

TO:- Licensing and Regulatory Committee

Councillor Vincent Merrick , Councillor Mike Davies , Councillor Andrew Adams , Councillor Penny Allen ,
Councillor Meg Barrow , Councillor John Brindle , Councillor Gary Burnett , Councillor Christopher Evans ,
Councillor Sam Harper-Wallis , Councillor Rita Heseltine , Councillor Matthew Jackson , Councillor John Michell ,
Councillor Rob Nelson , Councillor Bernard Williams , Councillor David Williams

Notice is hereby given that a meeting of the Licensing and Regulatory Committee will be held as detailed below for the purpose of transacting the business set out below.

Date: Thursday, 21 March 2024

Time: 14:30

Venue: Council Chamber, Community Hub, Wolverhampton Road, Codsall, South Staffordshire, WV8 1PX



D. Heywood
Chief Executive

AGENDA**Part I – Public Session**

- | | | |
|----------|--|----------------|
| 1 | Minutes
To approve the minutes of the Licensing and Regulatory Committee meeting held on 18 January 2024. | 1 - 2 |
| 2 | Apologies

To receive any apologies for non-attendance. | |
| 3 | Declarations of Interest

To receive any declarations of interest. | |
| 4 | Private Water Supply Regulations 2016
Report of Environmental Health and Licensing Team Manager | 3 - 10 |
| 5 | Proposed Statement of Gambling Principles 2024-2027 For Consultation
Report of the Environmental Health and Licensing Team Manager | 11 - 72 |

RECORDING

Please note that this meeting will be recorded.

PUBLIC ACCESS TO AGENDA AND REPORTS

Spare paper copies of committee agenda and reports are no longer available. Therefore should any member of the public wish to view the agenda or report(s) for this meeting, please go to www.sstaffs.gov.uk/council-democracy.

Minutes of the meeting of the **Licensing and Regulatory Committee** South Staffordshire Council held in the Council Chamber Community Hub, Wolverhampton Road, Codsall, South Staffordshire, WV8 1PX on Thursday, 18 January 2024 at 14:30

Present:-

Councillor Andrew Adams, Councillor Penny Allen, Councillor Meg Barrow, Councillor Gary Burnett, Councillor Mike Davies, Councillor Christopher Evans, Councillor Rita Heseltine, Councillor Vincent Merrick, Councillor John Michell, Councillor Bernard Williams, Councillor David Williams

12 **MINUTES**

RESOLVED: that the minutes of the Licensing and Regulatory Committee held on 26 October 2023 be approved and signed by the Chairmen.

13 **APOLOGIES**

Apologies were received from Councillor Brindle and Councillor Harper-Wallis.

14 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

15 **Q3 UPDATE REPORT ON DELIVERY OF TAXI LICENSING FUNCTIONS**

RESOLVED: that members note the report from Wolverhampton City Council on the status of taxi licensing.

16 **REVIEW OF FEES AND CHARGES FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING FUNCTIONS FOR 2024-2025**

It was Proposed by Councillor M Davies and Seconded by Councillor M Barrow.

RESOLVED: Members approved the proposed fees and charges as set out in Appendix 1 with effect from 1 April 2024.

The Meeting ended at: 14:55

CHAIRMAN

SOUTH STAFFORDSHIRE COUNCIL

LICENSING AND REGULATORY COMMITTEE 21 MARCH 2024

PRIVATE WATER SUPPLY REGULATIONS 2016 – ANNUAL RETURN

REPORT OF ENVIRONMENTAL HEALTH AND LICENSING TEAM MANAGER

**LEAD CABINET MEMBER – COUNCILLOR RITA HESELTINE – DEPUTY LEADER AND
CABINET MEMBER FOR REGULATORY SERVICES**

PART A – SUMMARY REPORT

1. SUMMARY OF ACTIONS TAKEN

- 1.1 The Local Authority has the responsibility for risk assessing and monitoring private water supplies within the district to ensure that water from private water supplies is wholesome, so that people who drink water or consume food or drinks made from private supplies may do so without risk to their health.
- 1.2 This report advises on the work undertaken during 2023. It follows on from the report of 16th March 2023 which set out a planned programme of work, and the charging scheme.

2. RECOMMENDATIONS

2. 1 To note the work undertaken during 2023 to ensure the wholesomeness and safety of drinking water obtained from private water supplies in the district.

3. SUMMARY IMPACT ASSESSMENT

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	A safe and sustainable District
	Has an Equality Impact Assessment (EqIA) been completed?	
	No	
SCRUTINY POWERS APPLICABLE	No	
KEY DECISION	No	
TARGET COMPLETION/ DELIVERY DATE	March 2024	
FINANCIAL IMPACT	No	The charging scheme seeks to recover costs expended by the Local Authority in implementing the private water supply monitoring scheme.
LEGAL ISSUES	Yes	None – For information only

OTHER IMPACTS, RISKS & OPPORTUNITIES	None	Risk of action by DWI if we do not discharge our duties in relation to private water supplies. Reputational risk of illness or outbreak associated with private water supply we have not engaged with. Opportunity to improve quality of private water supplies across South Staffordshire.
IMPACT ON SPECIFIC WARDS	No	

PART B – ADDITIONAL INFORMATION

4. INFORMATION

Background

- 4.1 A private water supply is any supply not provided by a water company where the water is consumed for domestic purposes or as part of a public or commercial activity. About 1% of the population of England and Wales use a private water supply. Most of these supplies are situated in remote, rural parts of the country and can originate from a range of sources including boreholes, natural springs and watercourses.
- 4.2 A map of private water supplies in South Staffordshire has been attached at Appendix 1 for information.

Regulatory Framework

- 4.3 The Drinking Water Inspectorate (DWI) was created in 1990 to provide independent reassurance that public water supplies in England and Wales are safe and drinking water is acceptable to consumers. Its role includes oversight of local authority enforcement of regulations in respect of private water supplies.
- 4.4 Private Water Supply (England) Regulations 2016 (amended 2018) provide measures and controls for the work of local authorities with private water supplies. These included a new accreditation scheme that all officers involved in private water sampling had to be certified before undertaking these duties and a new method for risk assessments. Officers from the Environmental Protection Team have undertaken training and are accredited to carry out these duties.
- 4.5 Duties for the local authority include:
- Risk Assessments
 - Sampling visits
 - Investigations (where water quality is not up to the appropriate standard)
 - Analysis of samples

Water Quality

- 4.6 Even if water looks clear, untreated water can contain microorganisms (from animal droppings or human sewage) or chemical contamination which may not be

detectable by taste or smell. Some microorganisms, such as Cryptosporidium, Giardia, Campylobacter and E.coli 0157 can cause vomiting and diarrhoea or more severe illness in some cases.

- 4.7 The effects of chemicals depend on the type and amount of chemical present. One common concern relates to lead, which is dissolved from lead pipework, and can impair childhood development.
- 4.8 The local authority has powers under the Regulations to require that a supply is improved by the relevant person(s) who control the supply. The Regulations also require local authorities to provide private water supply monitoring data to the Drinking Water Inspectorate in the form of an annual return.

Private water supplies categories

- 4.9 Supplies are categorised into three groups:

- **Small Supplies**

A water supply with a daily volume of less than 10m³ (serving fewer than 50 people) where no commercial activity takes place.

These are subdivided into two types:

Shared supplies – These have one supply, managed by the *supply owner* who shares the water with a number of other properties whose occupants are *supply users*. Within South Staffordshire we have 5 Small (Regulation 10) Supplies which serve between 2 – 10 other properties. This is a reduction from the number reported in 2023, based on an initial survey in 2012 and our work in the last decade. It reflects the more up to date information from engaging with supply owners during the last year.

Single supplies - A water supply that serves only one private domestic dwelling where no commercial activity takes place.

The majority of private water supplies within South Staffordshire are single property supplies. We have just reported to the DWI on the state of private water supplies in the District and the number of single dwellings known to us is 42. This is a significant change from the estimate we made in the last report, which was based on the survey undertaken in 2012. All premises from the original estimate were contacted in 2023 and the reduction reflects decisions from property owners to connect to the mains, often because of issues with the original supply. These supplies only need to be sampled and risk assessed at the owners or occupiers request, and therefore the financial impact is negligible.

- **Large Supplies (Regulation 9)**

A water supply with an average daily volume greater than 10m³ (serving over 50 people) or serving a commercial premise for example: B&B's, holiday lets, food premises. These supplies require a risk

assessment every five years and sampling at least once a year at a frequency determined by the risk and volume of water used.

Within South Staffordshire we currently have a 11 large supplies, an increase of 1 from last year, which serve 2 cafés, a brewery, holiday accommodation, food processing establishments and farms.

Risk Assessment

- 4.10 Each local authority is required to carry out a risk assessment of every private water supply except a supply to a single dwelling where the water is not used as part of a commercial or public activity, unless requested to do so by the owner or occupier of the dwelling every five years.
- 4.11 Risk assessments have been undertaken of all small, shared supplies and large supplies during 2023. Generally, there is good compliance with the requirements of the legislation. Given the nature of some supply users, e.g. rural farms, we sometimes found there to be a lack of formal documentation on how to operate and maintain the supply systems. A pragmatic approach has been taken in these circumstances to support duty holders in meeting the requirements.

Sampling of Supplies

- 4.12 During the year 17 monitoring visits to take samples were undertaken. We also had a request from a single dwelling user to carry out a sample of a new supply. Single supplies are not normally sampled in our monitoring regime, only being done so if requested by the supply owner.
- 4.13 Of the samples taken 6 supplies had failures of one or more of the prescribed values or concentrations set out in the private water supply regulations. One of these was deemed more serious because they had an impact on the wholesomeness of supply and its bacteriological quality.
- 4.14 In such circumstances we are required to carry out further investigation of the cause of the failure and serve notice to improve the supply. Following an investigation, a notice was served in December 2023 on one supply owner requiring action to install a water treatment system on their supply. We are collaborating with the owner as they carry out this work.
- 4.15 In respect of the other supplies where exceedances were found we have taken advice from the DWI and UK Health Security Agency (UKHSA) on appropriate action or advice that needs to be given to the supply users.
- 4.16 Where wholesomeness is not in question, e.g. for a couple of the supplies the pH level was outside the recommended range of 6.5 to 9.5, there is no mandatory requirement to improve the supply. In these circumstances we have shared the advice provided by the DWI and UKHSA.
- 4.17 As a result of all the work undertaken last year, we have now advised all supplies on

the frequency of monitoring going forward. For large supplies this is once per year, with the exception of a food processor in the north of the District, which because of the volume of water used must be sampled twice yearly.

- 4.18 For the small, shared supplies they are monitored once every five years.
- 4.19 With completion of the work programme we have one outstanding supply which requires risk assessment and monitoring. Repeated attempts to engage the duty holder have been unsuccessful, and we are now considering legal action.

Annual Return

- 4.20 The final requirement each year is to submit an annual return to the DWI setting out the results of our work. This was submitted on 25th January, in advance of the deadline of the end of January.
- 4.21 In 2024 we will be carrying out monitoring of the large supplies, as per the schedule, along with ensuring that the supplies where notices have been served comply with the legislation.
- 4.22 Risk assessments are undertaken every 5 years so with the exception of the supply where the owner has not engaged, none are scheduled for this year.

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

None

6. PREVIOUS MINUTES

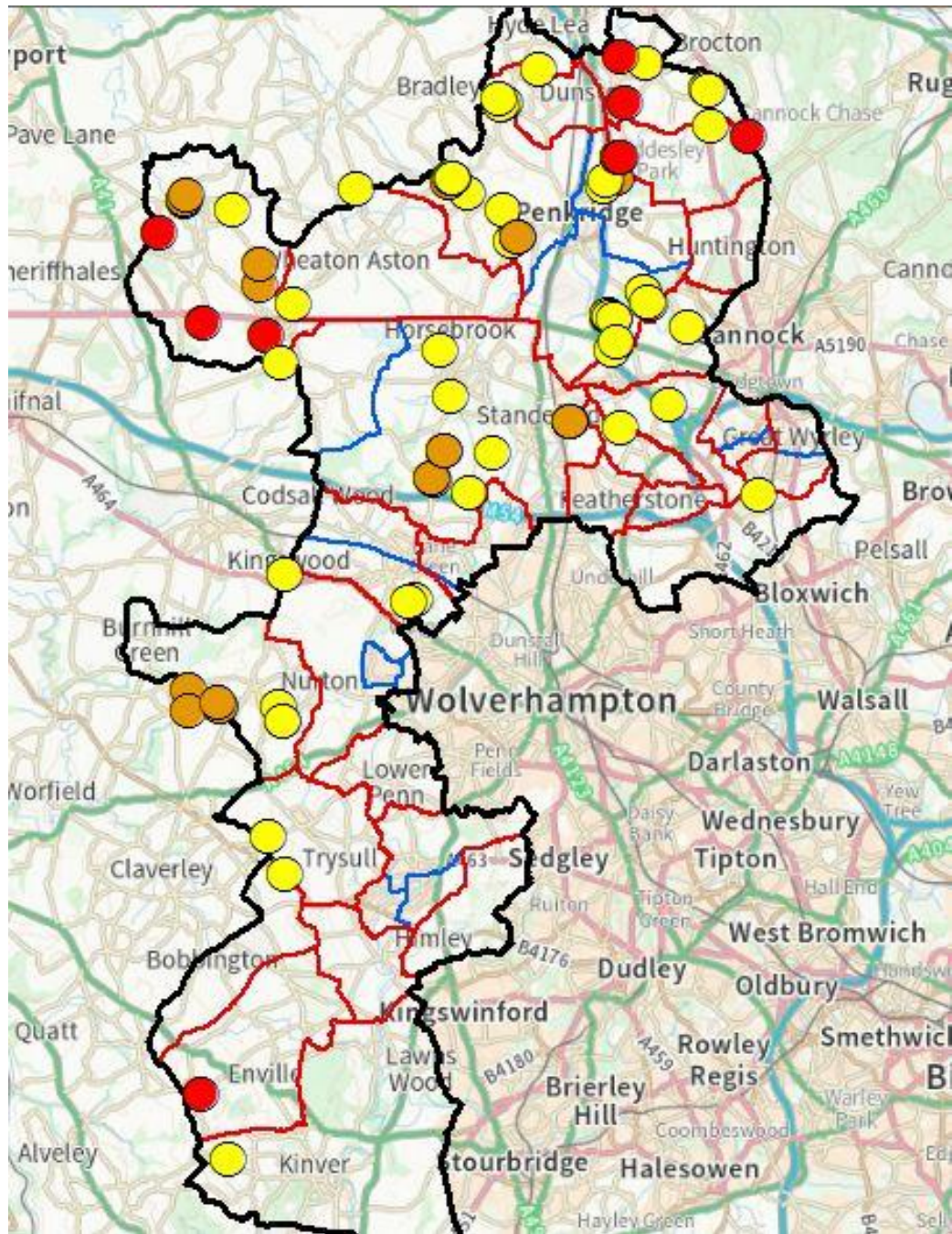
Report from November 2019 to Licensing and Regulatory Committee.

