, the council will particularly take into account the following:

1. the design and layout of the permit the training given to staff in crime prevention measures appropriate to those premises;
2. physical security features installed in the premises. this may include matters such as the position of cash registers or the standard of cctv that is installed;
3. where premises are subject to age-restrictions, the procedures in place to conduct age verification checks;
4. the likelihood of any violence, public order or policing problem if the licence is granted.

## 6 Ensuring gambling is conducted in a fair and open way

Generally, the Gambling Commission would not expect LAs to become concerned with ensuring that gambling is conducted in a fair and open way. This will normally be a matter for either the operator and/or management of the gambling business, and therefore subject to the Operating Licence, or will be in relation to the suitability and actions of an individual who holds a personal licence under the Act. Both of which are the responsibility of the Gambling Commission.

## 7 The protection of children and other vulnerable persons

### 7.1 Access to licensed premises

With limited exceptions, the access of children and young persons to those gambling premises, which are adult only environments, will not be permitted.

The council will seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

The council will consult with the Local Children Safeguarding Unit and / or Sussex Police on any application that indicates there may be concerns over access for children or vulnerable persons.

The council will judge the merits of each separate application before deciding whether to impose conditions to protect children on particular categories of premises.

This may include such requirements as:

1. Supervision of entrances;
2. Segregation of gambling areas from areas frequented by children;
3. Supervision of gaming machines in non-adult gambling specific premises.

### 7.2 Vulnerable Persons

The council does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children but it will assume, for regulatory purposes, that 'vulnerable persons' includes:

- people who gamble more than they want to;
- people who gamble beyond their means; and
- people who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol or drugs.

The council will investigate complaints against licensed premises in relation to matters relating to the Licensing Objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licensee or business concerned to seek a local resolution.

Where an interested party has made valid representations about licensed premises, or a valid application for a licence to be reviewed, the council may initially recommend a conciliation meeting to address and clarify the issues of concern.

This process will not override the right of any interested party to ask that the licensing committee consider their valid objections, or for any licence holder to decline to participate in a conciliation meeting.

Due consideration will be given to all relevant representations unless they are considered to be irrelevant, frivolous, vexatious or repetitious.

## 9 Further information

Further information about the Gambling Act 2005, this Statement of Gambling Policy and about the application process, including application forms and guidance notes can be obtained from:

Environmental Health and Licensing Team  
Community Services  
Crawley Borough Council  
Town Hall  
The Boulevard  
Crawley  
West Sussex  
RH10 1UZ

Tel: **01293 438027**

Fax: **01293 438604**

Email: [licensing@crawley.gov.uk](mailto:licensing@crawley.gov.uk)

Website: [www.crawley.gov.uk](http://www.crawley.gov.uk)

Information is also available from the Gambling Commission:

Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

Tel: **0121 230 6500**

Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)



Borough of Crawley



Shown within West Sussex

Geography

Status:	Borough
Region:	South East England
Admin. County:	West Sussex
Area:	44.97 km <sup>2</sup>
Admin. HQ:	Crawley

Neighbourhoods of Crawley

- 1. Langley Green
- 2. Northgate
- 3. Pound Hill
- 4. Maidenbower
- 5. Furnace Green
- 6. Tilgate
- 7. Broadfield
- 8. Bewbush
- 9. Ifield
- 10. West Green
- 11. Gossops Green
- 12. Southgate
- 13. Three Bridges
- 14. Forge Wood

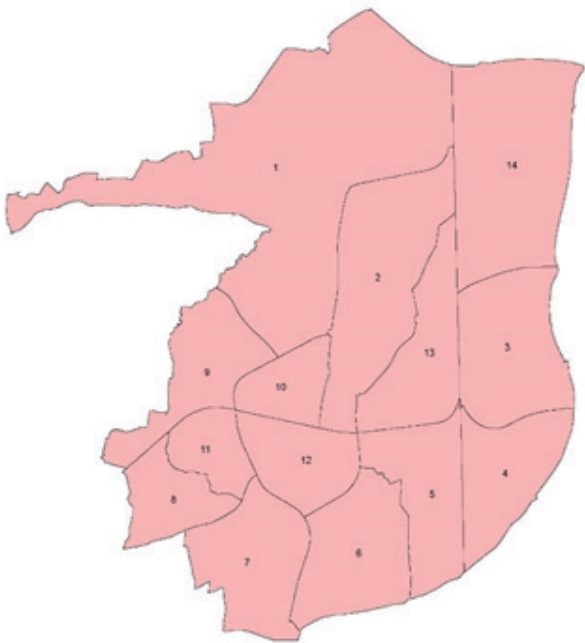


Table of delegations of licensing functions:

