

# Public Document Pack



**Service Director – Legal, Governance and  
Commissioning**

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Thursday 15 November 2018

## Notice of Meeting

Dear Member

### Licensing and Safety Committee

The **Licensing and Safety Committee** will meet in the **Council Chamber - Town Hall, Huddersfield** at **10.00 am** on **Friday 23 November 2018**.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

**Julie Muscroft**

**Service Director – Legal, Governance and Commissioning**

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

## **The Licensing and Safety Committee members are:-**

### **Member**

Councillor Carole Pattison (Chair)  
Councillor Mahmood Akhtar  
Councillor Karen Allison  
Councillor James Homewood  
Councillor Christine Iredale  
Councillor Michelle Grainger-Mead  
Councillor Mumtaz Hussain  
Councillor Manisha Roma Kaushik  
Councillor Terry Lyons  
Councillor Amanda Pinnock  
Councillor Cathy Scott  
Councillor Mohan Sokhal  
Councillor Kath Taylor  
Councillor Michael Watson

When a Licensing and Safety Committee member cannot be at the meeting another member can attend in their place from the list below:-

### **Substitutes Panel**

#### **Conservative**

B Armer  
D Bellamy  
V Lees-Hamilton  
N Patrick  
M Thompson

#### **Green**

A Cooper

#### **Independent**

C Greaves

#### **Labour**

E Firth  
S Hall  
N Mather  
H Richards  
R Walker

#### **Liberal Democrat**

R Eastwood  
A Munro  
A Pinnock



# Agenda

## Reports or Explanatory Notes Attached

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**Pages**

**1: Membership of the Committee**

This is where Councillors who are attending as substitutes will say for whom they are attending.

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**2: Minutes of Previous Meeting**

1 - 4

To approve the minutes of the meeting of the Panel held on 11 October 2018.

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**3: Interests**

5 - 6

The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the items or participating in any vote upon the items, or any other interests.

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**4: Admission of the Public**

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

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## **5: Deputations/Petitions**

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

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## **6: Public Question Time**

The Committee will hear any questions from the general public.

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## **7: Licensing Service - Update Report**

7 - 16

A report informing Members of the activities undertaken to discharge the Council's licensing functions from 1 April 2018 to 31 October 2018.

Officer: Russell Williams, Group Leader Licensing Public Protection  
Tel: 01484 221000

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## **8: Review of Licensing Policy Statement (Gambling)**

17 - 132

A report informing members of the results of the consultation on the Council's draft Licensing Policy Statement (Gambling), and for Members to make recommendations to Council for its adoption.

Officer: Russell Williams, Group Leader Licensing Public Protection  
Tel: 01484 221000

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## **9: Designated List of Wheelchair Accessible Vehicles**

133 -  
152

A report for members to consider the publishing of a designated list of wheelchair accessible hackney carriage, private hire vehicles and commercial vehicles available for hire.

Officer: Russell Williams, Group Leader Licensing Public Protection  
Tel: 01484 221000



Contact Officer: Jenny Bryce-Chan

## KIRKLEES COUNCIL

### LICENSING AND SAFETY COMMITTEE

**Thursday 11th October 2018**

Present: Councillor Carole Pattison (Chair)  
Councillor Mahmood Akhtar  
Councillor Karen Allison  
Councillor Christine Iredale  
Councillor Michelle Grainger-Mead  
Councillor Terry Lyons  
Councillor Amanda Pinnock  
Councillor Mohan Sokhal  
Councillor Kath Taylor

In attendance: Samantha Lawton

Apologies: Councillor James Homewood  
Councillor Manisha Roma Kaushik  
Councillor Cathy Scott  
Councillor Michael Watson

**1 Membership of the Committee**

Apologies for absence were received on behalf of Councillors Watson, Kaushik, Scott and Homewood.

**2 Minutes of Previous Meeting**

That the Minutes of the meeting of the committee held on 10 September 2018 be approved as a correct record.

**3 Interests**

No interests were declared.

**4 Admission of the Public**

That all items be held in public session.

**5 Deputations/Petitions**

No deputations or petitions were received.

**6 Public Question Time**

No questions were asked.