Report March 2023 to Licensing and Regulatory Committee Charging Scheme

7. BACKGROUND PAPERS

Appendix 1 – Map of private water supplies in South Staffordshire

Report prepared by: Jenny Rhodes - Team Manager, Environmental Health Protection and Licensing



red - commercial supplies
 orange - shared domestic
 yellow - single domestic supplies

SOUTH STAFFORDSHIRE COUNCIL

LICENSING AND REGULATORY COMMITTEE – 21 MARCH 2024

PROPOSED STATEMENT OF GAMBLING PRINCIPLES 2024-2027 FOR CONSULTATION

REPORT OF THE ENVIRONMENTAL HEALTH AND LICENSING TEAM MANAGER

**LEAD CABINET MEMBER – COUNCILLOR RITA HESELTINE, CABINET MEMBER FOR
REGULATORY SERVICES**

PART A – SUMMARY REPORT

1. SUMMARY OF PROPOSALS

- 1.1 The Gambling Act 2005 requires that local authorities review and publish their Statement of Gambling Principles (Gambling Policy) every 3 years.
- 1.2 The Statement of Gambling Principles, or Gambling Policy, provides the framework within which Licensing and Regulatory Committee and Officers make decisions on matters relating to the Gambling Act 2005.
- 1.3 The Gambling Act requires that the Gambling Policy must be consulted on and specifies who must be consulted.
- 1.4 This report proposes a draft Gambling Policy (Appendix 1) for approval for consultation.

2. SUMMARY IMPACT ASSESSMENT

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	The Gambling Policy supports Prosperous Communities (Provide business friendly services through locality hubs to enable businesses to set up and grow) and Vibrant Communities (Provide a quality environment that we can all be proud of).
	Has an Equality Impact Assessment (Equal) been completed?	
	Yes	An EqlA has been completed but is subject to the results of the consultation process.
	Has a Data Protection Impact Assessment been completed?	

	No	The Statement of Gambling Policy does not propose a significant new policy that involves the handling of personal data.
SCRUTINY POWERS APPLICABLE	No	
KEY DECISION	No	
DECISION ROUTE/TIMELINE	LICENSING AND REGULATORY COMMITTEE: 21 March 2024	
TARGET COMPLETION/ DELIVERY DATE	July 2024	
FINANCIAL IMPACT	No	The proposed policy is in line with budgets already set and there are no financial implications. LG
LEGAL ISSUES	Yes	It is a legal requirement under s349 of the Gambling Act 2005 a licensing authority to prepare their Statement of Gambling Policy that they propose to apply in exercising their functions under the Act. The Statement must be reviewed every 3 years and consulted on with prescribed persons in the prescribed manner. The report sets out an appropriate mechanism to comply with these requirements. RC
STRATEGIC RISK	No	
OTHER IMPACTS, RISKS & OPPORTUNITIES including climate impacts and health impacts if applicable	None	
IMPACT ON SPECIFIC WARDS	No	

PART B – ADDITIONAL INFORMATION

3. INFORMATION

- 3.1 The Gambling Act 2005 requires that local authorities review and publish their Statement of Gambling Principles every 3 years.
- 3.2 There have not been significant changes to the legislation or the accompanying guidance issued by the Gambling Commission since the Statement of Principles was last reviewed and published.

- 3.3 Furthermore, there have not been any significant changes in the number, type and location of gambling locations in South Staffordshire nor any change in the numbers of complaints or enquiries.
- 3.4 South Staffordshire Council is pro-active in its enforcement of the provisions of the Gambling Act 2005 and combines this with its enforcement work in food safety, health and safety, Licensed premises and investigation of noise complaints.
- 3.5 There are 3 Licensing Objectives:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
 - Ensuring that gambling is conducted in a fair and open way,
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.6 The responsibility for adoption of the Statement of Gambling Principles is reserved, by law, to Council.
- 3.7 The Gambling Act requires that the following parties are consulted by licensing authorities:
- The Chief Officer of Police;
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

4. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

- 4.1 An initial EqIA is attached at Appendix 2. This report proposes a document for consultation and the EqIA will be amended in the light of information gathered during the consultation process.

5. PREVIOUS MINUTES

- 5.1 This is a revised Gambling Policy which has not been considered previously.

6. BACKGROUND PAPERS

None

7. APPENDICES

Draft Statement of Gambling Principles Report – Appendix 1 – Draft Statement of Gambling Principles 2024-2027.

Draft Statement of Gambling Principles Report – Appendix 2 – EqIA

8. RECOMMENDATIONS

- 8.1 That Licensing and Regulatory Committee note the draft Gambling Policy which will be subject to consultation and make any comments on the Policy that will feed into the consultation process.

Report prepared by: Jenny Rhodes, Environmental Health and Licensing Team Manager

Draft Statement of Gambling Principles Report – Appendix 1 – Draft Statement of Gambling Principles 2024-2027.

SOUTH STAFFORDSHIRE COUNCIL

Statement of Gambling Policy

GAMBLING ACT 2005

2024 – 2027

CONTENTS

PART A	8
1. The Licensing Objectives	8
2. Introduction.....	9
3. Declaration	9
4. Responsible Authorities	9
5. Interested parties	10
6. Exchange of Information	10
7. Enforcement.....	12
8. Licensing Authority functions.....	12
9. South Staffordshire Local Area Profile	14
PART B - PREMISES LICENCES.....	16
1. General Principles.....	16
2. Adult Gaming Centres (AGC's)	22
3. Licensed Family Entertainment Centres.....	22
4. Casinos.....	23
5. Bingo premises	24
6. Betting premises.....	24
7. Tracks.....	25
8. Travelling Fairs.....	26
9. Provisional Statements.....	26
10. Reviews.....	27
PART C - Permits / Temporary & Occasional Use Notices	29
1. Unlicensed Family Entertainment Centre gaming machine permits (UFECs).....	29
2. Gaming machine permits in premises licensed for the sale of alcohol.....	30
3. Prize Gaming Permits	31
4. Club Gaming and Club Machines Permits	33
5. Temporary Use Notices	34
6. Occasional Use Notices (for tracks).....	35
7. Small Society Lottery registrations.....	35
8. Territorial applications	36
9. Definitions	37
Appendix A: Summary of machine provisions by premises	38
Appendix B: Summary of gaming machine categories and entitlements.....	40
Appendix C: Summary of gaming entitlements for clubs and pubs	41
Appendix D: Responsible authorities	42
Appendix E: Guidance on Undertaking Local Gambling Risk Assessments	44

PART A

1. The Licensing Objectives

Under the Gambling Act 2005 (the Act) South Staffordshire Council is the licensing authority for the District of South Staffordshire and licenses premises for gambling activities as well as granting various other gambling permits. In this document, unless otherwise stated, any references to the Council are to South Staffordshire Council Licensing Authority.

The Council will carry out its functions under the Act with a view to aiming to permit the use of premises for gambling in so far as it is reasonably consistent with the three licensing objectives set out at Section 1 of the Act.

The licensing objectives are:

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

The Council will follow any regulations and statutory guidance issued in accordance with the Act and will have regard to any codes of practice issued by the Gambling Commission.

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

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

The Gambling Commission's Licence Conditions and Code of Practice (LCCP) require gambling premises to undertake a risk assessment taking into consideration their local information. Specific information about South Staffordshire Council's Local Area Profile is detailed in Section 9.

2. Introduction

South Staffordshire District Council is the licensing authority for the purposes of the Gambling Act 2005 for the South Staffordshire administrative district. This area is predominantly rural. There are no large town centres within the Council's area the extent of which is shown on the map of the district (see Section 9).

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

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

The Gambling Act requires that the following parties are consulted by licensing authorities:

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

Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:

Environmental Health & Licensing Team Manager
Council Offices, Codsall, South Staffordshire, WV8 1PX
Email: Licensing@sstaffs.gov.uk

3. Declaration

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

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

4. Responsible Authorities

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

The contact details of all the Responsible Authorities under the Gambling Act 2005 are detailed at APPENDIX D of this document.

5. Interested parties

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

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

- lives sufficiently close to the premises to likely be affected by the authorised activities;
- has business interests that might be affected by the authorised activities; or
- represents persons who satisfy the first two points.

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

- Each case will be decided upon its merits.
- The Council will not apply a rigid rule to its decision making.
- Within this framework the Council will accept representations made by any interested party.

The Guidance makes it quite clear that the types of organisations that could be interested parties should be drawn widely and includes but is not limited to partnerships, charities, faith groups, medical practices, trade associations, trade unions, residents and tenants associations.

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

If there are any doubts then please contact:

Environmental Health & Licensing Service
South Staffordshire Council
Council Offices
Codsall
South Staffordshire
WV8 1PX.

Tel 01902 696250 or via e-mail licensing@sstaffs.gov.uk

6. Exchange of Information

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

- A constable or police force
- An enforcement officer
- A licensing authority
- HMRC
- The First Tier Tribunal

- The Secretary of State
- Scottish Ministers

The principle that the Council applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provisions that the Data Protection Act 2018 and the General Data Protection Regulation will be complied with.

The Council is a signatory to the One Staffordshire Information Sharing protocol amongst partner agencies operating within Staffordshire.

The Council will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005 and in accordance with the principles of better regulation.

7. Enforcement

The Council will work closely with the responsible authorities and will aim to promote the licensing objectives by targeting known high risk premises following government guidance around better regulation.

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

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

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

The Council operates within the framework of its own Enforcement Policy.

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

The Council will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

8. Licensing Authority functions

Licensing Authorities are responsible under the Act for the:

- licensing of premises where gambling activities are to take place by issuing Premises

Licences

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

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

9. South Staffordshire Local Area Profile

The following area profile has been included to facilitate operators being able to better understand the environment within South Staffordshire and therefore proactively mitigate risks to the licensing objectives.

South Staffordshire is a mainly rural area on the north western edge of the West Midlands conurbation. The District is divided into five localities, made up of twenty-seven diverse parish settlements ranging from hamlets to large villages.

It covers an area of approximately 101,000 acres with an estimated population of 111,200 people. Approximately 80% of South Staffordshire is Green Belt land and the remainder is open countryside. It enjoys good transport links with major rail lines and the M6, M6 Toll and M54 all pass through the district. South Staffordshire is one of eight Districts within the County of Staffordshire.

At the time of preparation of this policy South Staffordshire Council has a total of 12 gambling premises licences and 10 permits.

However, these need to be understood in the context of the M6 motorway service station between junctions 10a and 11 both northbound and southbound. This location accounts for 4 of the premises licences and both of the gaming permits.

A further premise licence is held for Hollies Café on Watling Street which is a premise serving the road freight trade.

This leaves 4 premises, which are all betting shops, which are spread out across the district and serving the main centres of population:

- William Hill – Penkridge and Bilbrook
- Ladbrokes – Great Wyrley
- Coral - Wombourne

In general, the number of licence gambling premises has remained stable in South Staffordshire since the commencement of the Act.

Evidence of gambling associated problems in South Staffordshire District and the Councils approach to enforcement

The Council has no direct evidence of underage gambling presenting a problem within the district.

In relation to betting premises and the use of B2, fixed odds betting terminals (FOBT), the Council again has no evidence to suggest that there is excessive use of these premises or machines.

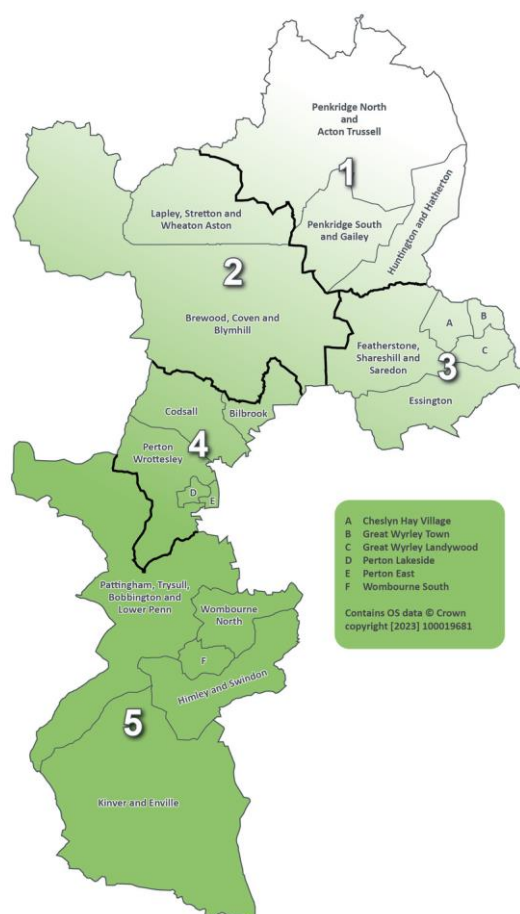
However, in their letter of 9 October 2017 to local authorities in preparation for the review of Gambling Policies that Gambling Commission stated:

“In common with many licensing authorities it may well be the case that you receive very few, or no complaints about gambling. You are highly unlikely to do so. Unlike other regulated areas, such as alcohol or drugs, gambling is much less visible as a concern for residents. The problem gambler, the player in an illegal poker club, or the under 18 who is gambling are very unlikely to contact the licensing authority, or their local Councillor to complain. Unless a licensing authority proactively

conducts inspections¹ they will not know what the true compliance picture looks like. Most importantly, unless inspections and enforcement against illegality are conducted it unfairly penalises those who are compliant. They suffer a potential loss of income at the hands of the non-compliant businesses in your area. Most importantly you have no means of knowing whether the necessary protections, especially for the young and vulnerable, are in place and working effectively."

The Environmental Health and Licensing Service takes a proactive approach to enforcement by:

- inspecting premises for their compliance with their licence conditions.
- Identifying any circumstances that may require licensing or other enforcement activity whilst carrying out routine food safety and health and safety inspections.
- Identifying any circumstances that may require licensing or other enforcement activity whilst investigating noise complaints from licensed premises.



¹ The 2016- 2017 LA Statistics report provides a picture of local gambling activity .
<http://www.gamblingcommission.gov.uk/for-licensing-authorities/Licensing-authority-returns.aspx>

PART B - PREMISES LICENCES

1. General Principles

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

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

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

The codes of practice are available at: Gambling Commission website

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

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

Definition of "premises"

Premises are defined in the Act as "any place". Different premises licences cannot apply in respect of single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances.

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

The Council will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Issues that the Council will consider before granting such applications include:

- whether children can gain access;
- compatibility of the two establishments; and
- ability to comply with the requirements of the Act.