Matter to be dealt with	Full council	Sub-committee of licensing committee	Officers
Three year licensing policy	●		
Policy not to permit casinos	●		
Fee Setting - when appropriate		Portfolio holder	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		●	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		●	
Applications for other permits			●
Cancellation of licensed premises gaming machine permits			●
Consideration of temporary use notice			●
Decision to give a counter notice to a temporary use notice		●	
Determination as to whether a person is an Interested Party			●
Determination as to whether representations are relevant			●
Determination as whether a representation is frivolous, vexatious or repetitive			●

Contact details for relevant authorities

**The Licensing Authority  
Environmental Health and Licensing**  
Crawley Borough Council  
Town Hall  
The Boulevard  
Crawley  
West Sussex  
RH10 1UZ

**WSSC Fire and Rescue Service**  
Chief Fire Officer  
West Sussex Fire and Rescue Service  
Business Fire Safety  
Horsham Fire Station  
Hurst Road  
Horsham  
West Sussex  
RH12 2DN

**HM Revenue and Customs**  
National Registration Unit  
Portcullis House  
21 India Street  
Glasgow  
G2 4PZ

**Chief Officer of Police**  
C.O Licensing Section  
Horsham Police Station  
Hurst Road  
Horsham  
West Sussex  
RH12 2DJ

**Children's Safeguarding Unit**  
Room 24  
Durban House  
Durban Road  
Bognor Regis  
PO22 9RE

**Gambling Commission**  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

**Crawley Borough Council  
Planning Authority**  
Crawley Borough Council  
Town Hall  
The Boulevard  
Crawley  
West Sussex  
RH10 1UZ

**Crawley Borough Council  
Health and Safety**  
Crawley Borough Council  
Town Hall  
The Boulevard  
Crawley  
West Sussex  
RH10 1UZ

**Crawley Borough Council  
Environmental Health**  
Crawley Borough Council  
Town Hall  
The Boulevard  
Crawley  
West Sussex  
RH10 1UZ

### Consultees:

Elected Members, Crawley Borough Council

The Gambling Commission

Sussex Police

West Sussex Fire and Rescue Service

Head of Economic and Environmental Services, Crawley Borough Council

Children's Safeguarding Unit, West Sussex County Council

HM Revenues and Customs

Crawley Local Strategic Partnership

Representatives of the licence holders for premises in the Borough who are affected by this policy

Members of the public who are affected by this policy

Crawley and Gatwick Business Watch

## Glossary of terms:

Within this Statement of Gambling Policy, the following words and terms are defined as stated:

<b>Licensing objectives</b>	As defined in section 1.1 (above).
<b>Council</b>	Means Crawley Borough Council
<b>District</b>	Means the area of West Sussex administered by Crawley Borough Council – see map in Appendix A
<b>Licence</b>	As defined in section 1.4 below.
<b>Applications</b>	Means applications for Licences or Permits defined in section 1.4 below.
<b>Notifications</b>	Means notifications of Temporary Use Notices, Occasional Use Notices and licensed premises gaming machine notices
<b>Act</b>	Means the Gambling Act 2005
<b>Regulations</b>	Means Regulations made under the Gambling Act 2005
<b>Premises</b>	Means any place and includes a vehicle, vessel or moveable structure
<b>Code of practice</b>	Means any relevant code of practice under Section 24 of the Gambling Act 2005
<b>Mandatory condition</b>	Means any specified condition provided by regulations to be attached to a licence
<b>Betting machines</b>	These are machines on the shop floor of the betting office through which a customer can place a bet without having to visit the counter, not to be confused with AWP's.
<b>Responsible authority</b>	For the purposes of the Gambling Act 2005, the following are responsible authorities in relation to premises: <ul style="list-style-type: none"> <li>• The Licensing Authority (Crawley Borough Council)</li> <li>• The Gambling Commission</li> <li>• Sussex Police</li> <li>• West Sussex Fire and Rescue Service</li> <li>• Head of Planning Services, Development Control, Crawley Borough Council</li> <li>• Head of Environmental Services, Crawley Borough Council</li> <li>• Children's Safeguarding Unit, Social Services, West Sussex County council (WSSCC)</li> <li>• HM Revenues and Customs</li> </ul>