**7 Kirklees Hackney Carriage and Private Hire Licensing Policy**

The Committee considered a report which sought approval to consult on a new Kirklees Hackney Carriage and Private Hire Policy. Two of the policies relating to convictions and driver training had been developed in partnership with the West Yorkshire authorities and York.

## Licensing and Safety Committee - 11 October 2018

The Committee was advised that over the last two years, officers have been working on a project for approval with the Chairs of the West Yorkshire Licensing Committees (or equivalent), the respective lead member or portfolio holder and with the support of West Yorkshire Combined Authority. The project aims to establish some minimum standards in certain areas of licensing, while not necessarily creating identical policies.

In conjunction with the project, Kirklees has developed an overarching policy encompassing all the different aspects of taxi and private hire licensing, in which it is proposed to include the Convictions and Driver Training Policies which are part of the West Yorkshire wide project. The Committee was informed that while there are some excellent drivers, the policy has been developed to give assurance to the travelling public that the service being provided meets safeguarding duties and passenger safety. The key message being promoted is safeguarding, protecting the public and not compromising on passenger safety.

The Committee was informed that the Kirklees policy includes adopting a revised standard for testing hackney carriage and private hire vehicles. In addition, the council has adopted the West Yorkshire Low Emissions Strategy 2016-2021. Leeds will be bringing in a Clean Air Zone and if drivers meet the emissions they will meet the Clean Air Zone guidance standards. There will also be more emphasis on three year licences instead of one year licences.

The Committees' attention was drawn to the two additional conditions that have been attached to the standard conditions attached to the issue of Hackney Carriage and Private Hire Driver Licence namely:-

- Drivers must cooperate with any authorised officer and/or police constable from any other licensing authority
- Drivers must comply with the Council's Code of conduct on working with vulnerable people

The West Yorkshire Combined authority Hackney Carriage and private hire drive training policy is to give confidence to the travelling public that drivers licensed with each authority have been trained to the highest standard, a standard that is consistent across the region. Kirklees is looking to make the test, pre-application and there will be aspects of dementia training included however, the full details regarding the test to be taken by drivers has yet to be confirmed.

The Committee sought clarity on aspects of the policy and raised questions in respect of non-English speaking drivers and in response was advised that it was important for drivers to be able to communicate with the fare paying passenger. The Committee also raised questions in respect of domestic dogs travelling in taxis being at the discretion of individual drivers and in response was advised that the inaccuracies in the policy would be amended. Officers would also give consideration regarding this issue and what could be included in the policy to address this concern.

## Licensing and Safety Committee - 11 October 2018

Officers advised that authority was being sought from the Committee for permission to consult on the draft Kirklees policy, which includes the conviction policy, driver training policy and revised standards for testing hackney carriage and private hire vehicles.

### **RESOLVED:**

That approval be given to consult on

- a) A new Kirklees Hackney Carriage and Private Hire Policy which includes the following policies developed in partnership with the West Yorkshire Combined.
- b) The draft policy on the Relevance of Criminal Conduct in Taxi and Private Hire Licensing (Conviction Policy)
- c) The draft West Yorkshire Driving Training Policy
- d) That the Head of Public Protection is authorised to agree the final approach to consultation alongside the other West Yorkshire and York authorities.

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<b>KIRKLEES COUNCIL</b>				
<b>COUNCIL/CABINET/COMMITTEE MEETINGS ETC</b>				
<b>DECLARATION OF INTERESTS</b>				
Licensing and Safety Committee				
Name of Councillor				
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest	

Signed: ..... Dated: .....

## NOTES

### Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
- (b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.



**Name of meeting: Licensing and Safety Committee**

**Date: 23<sup>rd</sup> November 2018**

**Title of report: Licensing Service – Update Report**

**Purpose of report**

The purpose of this report is to inform Members of the activities undertaken to discharge the Council’s licensing functions from 1 April 2018 to 31 October 2018

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	<b>Not applicable</b>
<b>Key Decision - Is it in the <a href="#">Council’s Forward Plan (key decisions and private reports?)</a></b>	<b>Not applicable</b>
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	<b>Not applicable</b>
<b>Date signed off by <u>Strategic Director</u> &amp; name</b>	
<b>Is it also signed off by the Service Director for Finance IT and Transactional Services?</b>	Eamonn Croston 15.11.18
<b>Is it also signed off by the Service Director for Legal Governance and Commissioning Support?</b>	Julie Muscroft 15.11.18
<b>Cabinet member <a href="#">portfolio</a></b>	<b>Councillor Naheed Mather</b>

**Electoral wards affected: All**

**Ward councillors consulted: None**

**Public or private: Public**

## 1. Summary

This report provides Members of the Committee with an update on the activities undertaken by the Council's Licensing Service from 1 April 2018 to 31 October 2018.