In addition an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

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

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

With regards these objectives it is the Council's 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 not be harmful to the licensing objectives. From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10, for licensees to assess local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

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

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

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

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

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

Other matters that the assessment may include:

- Training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief interventions and how the staffing of premises affects this;
- Details of the location and coverage of working CCTV cameras, and how the system will be monitored;
- The layout of the premises to ensure 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 that number is one, details of supervisory and monitoring arrangements during the periods when that person is absent from the licensed area or distracted from supervising the premises and observing those persons on the premises;
- Arrangements for monitoring and dealing with underage persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements that do not entice passers-by etc.;
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information provided in both English and the other prominent first language for that locality;
- Where the application is for a betting premises licence, other than in respect of a track the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

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

This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how any concerns can be overcome.

Duplication with other regulatory regimes

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

Promotion of the Licensing objectives

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

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

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

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

Ensuring that gambling is conducted in a fair and open way

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

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

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

Protection of children

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

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

Meaning of “Child” and “young person”:

- In this Act “child” means an individual who is less than 16 years old
- In the Act “young person” means an individual who is not a child but who is less than 18 years old.

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

The Council will pay particular attention to any Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises types or gambling sectors.

Protection of vulnerable people

The Council appreciates the difficulty in defining the term “vulnerable person”.

The Gambling Commissions, in its Guidance to Local Authorities, does not seek to offer a definition for the term “vulnerable people”, but will for regulatory purposes assume that this group includes people: “who gamble more than they want to; people who gamble beyond their means; elderly persons and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs.”

The licensing authority will consider this licensing objective on a case by case basis.

In the case of premises licences, the Council is aware of the extensive requirements set out for operators in the Gambling Commissions Code of Practice. The LCCP documents clearly describe the policies and procedures that operators should put in place regarding:

- Combating problem gambling
- Access to gambling by children and young persons
- Information on how to gamble responsibly and help for problem gamblers
- Customer interaction
- Self exclusion
- Employment of children and young persons.

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

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

- Leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets;
- Training for staff members which focus on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable;
- Trained personnel for the purposes of identifying and providing support to vulnerable persons;
- Self-exclusion schemes;
- Operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people;
- Posters for GamCare® Helpline and website displayed in prominent locations;
- Windows, entrances and advertisements to be positioned or designed so as not to entice passers-by.

It should be noted that some of these measures form part of the mandatory conditions placed on the premises licences.

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

Conditions

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

Where there are specific risks or problems associated with a particular locality, or specific premises, or class of premises; the Council will attach individual conditions to address the identified risks/problems.

Any conditions attached to a licence issued by the council will be proportionate and will be:

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

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

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

- Proof of age schemes
- CCTV
- Supervision of entrances
- Supervision of machine areas
- A reduction in the number of betting machines (betting premises)
- The manning of premises
- Physical separation of areas
- Location of entrance points
- Notices/signage

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

Where not already addressed by the mandatory and default conditions and by the Gambling Commission codes of practice or by the applicant, the Council may consider licence conditions.

Door Supervision

The Council will consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.

It is however noted that the Gambling Act 2005 has amended the Private Security Industry Act 2001 and that door supervisors at casinos or bingo premises are not required to be licensed by the Security Industry Authority (SIA). Where door supervisors are provided at these premises the operator should ensure that any persons employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a criminal record check (DBS) and for such personnel to have attended industry recognised training.

2. Adult Gaming Centres (AGC's)

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

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

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

3. Licensed Family Entertainment Centres

Licensed family entertainment centres are those premises which usually provide a range of amusements such as computer games, penny pushers and may have a separate section set aside for adult only gaming machines with higher stakes and prizes. Licensed family entertainment centres

will be able to make available unlimited category C and D machines where there is clear segregation in place so children do not access the areas where the category C machines are located.

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

- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor marking or similar provision will not suffice and the council may insist on a permanent physical barrier of at least 1 metre high;
- Only adults are admitted to the area where the machines (category C) are located;
- Access to the area where the machines are located is supervised at all times;
- The area where the machines are located is arranged so that it can be observed by staff; and
- At the entrance to, and inside such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

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

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

- Appropriate measures and training for staff as regards suspected truant children on the premises;
- Measures and training covering how staff would deal with unsupervised very young children being on the premises;
- Measures and training covering how staff would deal with children causing perceived problems on or around the premises;
- The arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should cover the interior and the entrance, working to the latest Home Office and ACPO standards and to the satisfaction of Staffordshire Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.

Due to the nature of these premises, which tend to be attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff are required to be DBS checked.

The Council will refer to the Commission's website to familiarise itself with any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The council will also make itself aware of any mandatory or default conditions and any Gambling Commission Codes of Practice on these premises licences.

4. Casinos

There are currently no casinos within South Staffordshire and the local authority has not submitted a request to be considered for one of the new casino licences to be issued.

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

5. Bingo premises

There is no official definition for bingo in the Gambling Act 2005. However, from a licensing viewpoint there is a category of premises licence specifically for bingo premises which is used by traditional commercial bingo halls for both cash and prize bingo. In addition, this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions of the Act.

The Council is aware that it is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted then the council will ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the council may insist on a permanent barrier of at least one meter high;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised at all times;
- the area where the machines are located is arranged so that it can be observed by staff;
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18;
- children will not be admitted to bingo premises unless accompanied by an adult.

The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The Council will take this into consideration when determining licence applications for bingo premises.

Where not already addressed by the mandatory/default conditions, the Gambling Commission Code of Practice or the applicant, the Council may consider licence conditions to address such issues.

6. Betting premises

Betting premises are premises such as bookmakers where various types of gambling are authorised to take place. The Act contains a single class of licence for betting premises. However, within this class, there are different types of premises which require licensing such as:

- high street bookmakers;
- bookmakers located in self-contained facilities at race courses;
- general betting premises licences (required by track operators).

Betting machines

The Council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Council will, amongst other things, take into account the size of the premises, the number of counter positions available for person to person transactions, and the ability of staff to monitor the use of the machines.

Where an applicant for a betting premises licence intends to offer higher stake category B gaming machines (categories B2-B4) including fixed Odds Betting Terminals (FOBT's), applicants should consider the control measures related to the protection of vulnerable persons.

Where not already addressed by the mandatory/default conditions, Gambling Commission Code of Practice or the applicant, the Council may consider licence conditions to address such issues.

7. Tracks

Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the "totaliser" or "tote"), and also general betting, often known as "fixed-odds" betting. Multiple betting outlets are usually located on tracks such as 'on-course' betting operators who come onto the track only on race days to provide betting facilities for the races taking place on that track. There can also be 'off-course' betting operators who may operate self-contained facilities at the track which offer customers the chance to bet on other events, not just those taking place on the track.

All tracks will require a primary 'general betting premises licence' to be held by the track operator. It should be noted that track operators do not require an operating licence from the Gambling Commission, although they may apply for one. This is because the various other gambling operators offering betting at the track will each hold an operating licence.

Tracks may be subject to one or more premises licence, provided each licence relates to a specified area of the track. This may be preferable for any self-contained premises providing off-course betting facilities at the track. The Council will assess each individual case on its merits before deciding if this is necessary. Where possible the Council will allow the track operator to decide if any particular off-course operator(s) should apply for a separate premises licence.

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

Gambling Commission guidance also indicates that it would be possible for other types of gambling premises to be located at a track under the authorisation of separate premises licence, e.g. a casino premises licence or adult gaming centre premises licence.

Children and young person's will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines and betting machines (other than category D machines) are provided.

The Council will consider the impact upon the protection of children licensing objective and the need to ensure that entrances to each type of betting premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

Betting machines

The Council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Council will, amongst other things, take into account the size of the premises, the number of counter positions available for person-to-person transactions and the location of the machines, in order to ensure they are in a properly segregated area where children are not permitted.

Where not already addressed by the mandatory/default conditions, Gambling Commission Code of Practice or the applicant, the Council may consider licence conditions to address such issues.

8. Travelling Fairs

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

Travelling fairs have the right to provide an unlimited number of category D machines and/or equal chance prize gaming (without a permit) as long as the gambling amounts to no more than an ancillary amusement at the fair.

The Council will consider whether fairs which take up the above entitlement fall within the statutory definition of a travelling fair.

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

9. Provisional Statements

A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which he expects to be constructed, to be altered or to acquire a right to occupy would be granted a premises licence. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted in order for the developer to judge whether a development is worth taking forward in light of the need to obtain a premises licence. An applicant may also apply for a provisional statement for premises which already hold a premises licence (either for a different type of gambling or the same type).

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

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

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

10. Reviews

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

Requests for a review of a premises licence can be made by interested parties or Responsible Authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with this authority's Gambling Act 2005 - statement of licensing policy.

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

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

Once a valid application for a review has been received by the Council, representations can be made by Responsible Authorities and interested parties during a 28 day period. This period begins 7 days after the application is received by the Council, who will publish notice of the application within 7 days of receipt.

The Council must carry out the review as soon as possible after the 28 day period for making representations has ended.

The purpose of the review will be to determine whether the Council should take any action in relation to the licence. If action is justified, the options open to the Council are:-

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the Council must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the Council may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the Council must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs.

PART C - Permits / Temporary & Occasional Use Notices

1. Unlicensed Family Entertainment Centre gaming machine permits (UFECs)

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

The Gambling Act 2005 contains provision for local authorities to prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit. Schedule 10, paragraph 7 of the Act states in preparing this statement, and/or considering applications, it (the Council) need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission.

In line with the above provision the Council has prepared a 'Statement of Principles' in relation to unlicensed family entertainment centre gaming machines as follows:

Statement of Principles

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

The effectiveness of such policies and procedures will each be considered on their merits. However, they may include:

- appropriate measures/training for staff as regards suspected truant school children on the premises;
- measures and training covering how staff would deal with unsupervised very young children being on the premises;
- measures and training covering how staff would deal with children causing perceived problems on or around the premises;
- The arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should cover both the interior and the entrance, working to the latest Home Office and ACPO standards and to the satisfaction of Staffordshire Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.

Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be DBS checked.

The Council will also expect that, as per the Gambling Commissions Guidance that applicants demonstrate

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

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

Applicants only need to address the "Statement of Principles" when making their initial applications and not at a time of renewal.

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

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

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

If a premises wishes to have more than 2 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." The Council considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling. The Council will also expect the applicant to satisfy the authority that there will be sufficient measures to ensure that children and young people under the age of 18 do not have access to the adult only gaming machines.

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

Measures which may satisfy the Council that persons under 18 years will be prevented from using the machines may include the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised. Notices and signage may also be help. As

regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets and or helpline numbers for organisations such as GamCare®.

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

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

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

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

3. Prize Gaming Permits

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

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

The Gambling Act 2005 contains provision for local authorities to prepare a Statement of principles that they propose to consider in determining the suitability of the applicant for a permit. Schedule 14, Para 8 of the Act states, "in preparing this statement, and/or considering applications it (the Council) need not (but may) to have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Gambling Commission.

In line with the above provision the Council has prepared a Statement of Principles in relation to prize gaming permits as follows:

Statement of principles

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

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

- appropriate measures/training for staff as regards suspected truant school children on the premises;
- measures and training covering how staff would deal with unsupervised very young children being on the premises;
- measures and training covering how staff would deal with children causing perceived problems on or around the premises;
- The arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should cover both the interior and the entrance, working to the latest Home Office and ACPO standards and to the satisfaction of Staffordshire Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.

Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be DBS checked.

The Council will also expect, as per the Gambling Commission Guidance, that applicants demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible;
- and that the gaming offered is within the law.

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

Applicants only need to address the “Statement of Principles” when making their initial applications and not at a time of renewal.

There are conditions in the Gambling Act 2005 with which the permit holder must comply. These conditions are:

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

4. Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes may apply for a 'Club Gaming Permit' or a 'Club machine permit'. The 'Club Gaming Permit' will enable the premises to provide gaming machines (3 machines of categories B4, C or D), equal chance gaming i.e. Poker, bingo etc. A 'Club machine permit' will enable the premises to provide gaming machines (3 machines of categories B4, C or D). Commercial clubs may apply for a 'club machine permit' only.

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

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

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

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

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

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young person's;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;

- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Commission or the police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which the council can refuse a permit are reduced. The grounds on which an application under the process may be refused are:

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

5. Temporary Use Notices

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

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

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

A temporary use notice must be lodged with the Council not less than three months and one day before the day on which the gambling is due to take place.

The Act makes a special reference, in the context of temporary use notices, to a "set of premises" to try and ensure that large premises which cannot reasonably be viewed as separate are not used for more temporary use notices than permitted under the Act.

The Council considers that the determination of what constitutes a "set of premises" will depend on the facts in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a "set of premises", the Council will look at; amongst other things, the ownership/occupation and control of the premises.

The Council will be prepared to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one "set of premises".

6. Occasional Use Notices (for tracks)

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

The Council has little discretion as regard these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Council will however consider the definition of a 'track' and whether the applicant is entitled to benefit from such notice.

7. Small Society Lottery registrations

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

The Act creates two principle classes of lotteries:

1. Licensed lotteries, and
2. Exempt lotteries.

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

A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These will be administered by the Council for small societies who have a principal office in South Staffordshire and want to run such lottery.

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

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

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

The other types of exempt lotteries are 'incidental non-commercial lotteries', 'private lotteries' and 'customer lotteries'.

The National Lottery is not regulated by the Commission, but continues to be regulated by the National Lottery Commission under the National Lottery Act 1993.

8. Territorial applications

Vessels

Vessels such as cruise ships, ferries, boats and hovercrafts are required to have premises licence if commercial gambling is provided at them. However if a vessel is engaged on a journey into or from international waters, then no premises licence is required.

Vehicles

No premises licences can be issued in respect of a vehicle. In addition to a car, lorry or coach the Act also provides that 'vehicle' includes a train, aircraft, seaplane and any amphibious vehicle other than a hovercraft. There is no exemption for international travel. Whilst this is ultimately a matter for the courts it is the Commission's view that a vehicle remains a vehicle not only when stationary but also if located permanently at a particular site, perhaps with its wheels removed but capable of being reinstated.

Aircraft

No offence occurs if gambling is conducted on an aircraft which is in international space. As an aircraft is a vehicle, no premises licences can be granted to aircraft for gambling in domestic airspace.

Airports

The Act applies to all parts of an airport including both domestic and international departure halls. Therefore any business that would normally require a premises licence will also require a licence to operate at an airport.

Due to differences in jurisdictional application, there is an anomaly in respect of granting gaming machine permits to pubs and bars where alcohol is sold airside in airports.

In England and Wales, the Licensing Act 2003 applies to pubs and bars in the domestic part of the airport and therefore these businesses are able to qualify for the automatic gaming machine entitlement or can apply for a gaming machine permit for more than two gaming machines.