<b>Interested party</b>	<p>For the purposes of the Gambling Act 2005, 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:</p> <ul style="list-style-type: none"> <li>• Lives sufficiently close to the premises to be likely to be affected by the authorised activities.</li> <li>• Has business interests that might be affected by the authorised activities; this could also include, for example, trade associations, charities, faith groups and medical practices.</li> <li>• Represents persons who satisfy either of the above; for example Residents' and Tenants' Associations.</li> <li>• When considering whether a person is an "interested party," each case will be judged on its merits taking into consideration the relevant circumstances, including those contained in the Gambling Commission's Guidance to Local Authorities.</li> </ul>
<b>Applications authorisations</b>	Applications for licences and permits as defined in paragraph 1.15 and 1.16.
<b>Authorised local authority officer</b>	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that authority's area.
<b>Authorised person</b>	<p>A Licensing Officer and an officer of an authority other than a Licensing Authority, both of whom have been authorised for a purpose relating to premises in that authority's area. The following are considered authorised persons:</p> <ul style="list-style-type: none"> <li>• Inspectors appointed under the Fire Precautions Act 1971;</li> <li>• Inspectors appointed under the Health and Safety at Work, etc. Act 1974</li> <li>• Inspectors or Surveyors of ships appointed under the Merchant Shipping Act 1995;</li> <li>• A person in a class prescribed in regulations by the secretary of State.</li> </ul>
<b>Automated roulette equipment</b>	Two types: a. Linked to a live game of chance, e.g. Roulette b. Plays live automated game, i.e. operates without human intervention
<b>Automatic conditions</b>	Conditions attached automatically to premises licences or authorisations. The Licensing Authority has no discretion not to include or modify them.
<b>AWP machines</b>	Amusement with Prizes Machines eg. certain fruit machines
<b>BACTA</b>	British Amusement Catering Trade Association
<b>Betting intermediary</b>	Offers services via remote communication, such as the internet.
<b>Betting ring betting machines bingo casino</b>	<p>An area that is used for temporary 'on course' betting facilities. A machine designed or adapted for use to bet on future real events (not a Gaming Machine) where a bet can be placed on the shop floor without the need to visit the counter. A game of equal chance. An arrangement whereby people are given an opportunity to participate in one or more casino games.</p>

<b>Casino games</b>	Games of chance that are not equal chance gaming.
<b>Casino premises licence categories</b>	<ul style="list-style-type: none"> <li>a) Regional Casino Premises Licence</li> <li>b) Large Casino Premises Licence</li> <li>c) Small Casino Premises Licence</li> <li>d) Casinos permitted under transitional arrangements</li> </ul>
<b>Casino resolution</b>	Resolution not to issue Casino Premises
<b>Child</b>	Individual who is less than 16 years old.
<b>Club gaming machine permit</b>	Permit to enable the premises to provide gaming machines (three machines of Categories B, C or D)
<b>Code of Practice Act 2005</b>	Means any relevant code of practice under section 24 of the Gambling
<b>Complex Lottery</b>	<p>An arrangement where:</p> <ul style="list-style-type: none"> <li>• Persons are required to pay to participate in the arrangement;</li> <li>• In the course of the arrangement, one or more prizes are allocated to one or more members of a class;</li> <li>• The prizes are allocated by a series of processes; and</li> <li>• The first of those processes relies wholly on chance.</li> </ul>
<b>Council</b>	Crawley Borough Council
<b>Customer lotteries</b>	Lotteries run by the occupiers of business premises who sell tickets only to customers present on their premises. These lotteries may not be conducted on vessels.
<b>Default conditions</b>	Conditions that will apply unless the Licensing Authority decide to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.
<b>Delegated powers</b>	Decisions delegated either to a Licensing Committee, Sub-Committee or Licensing Officers.
<b>Domestic computer</b>	Definition in forthcoming Regulations. Exempt from a Gaming Machine Permit.
<b>Disorder</b>	No set interpretation, however, likely to be connected to the way gambling is being conducted. In the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
<b>Equal chance gaming</b>	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants
<b>EBT</b>	Electronic Bingo Ticket Minders. Electronic equipment operated by a Bingo Operators Licence for playing bingo
<b>Exempt Lotteries</b>	<p>Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are four types:</p> <ul style="list-style-type: none"> <li>• Small Society Lottery (required to register with Licensing Authorities.</li> <li>• Incidental Non Commercial Lotteries e.g. Raffle at a dance/church fair</li> <li>• Private Lotteries e.g. Raffle at a student hall of residence</li> <li>• Customer Lotteries e.g. Supermarket holding a hamper raffle</li> </ul>
<b>External Lottery manager</b>	An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.
<b>Fixed odds betting</b>	General betting on tracks.