9. Definitions

- **Chief Officer of Police** – the Chief Constable of Staffordshire Police
- **Premises Licence** – a licence for a premises used for gambling
- **Provisional Statement** – a pre-cursor to a Premises Licence for premises which are not yet constructed, expect to be altered or expect to be obtain a right to occupy
- **Club Gaming Permit** – a licence available to Members' Clubs and Miners' Welfare Institutes which authorise the use of gaming machines
- **Club Machine Permit** – a permit which allows a holder to have up to three gaming machines in total (categories B4, C or D)
- **Licensed Family Entertainment Centres** – licensed premises with category C and D gaming machines
- **Unlicensed Family Entertainment Centres** – premises with only category D gaming machines
- **Licensed Premises Gaming Machine Permits** – permits which are issued to premises licensed for the sale of alcohol (under the Licensing Act 2003)
- **Small Society Lottery** – lotteries run by non-commercial societies
- **Prize Gaming Permits** – permit issued to allow facilities for gaming with prizes
- **Temporary Use Notice** – a notice allowing a premises which does not hold a Premises Licence to be used temporary for gambling purposes
- **Occasional Use Notice** – a notice that allows betting at a track where this occurs on eight days or less each year
- **LGA** - Local Government Association
- **Tracks** – sites (including horse racecourses and dog tracks) where races or other sporting events take place
- **Category A Gaming Machine** – a gaming machine with an unlimited stake and an unlimited prize
- **Category B1 Gaming Machine** – a gaming machine with an £2 maximum stake and an £4000 maximum prize
- **Category B2 Gaming Machine** – a gaming machine with an £100 maximum stake and an £500 maximum prize
- **Category B3 Gaming Machine** – a gaming machine with an £1 maximum stake and an £500 maximum prize
- **Category B3A Gaming Machine** – a gaming machine with an £1 maximum stake and an £500 maximum prize
- **Category B4 Gaming Machine** – a gaming machine with an £1 maximum stake and an £250 maximum prize
- **Category C Gaming Machine** – a gaming machine with an £1 maximum stake and an £70 maximum prize
- **Category D Gaming Machine** – a gaming machine with an 30p maximum stake and an £8 maximum prize (non money), £1 maximum stake and a £50 maximum prize (crane grab only) 10p maximum stake and an £5 maximum monetary prize 10p maximum stake and an £8 (of which no more than £5 may be a money prize) maximum prize (combined), 20p maximum stake and a £20 (of which no more than £10 may be a money prize) maximum prize (coin pushers/penny falls machines)

Appendix A: Summary of machine provisions by premises

Premises type	Machine category						
	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act casino (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
Betting premises and tracks occupied by pool betting			Maximum of 4 machines categories B2 to D (except B3A machines)				
Bingo premises (1)			maximum 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4 (was Cat B)			No limit on category C or D machines	
Adult gaming centre (2)			maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4 (was Cat B)			No limit on category C or D machines	
Family entertainment centre (3)						No limit on category C or D machines	
Family entertainment centre (with permit) (3)							No limit on category D machines
Clubs or miners' welfare institute (with permits) (4)					Maximum of 3 machines in categories B3A or B4 to D		
Qualifying alcohol-licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol-licensed premises (with gaming machine permit)						Number of category C-D machines as specified on permit	
Travelling fair							No limit on category D machines

- (1) Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the

greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines

- (2) Adult gaming centres are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available for category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines
- (3) Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within a licensed FEC's and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. There is no power for the licensing authority to set a limit on the number of machines under the FEC permit
- (4) Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement
- (5) Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.

Appendix B: Summary of gaming machine categories and entitlements

Category of machine	Maximum stake (from Jan 2014)	Maximum prize (from Jan 2014)
A	Unlimited – No category A gaming machines are currently permitted	
B1	£5	£10,000*
B2	£2	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D - non-money prize	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D (money prize)	10p	£5
D - combined money and non-money prize	10p	£8 (of which no more than £5 may be a money prize)
D - combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)
<ul style="list-style-type: none"> • With option of max £20,000 linked progressive jackpot on the premises 		

Appendix C: Summary of gaming entitlements for clubs and pubs

	Members' club or MW institute with club gaming permit	Bridge or whist clubs	Members' club or commercial club with club machine permit	Members' club, comm. club or MW institute without a club gaming/machine permit	Pubs and other alcohol-licensed premises
Equal chance gaming	Yes	Bridge and/or Whist only	Yes	Yes	Yes
Limits on stakes	No limit	No limit	Poker £1000 per week £250 per day £10 per person per game Other gaming No limit	Poker £1000 per week £250 per day £10 per person per game Other gaming No limit	Cribbage & dominoes No limit Poker £100 per premises per day Other gaming £5 per person per game
Limits on prizes	No limit	No limit	Poker £250 per game Other gaming No limit	Poker £250 per game Other gaming No limit	Poker £100 per game Other gaming No limit
Maximum participation fees – per person per day	Bridge and/or whist* £20 Other gaming £3	£18 (without club gaming permit) £20 (with club gaming permit)	Bridge and/or Whist* £18 Other gaming £3 (commercial club) £1 (members' club)	Bridge and/or whist* £18 Other gaming £1	None permitted
Bankers or unequal chance gaming	Pontoon Chemin de Fer	None permitted	None permitted	None permitted	None permitted
Limits on bingo**	Maximum of £2,000 per week in	No bingo permitted	Maximum of £2,000 per week in stakes/prizes.	Maximum of £2,000 per week in stakes/prizes.	Maximum of £2,000 per week in stakes/prizes.

* On a day when no other facilities for gaming are provided

** If more than the maximum, then an operating licence will be required

Appendix D: Responsible Authorities

Environmental Health & Licensing

Council Offices
Codsall
South Staffordshire
WV8 1PX

Telephone: 01902 696000 Fax: 01902 696219 E-mail: licensing@sstaffs.gov.uk

<p>STAFFORDSHIRE TRADING STANDARDS:</p> <p>2 Staffordshire Place Stafford ST16 2DH</p> <p>Tel. 0300 111 8002 businessadvice@staffordshire.gov.uk</p>	<p>STAFFORDSHIRE POLICE:</p> <p>Police Licensing Unit Ground Floor Block 9 Staffordshire Police HQ Weston Road Stafford ST18 0YY</p> <p>Tel. 01785 235699 licensinghq@staffordshire.pnn.police.uk</p>
<p>NOISE NUISANCE:</p> <p>Environmental Protection South Staffordshire District Council Council Offices Codsall South Staffordshire WV8 1PX</p> <p>Tel: 01902 696000 env.protection@sstaffs.gov.uk</p>	<p>STAFFORDSHIRE FIRE AND RESCUE SERVICE</p> <p>Headquarters Pirehill Stone Staffordshire ST15 0BS</p> <p>Tel: 01785 898 659 WSDG.FireSafety@staffordshirefire.gov.uk</p>
<p>CHILD PROTECTION</p> <p>Deputy Corporate Director (Partnerships & Service Development) Children and Lifelong Learning Walton Building Martin Street Stafford ST16 2LH</p> <p>Tel: 01785 223121 Sscb.admin@staffordshire.gov.uk</p>	<p>LOCAL PLANNING AUTHORITY</p> <p>Development Management Services South Staffordshire District Council Wolverhampton Road Codsall Staffordshire WV8 1PX</p> <p>Tel. 01902 696000</p>
<p>HEALTH AND SAFETY</p> <p>Commercial Services Team South Staffordshire District Council Council Offices</p>	<p>HEALTH & SAFETY EXECUTIVE</p> <p>Lyme Vale Court Lyme Drive</p>

<p>Codsall South Staffordshire WV8 1PX</p> <p>Tel: 01902 696220 env.commercial@staffs.gov.uk</p>	<p>Parklands Business Park Trent Vale Stoke on Trent ST4 6NW</p> <p>Tel: 01782 602300</p>
<p>THE GAMBLING COMMISSION:</p> <p>Victoria Square House Victoria Square Birmingham B2 4BP</p> <p>Tel: 0121 230 6666 info@gamblingcommission.gov.uk</p>	<p>H M REVENUE & CUSTOMS:</p> <p>Excise Processing Teams BX9 1GL</p> <p>Tel: 0300 322 7072 Option 7 Nrubetting&gaming@hmrc.gov.uk</p>
<p>HOME OFFICE (IMMIGRATION ENFORCEMENT)</p> <p>Alcohol Licensing Team Lunar Road 40 Wellesley Road Croydon CR9 2BY</p> <p>Tel: 0300 123 7000 alcohol@homeoffice.gsi.gov.uk</p>	

Appendix E: Guidance on Undertaking Local Gambling Risk Assessments

Introduction

The Gambling Commission (the Commission) has introduced new provisions in its social responsibility code within the Licence Conditions and Codes of Practice (LCCP), which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks.

This change in national policy is intended to provide a well evidenced and transparent approach to considering and implementing measures to address the risks associated with gambling.

Local risk assessment apply to all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited and betting intermediary licences).

The introduction of new provisions in the social responsibility code within the LCCP encourages local authorities, the Commission and the industry to work in partnership to address local issues and concerns.

The risk based approach provides a better understanding of, and enables a proportionate response, to risk. This approach includes looking at future risks. Risk is not necessarily related to an event that has happened. Risk is related to the probability of an event happening and the likely impact of that event. In this case it is the risk of the impact on the licensing objectives.

This guidance is issued to assist gambling operators in undertaking and preparing their local (premises) risk assessments. This guidance provides a framework for the local risk assessment process that will provide a uniform approach across all non-remote gambling sectors. This will benefit the council as Licensing Authority under the Gambling Act 2005 (the Act), as well as responsible authorities and interested parties when considering new and variation applications. The local risk assessments will also enable the council to establish a more progressive compliance inspection regime.

Gambling operators will be required to undertake a risk assessment for all of their existing premises by 6th April 2016. Following that date operators must also undertake a review of those assessments when certain triggers are met.

These triggers, along with the Council's view on what would instigate either a new assessment or the review of an existing one are detailed within this guidance document.

The Council considers that these local risk assessments are a key component of the overall assessment and management of the local risks. The Council will assist operators in this process by providing information on its profile surrounding gambling within the district.

The local risk assessment process is not the same as other forms of risk assessment undertaken by gambling operators, such as Health and Safety at Work, Fire Safety and Food Hygiene, etc. These local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They are specific to the premises, the local area and the local community.

Background

South Staffordshire Council is a Licensing Authority under the Act. The Licensing Authority is responsible for considering and determining applications for premises licences which offer gambling facilities within South Staffordshire. The Licensing Authority also has a role in gambling regulation by ensuring compliance with the Act.

The Act contains three licensing objectives which guide the way that the Licensing Authority performs its functions and the way that gambling operators carry on their activities. They are:

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

The Act places a legal duty on the Licensing Authority to aim to permit gambling in so far as it thinks it reasonably consistent with the licensing objectives. The effect of this duty is that the Licensing Authority must approach its functions in a way that seeks to regulate gambling by using its powers where appropriate, for example to attach conditions to licences to moderate their impact on the licensing objectives, rather than by setting out to prevent gambling altogether.

The Licensing Authority will set out how it intends to carry out its functions under the Act in its Statement of Licensing Principles, also known as Licensing Policy. This statement is kept under review and is updated every three years (as a minimum).

The Commission is responsible for issuing operating licences to gambling operators who are deemed suitable and competent to provide facilities for gambling. As a requirement of these operating licences operators must ensure that they comply with and meet the requirements of the LCCP.

Although gambling is a legal entertainment activity it can, in some locations have a negative impact on individuals and the wider community. The Council looks to understand how gambling can affect its residents and visitors. The Council also looks to identify individuals who live in the local area who are potentially vulnerable to gambling related harm.

In February 2015, the Commission introduced a new social responsibility code provision making it a requirement for certain gambling operators to assess the local risks to the licensing objectives posed by each of their premises based gambling operations. The Commission also introduced an ordinary code provision relating to sharing local risk assessments. The relevant provisions of the code state:

Social responsibility code provision 10.1.1

Assessing local risk

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.

This provision came into force on 6 April 2016

Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate

those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.

Licensees must review (and update as necessary) their local risk assessments:

- a) to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;*
- b) when there are significant changes at a licensee's premises that may affect their mitigation of local risks;*
- c) when applying for a variation of a premises licence; and*
- d) in any case, undertake a local risk assessment when applying for new premises licence.*

Ordinary code provision 10.1.2

Sharing local risk assessments

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences

This provision came into force on 6 April 2016

Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

These code provisions come into effect on 6th April 2016. As a result, all premises that provide facilities for gambling within South Staffordshire must be assessed to identify the local risks posed by the provision of gambling facilities in their respective locations. This guidance will assist operators in complying with these code provisions.

Risk assessment trigger

The local risk assessment code provisions provide a number of triggers for when a new assessment is required and for when an existing one requires review. This section sets out the Licensing Authority's views on what these triggers are and when operators should provide a copy of their assessments to the Licensing Authority.

New premises

If an operator intends to apply for a new premises licence under Part 8 of the Act then a local risk assessment must be carried out. That assessment should be based on how the premises are proposing to operate at the premises and should take into account the local area. The completed assessment should be provided with the application for a new premises licence upon submission to the Licensing Authority.

Significant changes in local circumstances

Operators are required to review their local risk assessment if significant changes in local circumstances occur. Changes to local circumstances happen frequently and can be either temporary or permanent depending on the change, how long that change will remain in place and how it affects the local area. However, the requirement for review of the risk assessment is only applicable when that change is significant.

The following lists sets out some examples of what the Licensing Authority considers to be significant changes in local circumstances:

- The local area is classified or declassified by the Licensing Authority as being an area of heightened risk within its Statement of Licensing Principles
- Any substantial building development or conversion of existing premises in the local area which may increase or decrease the number of visitors. For example, where premises are converted to a local supermarket or a new office building is constructed nearby
- Any new pay day loan or pawn brokers open in the local area
- Changes are made to the provision, location and/or timings of public transport in the local area, such as a bus stop which is used by children to attend school is moved to a location in proximity to gambling premises
- Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment
- The local area is identified as a crime hotspot by the police and/or Licensing Authority.
- Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises (e.g. additional homeless hostels or gambling or mental health care/support facilities are opened in the local area)
- A new gambling premises opens in the local area

The list above is not an exhaustive list of significant changes in local circumstances. Operators must consider what is happening in their local areas and it is their responsibility to identify significant changes which may require a review and possibly an amendment to their risk assessment. A significant change can be temporary and any temporary changes should be considered and adjustments made to the local risk assessment if necessary.

Significant changes to the premises

From time to time operators will undertake a refurbishment of the premises' layout and décor, which is unlikely to prompt a review of the risk assessment for that premises. However, where there is a significant change at the premises that may affect the mitigation of local risks, then an operator must review its risk assessment and if necessary update it, taking into account the change and how it may affect one or more of the licensing objectives.

The following list sets out some examples of what could be considered to be significant changes to the premises (some of which may also require a variation to the existing premises licence). As with the examples of significant changes in local circumstances set out above, the following list is not an exhaustive list of significant changes to premises - operators must consider whether any change that they are proposing to their premises is one that may be considered significant.

- Any building work or premises refit where gambling facilities are relocated within the premises;
- The premises licence is transferred to a new operator who will operate the premises with its own procedures and policies which are different to those of the previous licensee;
- Any change to the operator's internal policies which as a result requires additional or changes to existing control measures; and/or staff will require retraining on those policy changes;
- The entrance or entrances to the premises are changed, for example, the door materials are changed from metal with glazing to a full glass door or doors are reallocated from egress to ingress or vice versa;
- New gambling facilities are made available on the premises which were not provided

previously, for example, bet in play, and hand held gaming devices for customers, Self Service Betting Terminals, or a different category of gaming machine is provided;

- The premises operator makes an application for a licence at that premises to provide an activity under a different regulatory regime, for example, to permit the sale of alcohol or to provide sexual entertainment on the premises

The Licensing Authority will not, as general practice, request a copy of the reviewed risk assessment if a significant change to the licensed premises has occurred, unless the change is one that will necessitate a variation application.

Variation of the premises licence

Variations to premises licences are only those required to be made under section 187 of the Act and will not include changes of circumstances such as a change of premises' name or a change of licensee's address, etc.

When preparing an application to vary the premises licence the operator must undertake a review of the local risk assessment and update it if necessary. Operators submitting a variation application to the Licensing Authority should provide a copy of the reviewed local risk assessment when submitting the application.

If an operator wishes to vary a converted casino premises licence from one premises to another then a new risk assessment will be required for that new premises and a copy of that assessment must be submitted to the Licensing Authority with the application form.

Regular review of risk assessment

As a matter of best practice the Licensing Authority recommends that operators establish a regular review regime in respect of their local risk assessments. This review programme can be carried out alongside other reviews on Health and Safety risk assessments for the premises. This review programme would ensure that, regardless of whether or not any of the trigger events set out above have occurred, these risk assessments are considered at regular intervals and updated if necessary.

Local risks and control measures

There are two specific parts to the risk assessment process, the assessment of the local risks and the determination of appropriate mitigation to reduce those risks.

The risks that operators must identify relate to the potential impact a gambling premises and its operation may have on the licensing objectives. The gambling operator will be expected to identify and list all of the local risks within the assessment. The level of such risks can range from being low to very high depending on the potential impact they can have on the licensing objectives. The level of any given risk will have a direct impact on the type and extent of the control measures necessary to mitigate such risk.

This process is not new to gambling operators as they are already undertaking elements of this assessment, albeit in a far less formalised way. Operators will already be assessing locations when looking for new sites or when reviewing the performance of their premises. The design of premises is also assessed to ensure that they will meet the needs of the gambling operation, will provide protection for staff and customers; and will have facilities for recording crime. Operators will also have implemented policies and procedures for the operation of premises in line with statutory and other regulatory requirements placed upon them by the Commission and other agencies.

Operators will already be familiar with identifying risks in relation to health and safety and food hygiene legislation. Risk assessments are also used for security and crime purposes, for example for money laundering and as part of trade association best practice, such as the Safe Bet Alliance.

This local risk assessment process, although similar requires a much broader range of considerations when identifying local risk. Operators must consider the local area in which the premises are situated, the gambling operation and the premises both internally and externally.

Local area risks

There are a number of factors relating to the local area that operators will need to consider which is independent of who the operator believes is their target market.

A few examples of these factors are listed below:

- The types of premises and their operation in the local area surrounding these premises;
- The footfall in the local area, for example, does it predominately comprise of residents, workers or visitors, is it a family orientated area, popular with children and young people;
- Transport links and parking facilities;
- Educational facilities;
- Community centres;
- Hospitals, mental health or gambling care providers;
- Homeless or rough sleeper shelters, hostels and support services;
- The ethnicity, age, economic makeup of the local community.

The local area will be different depending on the premises and the size of its operation. For example a bingo hall may have a wider catchment area than a neighbourhood betting shop as the bingo hall attracts customers from further afield.

Gambling operational risks

The gambling operation relates to how the premises will be or is run. This will include the operator's policies and procedures which have been put in place to meet the requirements of the business, the Act and/or specific code provisions within the LCCP. It will also include other elements such as:

- the gambling products it provides in the premises
- the facilities to enable gambling within premises
- marketing material within premises
- standard shop fixtures and their design
- security and crime prevention arrangements
- shop displays and provision of information to customers
- staffing levels
- loyalty cards

It is likely that the identification of risks associated with this element of the assessment will be very similar for all premises with minor variations depending on specific factors relating to the premises or the local area.

The control measures that operators will put in place to mitigate any risks associated with the gambling operation depend on the type of gambling activities provided, how the company operates and the size of the organisation.

Premises design risks

The design of the premises is an extremely important factor when considering local risks. For example, premises which are located within an area which has a high number of children and young people present throughout the day may identify that their standard external design means that children and young people can see into the premises and see gambling taking place. The appropriate mitigation in this case may be for the operator to amend the premises design by installing a screen or by covering the windows to obscure the interior of the premises. Such changes would be considered as control measures to mitigate the risk of attracting children to gambling.

As part of the design process, the layout of the premises is a major consideration as poorly conceived design may create significant risks to one or more of the licensing objectives.

Interior design risks

The internal design and layout will reflect the premises operation and the type of gambling facilities that it offers. For some premises the design will be subject to certain limitations due to mandatory conditions on the gambling premises licence, such as the distance between gaming tables and other gambling facilities in casinos, and restrictions on the location of ATM's.

Operators will need to assess the risk presented by the internal layout of the premises and the location of gambling facilities within them. For example, if a gaming machine is placed within the direct line of sight of the cashier counter then staff will be able to monitor player behaviour and undertake interventions if there is a concern over the customers' spending habits. Staff can also monitor the use of the machines and can challenge any customers who are believed to be under the age of 18, or who damage the machines, or who appear to be attempting to launder money. By a simple assessment of the optimum location for these machines, operators can significantly reduce the risk to the licensing objectives.

Exterior design risks

The exterior of premises will be a major advertisement for the gambling operator. However, the design will need to be assessed based on the associated risk. Operators will identify the risk associated with the design and introduce control measures based on that perceived risk. For example, if the premises have a large amount of glass frontage in an area prone to criminal damage, operators may consider the risk of damage to the standard toughened glass to be high and introduce a control measure such as roller shutters and/or external CCTV cameras.

Control measures

Depending on the nature of the risk factors, the control measures identified to mitigate the perceived risk may be a combination of systems, design and physical measure. Control measures that relate to systems will be measures that have been put in place through policies and procedures. These can either be systems that apply to all of the operator's premises or systems that have been developed specifically for particular premises to deal with a specific local risk factor. System control measures will include staff training, security policies and procedures. They may also relate to having security personnel on entrances, implementing membership criteria and/or providing support to local vulnerable groups through financial or other means.

Design control measures should be built into the design of the premises. These can include the location of gambling facilities and the design and location of cashier counters within the premises, and the exterior design of premises. For example, a control measure for the interior of the premises could involve moving a cashier counter from the rear of the premises to the front next to the main entrance. An external design control measure may involve the exterior design being tailored to address local risks, for example, more open window displays to enable staff to see out of the premises or a design to avoid attracting children to the premises.

The final control measures relate to specific physical measure that will address an identified risk factor. These physical control measures may, for example, include alarms, CCTV cameras, doors, magnetic locks, time locks on safes, spit kits, window shutters, fogging systems, UV lights in toilets.

As previously mentioned, the control measures identified to mitigate a perceived risk may involve a combination of systems, design and physical measures. For example to address the risk factors relating to children gaining access to an over 18 restricted gambling premises, the operator may identify the following control measures:

- Systems:** PASS card or age verification policies, challenge 21/25 scheme, staff training and door staff.
- Design:** Exterior design which will not attract children into the premises, the entrance layout will enable staff and security to watch those entering the premises and challenge them on the grounds of age.
- Physical:** Magnetic door locks and ID scans.

Licence conditions

As set out in the code provisions, applications for new premises licences and for variations to existing licences will require a local risk assessment. The control measures specified in these risk assessments may be incorporated into the new or varied premises licences through the imposition of appropriate conditions. The Secretary of State has set mandatory conditions and default conditions and the Gambling Commission has set Licence Conditions and codes of Practice, Operators may wish to suggest additional conditions to assist in formulating appropriate control measures to mitigate risks to the licensing objectives identified in their local risk assessments.

Undertaking a local risk assessment

A local risk assessment of gambling premises should be carried out through a step-by-step approach. The approach that the Licensing Authority suggests is to first assess the local area and identify the relevant risk factors, then to assess the gambling operation, and finally to assess the premises design, both internal and external. Once the risk factors have been identified, the control measures to mitigate the risks should be considered. These control measures will either already be in place or will need to be implemented. To assist, the Licensing Authority has developed a local risk assessment form that encompasses the step-by-step approach to the assessment (See Annex A). The form also enables the assessor to identify actions such as the installation or production of control measures, the individual made responsible for carrying out those actions, and to record when those actions were completed.

Assessor

It will be the responsibility of the gambling operator to assign an assessor who will assess the local risks for their premises. The person assigned as the assessor must be competent to undertake this role as failure properly to carry out this function could result in a breach of the provisions of the LCCP. The assessor must understand how the premises operate or will operate, its design, and where it is located. The assessor will need to understand the local area and can use staff or area managers to assist in gaining an understanding of that local area.

Step 1: The local area

Operators will be expected to identify the local risk factors surrounding the premises. The risk factors will differ from location to location so an understanding of the specific characteristics of the local area and the people who live, work or visit that area is important.

The first step is to identify the local risk factors associated with the local area in which the premises are located. Local risk factors are risks that affect one or more of the licensing objectives.

The list below is a small example of some of the risk factors that may be present in an area where gambling premises are located:

- The types of premises and their operation in the local area surrounding these premises
- The footfall in the local area, for example, does it predominately comprise residents, workers or visitors, is it a family orientated area, popular with children and young people
- Transport links and parking facilities
- Educational facilities
- Community centres
- Hospitals, mental health or gambling care providers
- Homeless or rough sleeper shelters, hostels and support services
- The ethnicity, age, economic makeup of the local community
- Significant presence of young children
- High crime area
- High unemployment area
- Nearby alcohol or drug support facility
- Pawn broker/pay day loan businesses in the vicinity
- Other gambling premises in the vicinity.

Step 2: The gambling operation

In assessing the risk factors associated with a gambling operation the assessor should take into account the local risks which are commonly accepted by broader stakeholders and how that gambling operation may affect that risk. The assessor may wish to consider:

- how the gambling operation will relate to how the operator conducts its business
- what gambling products it provides in the premises
- the facilities to enable gambling within the premises
- the staffing levels within the premises
- the level and requirement for staff training
- whether loyalty or account cards are used or not
- the policies and procedures it has in place in relation to regulatory requirements of the Act or to comply with the LCCP
- the security and crime prevention arrangements it has in place
- how it advertises locally and on the premises
- the marketing material within the premises
- the display and provision of information, etc.

Step 3: The design of the premises

The design and layout of the premises is a key consideration as this could have a significant impact on the risk to the licensing objectives. In assessing the risk factors associated with the premises design and layout reference is needed to the local area risks factors already identified to ensure the design doesn't add to that risk. The design, both internal and external should be considered and specific risk factors identified and noted.

For example:

- the premises may have a number of support pillars which the assessor identifies as obstructing the view of the gaming machines from the cashier counter;
- the assessor may identify that the design of the entrance to the bingo hall is not sufficiently covered by CCTV to enable the identification of offenders;
- premises which are located within an area which has a high number of children and young people present throughout the day, may identify that their standard external design means that children and young people can see into the premises and see gambling taking place;
- if a premises has a large amount of glass frontage in an area prone to criminal damage, the assessor may consider the risk of damage to the standard toughened glass to be high.

These would be identified risk factors that would need to be documented.

Step 4: Control measures

Once the risk factors have been identified, the assessor should seek to identify control measures that would mitigate the identified risks. Such control measures will relate to one of the three categories of control measures mentioned above (systems, design and physical). Some risk factors may require a combination of control measures to adequately mitigate the risk.

Completed assessment

The control measures must be implemented on the premises and, if applicable, staff on the premises should be trained in their use or trained on the new policy or procedure. The assessment must be retained and should be reviewed whenever a trigger occurs or as part of a regular review regime.

The Licensing Authority will assess the risks identified and the measures implemented to mitigate those risks. When a completed assessment is provided with a new application or with a variation application, the authority will consider the assessment in the course of determining whether to grant the application or not. Some control measures identified in the assessment may be put forward as conditions to be attached to the licence to address any significant local concerns.

Appendix F: Local Area Risk Assessment

SOUTH STAFFORDSHIRE COUNCIL
Gambling Local Area Risk Assessment

Premises Name:

**Premises Licence Number (If
Applicable):**

Premises Address:

Post Code:

Category of gambling premises licence:

Name of person completing the assessment:

Date original assessment carried out:

This risk assessment must be completed for all new premises or when the premises licence is varied. The assessment must also be reviewed when there are any significant changes to either the local circumstances and/or the premises.

Complete **a) - c)** with areas that may pose a risk to the licensing objectives by virtue of the provision of gambling facilities at the premises having regard to Local Area, Gambling Operation and premises design.

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

--

b) Ensuring that gambling is conducted in a fair and open way

--

--

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

d) Control measures (based on the information above for a) – c), state the control measures you will put in place, e.g. systems, design and physical)

Describe the steps you intend to take to promote the three licensing objectives:

ACTIONS FOLLOWING ASSESSMENT

AREA e.g local area, gambling operation, premises design	PERSON/DEPT TASKED	DATE TASKED	DATE TASK COMPLETED

Signed:	Date:
PRINT NAME:	

For further guidance on completing this assessment or when this assessment must be reviewed please refer to Gambling Commission Guidance on Undertaking Gambling Local Area Risk Assessments para 6.41 [Gambling Commission Guidance](#)

Template for recording an Equality Impact Assessment (EqIA)

EqIA guidance can be found at

[https://sstaffsgovuk.sharepoint.com/sites/TheCore/SitePages/Equality-%26-Diversity\(1\).aspx](https://sstaffsgovuk.sharepoint.com/sites/TheCore/SitePages/Equality-%26-Diversity(1).aspx)

Service:	Person responsible for the assessment:	Date EqIA completed:
Env Health and Licensing	John Gerring	26.02.2024 (draft)

PART A - Identification

1	Title or name of proposal	Statement of Gambling Principles 2024-2027
2	The commencement date of the proposal and approval e.g., CLT, Cabinet, Committee, Council	26 th March approval by Council for consultation. July 2024 Council approval post consultation. CLT 6 th March 2024. Deadline for report 29 th February.
3	What are the aims, objectives, and purpose of the proposal?	Aims: Legal compliance with the Gambling Act 2005 Objectives: Update the existing Policy Purpose: Compliance with legal requirement and to provide a framework for Licensing and Regulatory Committee and Officers to make decisions about activities that fall under the requirements of the ACT. NOTE: This does not include any form of online gambling which is regulated by the Gambling Commission.
4	Status of the proposal	Existing proposal <input type="checkbox"/> <input type="checkbox"/> 2016 Date Last Reviewed:
5	Are there any other functions, policies or services which might be linked with this one for the purposes of this exercise?	No.
6	Who is it intended to affect or benefit (the target population):	Those undertaking the provision of gambling services as detailed in the act e.g. betting shops, gaming machines; and those using these services.