<b>Fixed odds betting terminal</b>	A category B2 gaming machine
<b>Game of chance</b>	A game of chance can include an element of chance and an element of skill. This does not include a sport.
<b>Gaming</b>	Playing a game of chance for a prize.
<b>Gaming machine</b>	Machine covering all types of gambling activity, including AWP machines and betting on virtual events
<b>Categories</b>	
Max. Stake	Max Prize
A Unlimited	
B1 £2	£4,000
B2 £100	£500
B3 £1	£500
B4 £1	£250
C 50p	£25
D 10p or 30p*	£5 or £8*
*When non-monetary prize only	
B2 machines are subject to change following Central government policy changes in 2018.	
<b>Guidance</b>	Guidance issued by the Gambling Commission dated May 2009.
<b>Human Rights Act 1998</b>	Article 1: Protocol 1 – the right to peaceful enjoyment of possessions
<b>Articles 1, 6, 8 and 10</b>	Article 6: the right to a fair hearing Article 8: the right of respect for private and family
<b>GDPR</b>	General Data Protection Regulations 2018



## Appendix B

### **Summary of Changes - Statement of Licensing Policy Gambling Act 2005**

#### **Revisions have been made for the purpose of:**

- Updating statistical information
- Ensure that, as far as possible, the language used is easy to understand thereby maximising accessibility.
- Expanding on certain areas within the Statement to facilitate understanding and to support individuals looking to comment upon gambling matters, make representations, and/or signpost people to further information/relevant bodies.
- To take account of legislative changes, including the General Data Protection Regulations (GDPR) 2018

#### **List of Amendments**

##### **1.2 Introduction & Area Characteristics**

- Inclusion of an overview of the Statement Review process
- Revisions to statistical information. (supported by Appendix A)

##### **1.6 Interested Parties**

- Overview of what constitutes an “interested party.”

##### **1.7 Relevant Representations**

- Overview of what constitutes a relevant representation under the Act and the matters the LA considers when determining such.

##### **1.9 Consultees**

- Sentence included to state that the list of those consulted will be included at Appendix D

##### **1.10 Information Exchange**

- Section included regarding the General Data Protection Regulations (GDPR)
- Formulation of information sharing protocols
- Sharing of information

## **1.11 Declaration**

Revisions to the declaration statement regarding matters to be aware of when exercising its functions in relation to premises licensing.

## **2.0 Legislation, Policies and Strategies**

### **2.1 Licensing Authority Functions**

- Policies to be considered by the LA under the Gambling Act 2005, including licences and authorisations

### **2.2 Matters Outside of The Scope of the Policy**

- Section re-worded and added to facilitate understanding

## **3.0 Decision Making**

### **3.2 Allocation of Functions**

- Further detail included regarding frivolous, irrelevant, vexatious representations, and determination of the same.

## **4.4 Conditions**

- Examples of conditions which can be attached to licences

## **Appendix E Glossary of Terms**