PART B - Evidence, Research and Stakeholder Engagement

7	List relevant examples of data (qualitative and quantitative) or any consultation information available that will enable the impact assessment to be undertaken	The Gambling Policy follows prescriptive guidance issued by the Gambling Commission. Consultation with Stakeholders is a legal requirement as part of the approval process.
8	Evidence from the data from Question 7 of any feedback or complaints against the	We are not aware of any complaints about the application of the Policy over the last 10 years.

	service/policy/procedure on grounds of potential or perceived discrimination	The same groups of people who were previously consulted will be consulted again. These include bodies like Police, Public Health, Adult and Child safeguarding and also representatives of businesses, the voluntary sector and the public in general. Previous consultations have elicited a nil response.	
9	Does your proposal link with other proposals to have a cumulative negative affect on particular equality groups?	Yes/ No No	If yes, give details

PART C – Assessment and Differential Impacts

Within this table, state whether the policy or function will have a positive or negative impact across the protected characteristics and provide any comments, reason, and evidence to support this.

What is the effect of the change on each characteristic – tick one				Reason		Action* Required
	Positive impact	Negative impact*	Neutral	Explanation of impact analysis	Is this likely to be unlawful?	Yes / No
Age	Positive			The Policy is intended to protect young people from harm caused by Gambling. It also prevents unlicensed gambling. It ensures that all gambling in the District that falls under the remit of the Gambling Act 2005 complies with the legislation.	No	No
Disability			Neutral	There is nothing in the policy that discriminates against any group.	No	No
Gender reassignment			Neutral	As above	No	No
Marriage & Civil Partnership			Neutral	As above	No	No
Pregnancy and Maternity			Neutral	As above	No	No
Race			Neutral	As above	No	No
Religion or Belief			Neutral	As above	No	No

Sex			Neutral	As above	No	No
Sexual Orientation			Neutral	As above	No	No
Other	Positive			The Policy is intended to protect vulnerable people from harm. It also prevents unlicensed gambling. It ensures that all gambling in the District that falls under the remit of the Gambling Act 2005 complies with the legislation.	No	No

PART D – Outcomes, Action, and Public Reporting

What Justifiable Action Does the Evidence, Engagement and Consultation Suggest You Take?

	Description	Yes / No
A	No Major Change Required When no potential for discrimination or adverse impact is identified and all opportunities to promote equality have been taken.	Yes
B	Adjustments needed to remove barriers or to better promote equality Are you satisfied that the proposed adjustments would remove the barriers identified?	No
C	Continue despite possible adverse impact For important relevant proposals, compelling reasons will be needed. You should consider whether there are sufficient plans to reduce the negative impact and/or plans to monitor the actual impact.	No
D	Stop and rethink your proposal Actual or potential unlawful discrimination is identified; the proposal will need reviewing immediately.	No

PART E – Monitor Evaluate and Review

Action and Monitoring Plan - where the assessment in Part C & D indicates a potential negative impact, how will this be reduced or mitigated to reduce impact moving forwards?

Conclusions Reached About Potential Impact		
Possible Impact	Group(s) Affected	Evidence
Impact Identified	Action	Responsibility
Timescale	Expected Outcomes	Review Date

PART F – To be completed by Equality Service Group

Date Reviewed	Name of Representatives involved in Review (min of 3). If less than 3 please explain what exceptional circumstances apply
General Comments	
Recommendations	
Publish Results <input type="checkbox"/> Carry out further impact assessment, if yes state the review date and ensure this is diarised for action <input type="checkbox"/>	Specific Recommendations to Consider:
Confirm that the recommendations have been actioned or explain why if any cannot be actioned.	

Remove the red prompt questions and this text and then send the form to your Corporate Director/Assistant Director to review and sign,

Part G – Corporate Director/Assistant Director Approval

- I am satisfied with the results of this EqIA.
- I have seen the Councils Equality Schemes or Equality Action Plan and am satisfied with the contribution it can make.

Approved

Corporate Director/Assistant Director Signature:

Date:

Once signed the author of the EqIA should attach it to the report.

Please send a copy to Thomas Reynolds, Performance & Customer Insight Manager requesting that the EqIA is published on our internal equality site.

Where the EqIA relates to a member report the EqIA should be sent to Member Support at the same time as issuing your report to ensure it is on the CMIS system prior to the Cabinet/Committee/Council meeting.

If the EqIA relates to an Individual Decision, please ensure that the EqIA is attached to the report.

SOUTH STAFFORDSHIRE COUNCIL

LICENSING AND REGULATORY COMMITTEE – 21 MARCH 2024

PROPOSED CORPORATE ENFORCEMENT POLICY FOR CONSULTATION

REPORT OF THE ENVIRONMENTAL HEALTH AND LICENSING TEAM MANAGER

**LEAD CABINET MEMBER – COUNCILLOR RITA HESELTINE, CABINET MEMBER FOR
REGULATORY SERVICES**

PART A – SUMMARY REPORT

1. SUMMARY OF PROPOSALS

- 1.1 The Regulator’s Code issued by the Department for Business Innovation and Skills requires that local authorities review and update their Enforcement Policy on a regular basis.
- 1.2 The Enforcement Policy provides guidance to all officers engaged in enforcement work on behalf of the Council and gives all businesses and individuals clear guidance on how we go about enforcement.
- 1.3 The revised draft Enforcement Policy is contained in Appendix 1. It has been updated to reflect changes in legislation and service standards.
- 1.4 This report proposes a draft Enforcement Policy for engagement with stakeholders prior to its implementation.

2. SUMMARY IMPACT ASSESSMENT

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	The Corporate Enforcement Policy supports Prosperous Communities (Provide business friendly services through locality hubs to enable businesses to set up and grow) and Vibrant Communities (Provide a quality environment that we can all be proud of).
	Has an Equality Impact Assessment (Equal) been completed?	
	Yes	An EqlA has been completed but is subject to the results of the consultation process.
Has a Data Protection Impact Assessment been completed?		

	No	The Corporate Enforcement Policy does not propose a significant new policy that involves the handling of personal data.
SCRUTINY POWERS APPLICABLE	Yes	The Constitution and associated protocol provides that front line Councillors, the Monitoring Officer and the Section 151 Officer will have five clear working days following dispatch of a notification of a proposed decision in which to call in for scrutiny, decisions proposed by the Cabinet or its members. In accordance with the provisions of the Constitution and associated protocol, any two or more members wishing to request that this proposed decision should be called in for scrutiny should do so by giving notice to the Corporate Director of Governance either by e-mail or in writing before the end of the fifth day specifying the reason or reasons therefore. The Corporate Director of Governance will then call in the proposed decision and arrange for it to be considered by the Overview and Scrutiny Committee/relevant Scrutiny Panel. A copy of such notice must also be sent to the Lead Cabinet Member either by email or in writing by the end of the fifth day. This proposed decision will be confirmed and implemented or, where appropriate, referred to the Council for consideration at its next meeting, on or after the date to be notified upon circulation of the minutes of the meeting of the Cabinet, unless called in for scrutiny by that date.
KEY DECISION	No	
DECISION ROUTE/TIMELINE	LICENSING AND REGULATORY COMMITTEE: 21 March 2024	
TARGET COMPLETION/ DELIVERY DATE	July 2024	
FINANCIAL IMPACT	No	There are no financial implications as this is an update of existing policy. LG
LEGAL ISSUES	Yes	The Council is required to have an enforcement policy. The draft policy accords with the guidance prescribed by the Department for Business Innovation and Skills. RC
STRATEGIC RISK	No	

OTHER IMPACTS, RISKS & OPPORTUNITIES including climate impacts and health impacts if applicable	None	
IMPACT ON SPECIFIC WARDS	No	

PART B – ADDITIONAL INFORMATION

3. INFORMATION

3.1 In April 2014 the Department for Business Innovation and Skills, through the Better Regulation Delivery Office issued a new Regulator's Code. This Guidance is for Local Authorities to take account of in developing their Enforcement Policies.

3.2 The principles of good regulation in the Code are reflected in the draft updated Policy stating that regulatory activities will be carried out in a way which is:

- Transparent
- Accountable
- Proportionate
- Consistent
- Targeted

3.3 The policy has been rewritten to be user friendly including expectations of officers and documenting a clear scale of enforcement action.

The draft revised policy is contained in Appendix 1.

3.4 There is no legal requirement to carry out consultation on an Enforcement Policy. In addition, the Policy is largely prescriptive and follows the guidance in the Regulator's Code.

3.5 Informal engagement is taking place with councillors through the Licensing and Regulatory Committee, also with Team Managers, statutory and voluntary stakeholders.

4. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

4.1 An initial EqIA is attached at Appendix 2. This report proposes a document for consultation and the EqIA will be amended in the light of information gathered during the consultation process.

5. PREVIOUS MINUTES

5.1 This is a revised Corporate Enforcement Policy which has not been considered previously.

6. BACKGROUND PAPERS

None

7. APPENDICES

Draft Corporate Enforcement Policy Report – Appendix 1 – Draft Corporate Enforcement Policy

Draft Corporate Enforcement Policy Report – Appendix 2 – EqIA

8. RECOMMENDATIONS

- 8.1 That Licensing and Regulatory Committee approve the draft Enforcement Policy for engagement with stakeholders and that subject to no significant comment being received through the engagement process recommend the Policy to Cabinet for approval.

Report prepared by: Jenny Rhodes, Team Manager Environmental Health and Licensing.

Enforcement Policy

Draft February 2024

South Staffs Council – Enforcement Policy

1.0 Background

- 1.1 This document sets out what businesses, landowners, tenants and others being regulated can expect from South Staffs Council ('The Council') and its Enforcement Officers. What constitutes an Enforcement Officer is defined in paragraph 2.0 below.
- 1.2 It commits the Council to good enforcement practice with effective procedures and clear policies.
- 1.3 Our policy does not aim to provide a 'one size fits all' approach to enforcement across the wide range of regulatory services and sets out how the Council and its Officers will undertake regulatory and enforcement action as part of their day-to-day work. Enforcement action will, in the main, follow the 4 E's approach of Engage, Educate, Encourage and Enforce, unless specific circumstances dictate otherwise.
- 1.4 Where there is a specific enforcement policy for a specific service area e.g. Planning Enforcement, the service specific policy will take precedent in any conflict between the two policies.

2.0 Scope and Meaning of Enforcement

This Policy applies to all the legislation enforced by Officers with delegated enforcement powers employed by the Council.

'Enforcement' includes any criminal or civil action taken by the Council aimed at ensuring that individuals or businesses comply with the law.

The term 'enforcement action' has been given a general statutory definition, which is:

- (a) Action to secure compliance with a restriction, requirement or condition in relation to a breach or supposed breach.
- (b) Action taken in connection with imposing a sanction for an act or omission; and
- (c) Action taken in connection with a statutory remedy for an act or omission.

'Enforcement Officer' includes any individual who has been duly authorised by the Council under the terms of the South Staffs Council Constitution and/or scheme of Officer delegations to undertake 'Enforcement' and 'Enforcement Action' in accordance with paragraphs (a)-(c) above.

3.0 What Guides Our Enforcement Approach?

3.1 The Principles of Good Regulation

The Legislative and Regulatory Reform Act 2006 requires every local authority to have regard to the five Principles of Good Regulation when carrying out specific regulatory functions.

- 1. Proportionate

Our activities will reflect the level of risk to the public and enforcement action will relate to the seriousness of the offence.

- 2. Accountable

Our activities will be open to public scrutiny, with clear and accessible policies, and a fair and efficient complaints procedure.

- 3. Consistent

Our advice to those that we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in similar ways to other local authorities.

4. Transparent

We will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return.

5. Targeted

We will focus our resources on higher risk enterprises and activities, reflecting both local need and national priorities.

3.2 The Regulators' Code 2014¹

The Council has had regard to the Regulators' Code in the preparation of this policy. This provides for an efficient and effective approach to all Council regulatory inspection and enforcement functions to improve compliance with legislation whilst minimising the burden on businesses, individuals, organisations and the Council itself.

However, in certain circumstances we may determine that a provision of the Code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the Code will be properly reasoned, documented and based on material evidence.

¹ [Regulators' Code \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

3.3 Human Rights Act 1998

The Council is a public authority for the purposes of the Human Rights Act 1998. This Policy and all associated enforcement decisions therefore take account of the provisions of the Human Rights Act 1998. We therefore apply the principles of the European Convention for Human Rights and Fundamental Freedoms and in particular, due regard is had to the right to a fair trial and the right to respect for private and family life, home and correspondence.

3.4 Data Protection Act 2018 and General Data Protection Regulations 2018 (GDPR)

Where there is a need for South Staffs Council to share enforcement information with other agencies, we will follow the provisions of the Data Protection Act 2018 and General Data Protection Regulations 2018 (GDPR) and in line with the Council's Data Protection Policy.

3.5 The Code for Crown Prosecutors²

When deciding whether to prosecute, the Council will have regard to the provisions of The Code for Crown Prosecutors as issued by the Director of Public Prosecutions.

The Code for Crown Prosecutors is a public document that sets out the general principles to follow when decisions are made in respect of prosecuting cases. The Code sets out two tests that must be satisfied, commonly referred to as the 'Evidential Test' and the 'Public Interest Test'.

1. Evidential Test: Is there enough evidence against the defendant?

When deciding whether there is enough evidence to prosecute, the Council will consider what evidence can be used in court and whether it is reliable and credible. We must be satisfied there is sufficient evidence to provide a realistic prospect of conviction against each suspect on each charge. As part of this assessment we need to consider the impact of any defence or any other information that may be put forward or relied upon by the defendant.

2. Public Interest Test: Is it in the public interest for the case to be brought to court?

The Council will balance factors for and against prosecution carefully and fairly, considering each case on its merits. The following public interest criteria will normally be considered when deciding on the relevance of legal proceedings, although this list is not exhaustive.

- The seriousness of the offence committed.
- The level of responsibility of the suspect.
- The circumstances of and the harm caused to the victim or community.
- The past and current performance or actions of any business and/or individual concerned.
- A person's age in relation to young people (termed 'juveniles') aged under 18.
- The impact on the community.
- Statutory requirements, guidance or Codes of Practice.
- Legal advice.
- Whether prosecution is a proportionate response.
- The need to protect sources of information.

3.6 Regulatory Enforcement and Sanctions Act 2008

The Regulatory Enforcement and Sanctions Act 2008, as amended, established the Primary Authority scheme. We will comply with the requirements of the Act when we are considering taking enforcement

² [The Code for Crown Prosecutors | The Crown Prosecution Service \(cps.gov.uk\)](https://www.cps.gov.uk)

action against any business or organisation that has a Primary Authority relationship and, in those circumstances, will have regard to guidance issued by the Secretary of State in relation to Primary Authority.

Under this Act we may also refer the matter to the Office for Product Safety & Standards (OPSS) who are responsible for nominating partnerships, issuing guidance, and resolving determinations.

4.0 Which functions operate in accordance with this Enforcement Policy?

This policy relates to all Council services that operate a regulatory function within or on behalf of the Council.

Some examples of service areas that have a role to enforce legislation include;

- Environmental Health (food safety, health and safety, environmental protection, public health)
- Licensing (alcohol, gambling street trading)
- Animal Health and Welfare (animal boarders and breeders, zoos, riding schools)
- Housing (housing conditions, licensing of houses in multiple occupation, empty homes, harassment and illegal eviction)
- Unauthorised Gypsy and Traveller encampments
- Planning Enforcement
- Waste & Litter
- Antisocial Behaviour
- Countryside Ranger Service

Please note that this list is not exhaustive.

5.0 Who does this Enforcement Policy affect?

- 5.1 This policy provides a framework for Council employees, Members and contractors whilst they are carrying out their day-to-day duties. It is also designed to provide an overview of the Council's approach and general operating principles to those who might be affected by its use; this would include members of the public, commercial businesses and voluntary organisations.
- 5.2 This policy is also applicable where the Council is the 'Enforcing Authority' for its own premises. In such instances steps are taken to ensure that enforcement decisions are free from any conflict of interest. In particular, any serious breaches of legislation would be brought to the attention of the Team Manager, Environmental Health and Licensing and Corporate Leadership Team.

6.0 Evidence Gathering during an Investigation

- 6.1 Regulatory bodies are empowered to gather evidence by various means and as part of any ongoing investigation. This can include overt methods where the subject is aware of the investigation or, where appropriate, covert methods where the subject is unaware.
- 6.2 Where the Council undertakes to gather information covertly then they will have regard to the procedures and protocols laid down within the Regulation of Investigatory Powers Act 2000 (RIPA), Investigative Powers Act 2016 and the Protection of Freedoms Act 2012 as applicable. The Council has a corporate application and authorisation process for the use of these specific measures in addition to the use of Privacy Risk Assessments. These processes are monitored by senior Officers of the Council.
- 6.3 As part of any investigation, and to support decisions around the need for further action, a wide variety of evidence and intelligence will be gathered; this may include information from other agencies such

as those listed in Section 10. This will take into consideration any statutory process or formal data sharing agreements.

- 6.4 Evidence that is gathered as part of an investigation may be retained indefinitely and/or in accordance with established data retention policies. In certain circumstances the Council may seek to destroy equipment or goods that have been seized as part of an investigation, for example where there is a potential risk to health. This will take into consideration any statutory process.
- 6.5 In gathering evidence the Council routinely undertake recorded investigative interviews. These are carried out in accordance with the Police and Criminal Evidence Act 1984 and associated Codes of Practice and seek to provide an individual or business with the opportunity to provide their version of events as part of an ongoing investigation.
- 6.6 Attendance in person at an interview under caution is expected on the grounds of gathering complete evidence and to maximise the efficiency of the investigation process.
- 6.7 Failure to assist an investigation or the act of obstructing an Officer is an offence under many pieces of legislation used by enforcement agencies. The Council expect cooperation and will take action where appropriate, if this is not forthcoming.
- 6.8 In order to take enforcement action there needs to be sufficient supporting evidence to prove that there is a breach of legislation upon which enforcement action can be taken. In response to anonymous complaints or cases where there is no independent witness the Council will take a view as to whether they can take any further action or whether to retain the details purely for intelligence purposes. Factors that may be taken into account as part of this decision include the availability of corroborating independent evidence or whether evidence exists that undermines the case.
- All investigations will be carried out lawfully having regard to the following legislation (as amended) and in accordance with any associated guidance or Codes of Practice, in so far as they relate to the Council:

- Police and Criminal Evidence Act 1984
- Criminal Procedure and Investigation Act 1996
- Regulation of Investigatory Powers Act 2000
- Investigative Powers Act 2016
- Criminal Justice and Police Act 2001
- Human Rights Act 1998

These Acts and associated guidance control how evidence is collected and used and give a range of protections to citizens and potential defendants.

7.0 What does enforcement look like?

- 7.1 The primary objective of enforcement is to achieve regulatory compliance in order to protect the public, legitimate business, the environment, and groups such as consumers and workers. However, we reserve the right to take action in some cases even after compliance has been achieved where we believe it is in the public interest to do so and where doing so will better meet local priorities and circumstances.
- 7.2 The Council is committed to working with its local residents, businesses and volunteer communities to provide practical and proactive help and advice to all parties to assist them to achieve compliance with the law.
- 7.3 If a resident or business operator chooses not to act on advice, an enforcement intervention should be expected. Similarly, the Council is committed to taking firm action against those that deliberately or persistently fail to comply with legislation and where this is considered appropriate.

- 7.4 Where non-compliance is identified then the Council will seek compliance through a combination of promotion, compliance advice, guidance and support, regularisation, informal warning and formal enforcement action.

7.4.1 Promotion

This typically involves a push of information to residents and businesses about specific matters of legislation. This is usually achieved by methods such as direct correspondence, press releases, face to face contact and website information.

7.4.2 Compliance Advice, Guidance and Support

The Council uses compliance advice, guidance and support as a first response in the case of many breaches of legislation that are identified. Advice is provided, sometimes in the form of a warning letter, to assist individuals and businesses to rectify breaches as quickly and efficiently as possible, avoiding the need for further enforcement action. If a similar breach is identified in the future, this advice will be persuasive in considering the most appropriate enforcement action to take on that occasion. Such advice cannot be cited in court as a previous conviction, but it may be presented in evidence. Failure to comply could result in an escalation of enforcement action.

The Council recognises that where a business has entered into a partnership with a Primary Authority, the Primary Authority will provide compliance advice and support, and the Council will take such advice into account when considering the most appropriate enforcement action for it to take. It may discuss any need for compliance advice and support with the Primary Authority in accordance with the Regulatory Enforcement and Sanctions **Act 2008**.

7.4.3 Informal Warnings

This method is used in circumstances where there has been a breach of legislation, usually minor, and where it is not thought appropriate to take more formal action. In these cases, the remedy may be simple and easily achieved following a written or verbal warning. In some cases, a warning can be challenged by the recipient and a review by a senior Officer can be requested. Where this is the case information on how to make a challenge will be included with the details of the warning and in line with individual service procedures.

7.4.4 Formal Enforcement

This includes a wide variety of sanctions including statutory (legal) notices, written undertakings, the refusal to grant or the revocation of an existing licence or registration, fixed penalty notices, powers of seizure and detention, cautions and prosecution. Formal enforcement action is taken in line with corporate procedures and having regard to Codes of Practice and professional guidance notes. Formal enforcement action also extends beyond the prosecution process as the Council may apply for further post-conviction sanctions.

7.4.5 Statutory (legal) Notices

Many pieces of legislation enforced by the Council provide for the service of statutory notices to seek compliance with legal requirements. A statutory notice will require a person, business or organisation to comply with specific legal requirements, usually within a specified time period. A notice shall explain what legislation has been breached, how to comply with the notice and the consequences of not complying with a notice. Notices will be accompanied by any relevant appeal information.

In general, failure to comply with a notice makes the person or business named in the notice liable for prosecution. Further, the Council may, in some cases carry out the works identified within the notice and recover costs from the recipient of the original notice (work in default). Prosecution and work in default may run in parallel.

7.4.6 Written Undertakings (Voluntary and Formal)

Where an individual or organisation persistently fails to comply with the law, the Council may seek a written undertaking from that person that they will cease the action causing the breach. If appropriate and proportionate, this action may preclude the need for further formal action whilst the agreement is met.

Failure by an individual or business to agree to a written undertaking or, breach of agreement in the case where an agreement is in place, can lead to further formal action being taken by the Council in accordance with the relevant legal provisions.

7.4.7 Injunctions/ Enforcement Orders etc. and other civil sanctions including financial and civil penalties

In certain circumstances the Council may consider it necessary or expedient to seek a direction from the court (in the form of an order or an injunction) to control behaviour or an activity. The court may also direct that specified activities be suspended until the breach has been rectified and/or safeguards have been put in place. Injunctions are orders of the court, breach of which are punishable as a contempt of court by imprisonment or a fine.

Where applicable legislation permits the Council may also seek civil sanctions including financial and civil penalties.

7.4.8 Seizure proceedings

Certain legislation enables authorised Officers to seize goods, for example, unsafe food, sound equipment that is being used to create a statutory noise nuisance, unsafe products or any goods or documents that may be required as evidence for possible future court proceedings.

7.4.9 Fixed Penalty Notices

A Fixed Penalty Notice may be used as a means of dealing with a low-level offence instead of prosecution action and enables a defendant to avoid a criminal record by discharging their liability to a prosecution for the original offence. Certain lower-level offences such as littering, dog fouling and smoking in prohibited places are subject to Fixed Penalty Notices and they enable the offender to discharge their liability and avoid a criminal record.

The Council will comply with any current relevant guidance on the use of Fixed Penalty Notices.

- a) There must be sufficient evidence to give a realistic prospect of conviction; and
- b) The offence is not so serious as to warrant a prosecution and is of a nature suitable for being dealt with by a Fixed Penalty Notice.

Where an adult recipient does not pay the penalty offered or is a repeat offender there will be a presumption that prosecution will follow in relation to the actual offence.

The Issue of FPN's to Juveniles

Juveniles under the age of 10 years

An FPN cannot and will not be issued to a juvenile under the age of 10 years.

Where an offence has been committed, the young offenders name, address and age shall be ascertained, together with that of their parents or legal guardian. The young offender will be informed that the offence will be shared with the local Youth Justice Service and relevant Early Help and Children's Services for their information in accordance with the Data Protection Act 2018.

Juveniles aged between 10 and 15 years

Young people aged between 10 and 15 years will not be issued with an FPN. The young offenders name, address and age shall be ascertained, together with that of their parents or legal guardian. The young offender will be informed that the offence will be shared with the local Youth Justice Service and relevant Early Help and Children's Services for their information in accordance with the Data Protection Act 2018.

Juveniles aged between 16 and 17 years

In certain circumstances, an FPN can be issued to a young person between the age of 16 and 17 in accordance with the procedure for adults.

Before the issue of the FPN the following factors shall be considered;

- (a) Whether an FPN been issued previously
- (b) Whether a warning, or preventative intervention more appropriate
- (c) Whether there are family circumstances or other vulnerabilities

(d) Whether there is evidence of mental incapacity

(e) Whether the individual is demonstrating any signs of substance abuse

In all cases, the Youth Justice Service, relevant Early Help and Children's Services should be liaised with, and the parent/guardian of the young person will also be informed either in person or in writing.

If the Authorised Officer is in any doubt regarding the age of a young offender, then the procedures set out for those individuals between the ages of 10 and 15 will be applied.

7.4.10 Penalty Charge Notices

Penalty Charge Notices are issued in relation to contraventions of parking restrictions whereby an individual pays an amount of money as a consequence of the breach.

The method and circumstances for issuing a Penalty Charge Notice is prescribed by specific legislation. Failure to pay a Penalty Charge Notice may ultimately result in the individual being pursued by enforcement agents where their fees will also apply.

The notices issued are no longer breaches of criminal law enforceable through the criminal justice system, but instead 'Penalty Charge Notices' (PCN's) are a debt owed to the Council, enforceable through the civil justice system.

7.4.11 Revocation, suspension and withdrawal of licences and permits

Where the Council has issued a permit, approval, licence or other form of permission, removal of that permission in line with the relevant guidance or legislation can be considered as an enforcement remedy. This action does not preclude further parallel formal enforcement action by the Council for the same offence e.g., the instigation of prosecutions proceedings.

When considering future licensing applications, the Council may take previous breaches and enforcement action into account.

7.4.12 Forfeiture Proceedings

This procedure may be used in conjunction with seizure and/or prosecution where there is a need to dispose of goods in order to prevent them re-entering the marketplace or being used to cause a further problem. The Council may seek an order of the court for forfeiture of goods it has seized either as part of criminal investigations or during the exercise of its enforcement functions.

7.4.13 Simple Caution

As an alternative to prosecution and in appropriate circumstances a simple caution may be considered as a means of formal enforcement action. A caution is not a criminal conviction, but it will form part of an offender's criminal record and may be referred to in any subsequent proceedings.

For a caution to be issued the following criteria must be met:

- a) There is sufficient evidence to provide a realistic prospect of conviction and it is in the public interest to caution;
- b) There has been a reliable admission of guilt by the offender; and
- c) The offender is over 18 years of age.

Consideration will be given to the Ministry of Justice - Simple Caution for Adult Offender guidance (MoJ Guidance).³

The refusal of an offender to be cautioned does not preclude the matter being passed for prosecution. In fact, any such failure will be material consideration when deciding whether the offender should then be prosecuted for that offence.

7.4.14 Prosecutions

The Council will consider a prosecution when:

- a) It is appropriate in the circumstances as a way to draw attention to the need for compliance with the law, especially where there would be a normal expectation of a prosecution, or where;
- b) Through the conviction of offenders, others may be deterred from offending; or
- c) There is potential for considerable harm arising from the breach; or

³ [Simple Cautions guidance \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/guidance/simple-cautions-guidance)

d) The gravity of the offence, taken together with the general record and approach of the offender justifies it.

The decision to prosecute will always consider the criteria set down in the Code for Crown Prosecutors (section 3.5). The Council will use discretion in deciding whether to initiate a prosecution and may do so without prior warning taking place.

7.4.15 Proceeds of Crime

There are some cases where an application under the provisions of the Proceeds of Crime Act is considered appropriate. This seeks to confiscate assets from an offender in order to recover the financial benefit they have gained during the course of their criminal activities. Where such an approach is considered then the Council will seek the advice of an Accredited Financial Investigator at the earliest opportunity so that a parallel financial investigation can be undertaken.

There is a defined timescale for the application to proceed with confiscation; it must be made after conviction but prior to any sentencing.

7.4.16 Charges

Certain enforcement activities incur a charge designed to solely recover the cost of the enforcement action taken and are recoverable from the offender or perpetrator. Some charges are set by statute whilst others are determined by the Council and must demonstrate financial transparency in how they are calculated.

The Council also has the power to apply interest charge rates to any expense it incurs in the course of enforcement action including works in default. Such charges will be applied with regard to advice provided by financial services.

7.4.17 No Action

In certain circumstances, contravention of the law may not warrant formal action by the Council. In making this decision the Council may take the following factors into consideration to help provide transparency to the agreed approach.

- Whether the cost of compliance to the offender outweighs the detrimental impact of the contravention (the harm).
- Whether the cost to the Council to take any required enforcement action outweighs the detrimental impact of the contravention on the local community.
- The availability of sufficient evidence to proceed with action.
- Whether it is in the public interest to proceed with formal action.

8.0 How do we determine the most appropriate enforcement action?

- 8.1 The Council will carry out its duties in a fair and consistent manner. Whilst Officers are expected to exercise judgement in individual cases the Council has formal documented arrangements in place to review proposed enforcement actions in the more serious cases and local schemes for officer delegation. This could include an internal case review and discussion on whether the proposed action is the most suitable means of achieving compliance.
- 8.2 As part of its decision making process, the Council will also consider the role of supplementary decision making policies and tools that are available across the wide range of regulatory functions; this could include the use of the HSE Enforcement Manager Model, Codes of Practice or the role of Primary Authority protocols etc.
- 8.3 Where there is a shared enforcement role with other local authorities and/or enforcement agencies, the Council will ensure that effective liaison and consultation takes place to ensure that the needs of all parties are considered and to help achieve the best outcome from formal enforcement action.

9.0 What can you expect from your enforcing Officer/Council?

- 9.1 All Officers engaged in enforcement functions are appropriately trained and authorised in line with the provisions of the South Staffs Council Scheme of Delegation to ensure the highest standards of service delivery. Officers will always carry suitable identification that can be checked
- 9.2 Authorised Officers will carry out their enforcement activities in accordance with the principles of this Policy and the requirements of the particular legislation and other Council Policy under which they are acting and any associated guidance or Codes of Practice. Officers do not have to make an appointment and will often visit businesses without notice. They may enter premises at any reasonable time to carry out their work. It is against the law to stop an officer carrying out their duties or exercising their powers. Officers will follow statutory codes of practice when doing this.
- 9.3 The Council believes that prevention, including education, is better than cure and encourages businesses and individuals to seek advice on matters that they are unsure of, without fear that this will trigger direct enforcement action. In return the Council will be clear about issues that constitute direct non-compliance with legislation and those matters which are examples of good practice. Where appropriate, advice and guidance will be followed up by dedicated compliance checks or will form part of any routine inspection programme.
- 9.4 The Council will endeavour to provide information and advice in plain language. The Council will discuss general issues, individual compliance failures or problems with anyone experiencing difficulties should it be requested. To support this, the Council will identify a point of contact in any correspondence that it issues.
- 9.5 The Council will have regard to the challenges faced by individuals and businesses, particularly small businesses. It will ensure that any action it requires is proportionate and balanced against risk. As far as the law allows, the Council will take account of the individual circumstances of each case when considering action. This includes the seriousness of the offence, past history, confidence in management, the consequences of non-compliance and the likely effectiveness of the various enforcement options.
- 9.6 A business or individual will be notified of any intended enforcement action as soon as possible, unless this could undermine an investigation or pose a safety risk to those concerned, the environment or the general public.
- 9.7 In cases where there is an imminent risk to health or the environment, enforcement action may be taken before any right of challenge can be heard.
- 9.8 The Council will provide information on how to challenge or appeal any enforcement decision as part of the enforcement action and where a statutory appeal process exists; where no statutory appeal process exists, guidance on how to challenge or make a representation is provided at the time the action is taken. In addition, the Council will also provide details of its formal complaints procedure for those wishing to use this approach.
- 9.9 The Council will make businesses and individuals aware of the current Enforcement Policy through the website, direct correspondence or as part of day-to-day contact.
- 9.10 In certain circumstances we will seek to raise awareness and increase compliance levels by publicising unlawful trade practices or criminal activity. Where appropriate the results of specific court cases may also be published.

What can I expect from an officer during an inspection?

- To be shown identification and authorisation.
- To be treated politely.
- To be given a contact name and telephone number so you can get in touch for more advice.
- To be told at the end of an inspection if anything needs attention or if everything was fine.
- To receive a written report of the inspection or visit detailing any changes that need making. This will clearly explain which are needed by law, and those that are

recommended. We will tell you how much time you have to complete and implement the changes. Or:

- Be given clear and simple advice about any requirements. You can ask for this to be confirmed in writing.
- Officers will tell you if they need to take action straight away and follow this in writing within 10 working days letting you know the reasons.
- An opportunity will be given to discuss the matter and any rights of appeal, complaint or further representation will be advised. This will not, however, be possible where immediate action is considered necessary.

Service standards

Our Service Standards can be found here:

[Our commitment to customer care | South Staffordshire District Council \(sstaffs.gov.uk\)](https://www.sstaffs.gov.uk/our-commitment-to-customer-care)

10.0 Which other agencies might we work with?

- 10.1 The Council will aim to maximise its effectiveness by working with other authorities and other agencies to share intelligence and resources where it is lawful to do so. Where issues are identified that extend beyond the remit of one agency and into the role of another, then joint operations will be undertaken to maximise resources and improve any enforcement outcome.

Some examples of agencies that the Council might work with include.

- Police
- Environment Agency
- Rural Payments Agency
- Health and Safety Executive
- Food Standards Agency
- Fire Service
- HM Revenue and Customs
- DEFRA
- Animal Plant Health Agency
- Office for Product Safety & Standards
- Citizens Advice
- Department for Work and Pensions
- Department for Transport (DfT)
- Registered providers of social housing
- Other Local Authorities (particularly where a Primary Authority relationship exists)
- Other Enforcement Agencies as appropriate

- Youth Justice Service
- UK Health Security Agency
- RSPCA
- Border Force
- Other Agencies as Appropriate

11.0 Equality and Diversity

The Council is committed to providing high-quality, customer focussed services for all people living, working, or visiting the area. Our aim is to make equality, diversity and inclusion an integral part of the way the Council works by putting it at the centre of everything that we do.

South Staffordshire's Councils equality objectives as set out in its 'Everyone Counts' document reflects our current corporate objectives in relation to Equality and Diversity and help us to improve policy making, and service delivery:

- Know the diversity of our community and understand its need.
- Work in partnership with public, private, voluntary and community organisations to reduce the equality gaps and improve lives.
- Actively engage our community to participate in decision making processes to improve the services we provide.
- Continue to ensure our workforce is representative of the communities we serve and our work place is inclusive and strives to treat people equitably with dignity and respect

This policy has undergone An Equality Impact Assessment.

12. The Council Plan 202-2024 (Extant at the time of Revision – this section likely to be updated before final publication).

Enforcement activity supports the Council Plan:

Prosperous Communities

Provide business friendly services through locality hubs to enable businesses to set up and grow.

Vibrant Communities

Provide a quality environment that we can all be proud of.

13.0 Complaints, compliments and suggestions

- 13.1 Complaints, compliments or suggestions on any aspect of the services the Council provides should be directed to the service area in the first instance.
- 13.2 If the Council's response to a complaint about the service fails to resolve the matter, then you may wish to lodge a formal complaint using our dedicated corporate complaint procedure.
- 13.3 For further details on how to register a complaint, compliment or suggestion, please see our web page detailed below.

[Comments, compliments and complaints | South Staffordshire District Council \(sstaffs.gov.uk\)](https://www.sstaffs.gov.uk)

- 13.4 Where a complaint is received about the conduct of an Officer then this will be investigated separately to run in parallel with the enforcement investigation; this will ensure that there is no unnecessary delay in the enforcement process.

14.0 Monitoring

- 14.1 The Regulators' Code requires that the Council publish details of performance against the Enforcement Policy. This should include feedback from satisfaction surveys and data relating to complaints and appeals against enforcement decisions.
- 14.2 The Council will continue to use a variety of methods to share enforcement related information as and when appropriate. This may include data within general or specific performance reports to a relevant committee, through the completion of statutory returns, and in response to specific requests from interested parties.

15.0 Review of this enforcement policy

- 15.1 This policy will be subject to a general review every five years. Where significant changes are required i.e., if there is a significant change to our enforcement approach then those changes will be subject to the formal approval process in place at that time.
- 15.2 If you have any queries regarding the content of this policy then please contact:
Jenny Rhodes, Environmental Health and Licensing Team Manager.

Template for recording an Equality Impact Assessment (EqIA)

EqIA guidance can be found at

[https://sstaffsgovuk.sharepoint.com/sites/TheCore/SitePages/Equality-%26-Diversity\(1\).aspx](https://sstaffsgovuk.sharepoint.com/sites/TheCore/SitePages/Equality-%26-Diversity(1).aspx)

Service:	Person responsible for the assessment:	Date EqIA completed:
Env Health and Licensing	John Gerring	26.02.2024 (draft)

PART A - Identification

1	Title or name of proposal	Corporate Enforcement Policy
2	The commencement date of the proposal and approval e.g., CLT, Cabinet, Committee, Council	2 nd April approval by Cabinet for consultation. July 2024 Cabinet approval post consultation. CLT 6 th March 2024. 29 th February deadline.
3	What are the aims, objectives, and purpose of the proposal?	Aims: Legal compliance with the Regulator's Code Objectives: To update the existing Enforcement policy that can be used by any service in the Council with a Regulatory function e.g. Env Health, Planning Enforcement, Benefits Purpose: To give all stakeholders clear guidance on how the Council goes about fulfilling its statutory enforcement roles and to provide guidance to those engaged on behalf of the Council about how they should undertake their enforcement activity.
4	Status of the proposal	Existing proposal <input type="checkbox"/> <input type="checkbox"/> 2015 Date Last Reviewed:
5	Are there any other functions, policies or services which might be linked with this one for the purposes of this exercise?	Yes. There may be other specific enforcement policies that need to be taken into account e.g. Planning Enforcement; and other legislative requirements will also apply where they may be policies e.g. Regulation of Investigatory Powers Act. These are all addressed in the Corporate Enforcement Policy.
6	Who is it intended to affect or benefit (the target population):	The Regulators themselves and anybody on the receiving end of Regulation, which is pretty much every person in the District.

PART B - Evidence, Research and Stakeholder Engagement

7	List relevant examples of data (qualitative and quantitative) or any consultation information available that will enable the impact assessment to be undertaken	The Enforcement Policy follows prescriptive guidance in the Regulator's Code. There is no requirement for the Council to consult on its Enforcement Policy.
---	---	--

		<p>Consultation with Stakeholders is proposed as part of the approval process.</p> <p>Previous consultation has resulted in a nil response.</p> <p>A period of consultation is proposed as part of the development and approval process for the Policy.</p>	
8	Evidence from the data from Question 7 of any feedback or complaints against the service/policy/procedure on grounds of potential or perceived discrimination	We are not aware of any complaints about the application of the Policy over the last 10 years.	
		Until the recent revision of the website the Enforcement Policy was available to anybody to see.	
9	Does your proposal link with other proposals to have a cumulative negative affect on particular equality groups?	Yes/ No	If yes, give details
		No	

PART C – Assessment and Differential Impacts

Within this table, state whether the policy or function will have a positive or negative impact across the protected characteristics and provide any comments, reason, and evidence to support this.

What is the effect of the change on each characteristic – tick one				Reason		Action* Required
	Positive impact	Negative impact*	Neutral	Explanation of impact analysis	Is this likely to be unlawful?	Yes / No
Age	Positive			Specific guidance and legislation, reflected in the policy, ensures that young people are treated appropriately in any enforcement-based activity.	No	No
Disability	Positive			The specific needs of any group are taken into account across the range of enforcement from education to prosecution. For education purposes material is available in different formats and for formal action support can be organised for specific needs. Working with mental health teams is a regular feature of	No	No

				Environmental Health work in particular.		
Gender reassignment			Neutral	No impact has been identified.	No	No
Marriage & Civil Partnership			Neutral	No impact has been identified.	No	No
Pregnancy and Maternity			Neutral	No impact has been identified.	No	No
Race	Positive			Race is a well-established factor in enforcement activity, particularly around language barriers and cultural expectations. Most enforcement interactions, particularly those of a formal nature, are on an individual basis with enforcement officers who are trained not just in their professional role but in equality and diversity. The individual nature of interactions and the staged approach of escalating enforcement and checks and balances contained within ensure that Race is taken into account.	No	No
Religion or Belief	Positive			As above	No	No
Sex			Neutral	No impact has been identified.	No	No
Sexual Orientation			Neutral	No impact has been identified.	No	No
Other	Positive		Neutral	Mental Health can be a factor in some of the enforcement activities that are undertaken. A multi-agency approach is taken to any enforcement action where mental health is considered to be an issue.	No	No

PART D – Outcomes, Action, and Public Reporting

What Justifiable Action Does the Evidence, Engagement and Consultation Suggest You Take?

	Description	Yes / No
A	No Major Change Required When no potential for discrimination or adverse impact is identified and all opportunities to promote equality have been taken.	Yes
B	Adjustments needed to remove barriers or to better promote equality Are you satisfied that the proposed adjustments would remove the barriers identified?	No
C	Continue despite possible adverse impact For important relevant proposals, compelling reasons will be needed. You should consider whether there are sufficient plans to reduce the negative impact and/or plans to monitor the actual impact.	No
D	Stop and rethink your proposal Actual or potential unlawful discrimination is identified; the proposal will need reviewing immediately.	No

PART E – Monitor Evaluate and Review

Action and Monitoring Plan - where the assessment in Part C & D indicates a potential negative impact, how will this be reduced or mitigated to reduce impact moving forwards?

Conclusions Reached About Potential Impact		
Possible Impact	Group(s) Affected	Evidence
Impact Identified	Action	Responsibility
Timescale	Expected Outcomes	Review Date

PART F – To be completed by Equality Service Group

Date Reviewed	Name of Representatives involved in Review (min of 3). If less than 3 please explain what exceptional circumstances apply
General Comments	
Recommendations	
Publish Results <input type="checkbox"/> Carry out further impact assessment, if yes state the review date and ensure this is diarised for action <input type="checkbox"/>	Specific Recommendations to Consider:
Confirm that the recommendations have been actioned or explain why if any cannot be actioned.	

Remove the red prompt questions and this text and then send the form to your Corporate Director/Assistant Director to review and sign,

Part G – Corporate Director/Assistant Director Approval

- I am satisfied with the results of this EqIA.
- I have seen the Council's Equality Schemes or Equality Action Plan and am satisfied with the contribution it can make.

Approved

Corporate Director/Assistant Director Signature:

Date:

Once signed the author of the EqIA should attach it to the report.

Please send a copy to Thomas Reynolds, Performance & Customer Insight Manager requesting that the EqIA is published on our internal equality site.

Where the EqIA relates to a member report the EqIA should be sent to Member Support at the same time as issuing your report to ensure it is on the CMIS system prior to the Cabinet/Committee/Council meeting.

If the EqIA relates to an Individual Decision, please ensure that the EqIA is attached to the report.