## 2. Information required to take a decision

### Licensing Act 2003

2.1 The Licensing Act 2003 is governed by four licensing objectives: -

- Prevention of crime and disorder
- Prevention of public nuisance
- Public Safety
- Protection of children from harm

2.2 The number of premises licensed under the Act are set out in the table below

Type	As of 31/10/2018
Premises licensed for Alcohol	1125
Premises licensed for non-alcohol	273
Club Premises Certificates	193
Personal Licences	4831
<b>Total</b>	<b>6422</b>

2.3 The following table sets out the number of applications processed by the service: -

Application Type	No.
New	34
Full Variation	24
Minor Variation	14
Transfer	49
Review	3
Cancelled / Surrender	19
<b>Total</b>	<b>143</b>

2.4 The following applications have been considered by the Licensing Panel since 1 April 2018

Application Type	Premises	Outcome
New Premises Licence	SK24	Granted with additional conditions
New Premises Licence	Wisla Supermarket, John William Street	Granted

New Personal Licence	Mr Mohammed	Refused
Transfer Premises Licence	37 Westgate, Huddersfield	Refused
New premises Licence	Carding Shed, Unit 18 Washpit Mills, Holmfirth	Granted
New Premises Licence	Rising Sun Domino Club, 43 Market Street, Huddersfield	Granted, with additional conditions
New Premises Licence	The Shop, Ravensknowle Road, Moldgreen	Refused
New Premises Licence	Ink Spot Bars, 70 Acre Street, Lindley	Granted with additional conditions
Review of Premises Licence (following expedited review)	Tokyo, the Old Court House, Queen Street, Huddersfield	Licence to continue with amended conditions
Variation Premises Licence	Bargain Booze, 51 – 53 Market Street, Milnsbridge	Refused
Review of Premises Licence	Premises in Huddersfield (held in private due to ongoing police investigation)	Licence revoked
New Premises Licence	Cross Bank Methodist Cricket Club, Lea Road, Batley	Granted
New Premises Licence	Woodlands Mill, Like Lane, Thongsbridge, Holmfirth	Granted with additional conditions

2.5 In 2019, the service will commence the process of reviewing the Council's 'Statement of Licensing Policy'; with this review having to take place every five years. The Councils current policy commenced in January 2015 and will continue until 31 December 2019.

#### Gambling Act 2005

2.6 The Gambling Act 2005 is governed by three licensing objectives: -

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

2.7 Applications under this legislation continue to be small in number, and current licences / permissions in force are as follows: -

Type	No.
Casino	2
Bingo	3
Adult Gaming Centres	11

Betting Premises (Non Track)	40
Betting Premises (Track)	2
Family Entertainment Centres	3
Club Gaming Permits	35
Club Machine Permits	48
Licensed Premises – Gaming Machine Permits	22
Licensed Premises – Notification of 2 machines	335
Small Society Lotteries	213
<b>Total</b>	<b>714</b>

- 2.7 This year has seen the Council review it's 'Statement of Licensing Policy (Gambling)', which it is required to do every three years.

Consultation on a revised policy has taken place, and the results of that consultation will be presented to Members of this Committee in a separate item on today's agenda.

For the first time, the Council has introduced a 'Local Area Profile', details of which will be provided as part of the agenda for the Gambling Policy.

- 2.8 Officers have taken part in a number of multi-agency operations on licensed premises, which has seen licensing officers working alongside the Police, Immigration, Trading Standards and Environmental Health with the operations targeting known problem premises. The results of these operations have seen a premises licence being revoked, and a further licence being placed before the Licensing Panel for review in November 2018.
- 2.9 Officers have also taken part in two joint operations with licensing officers from Leeds Council, targeting Kirklees vehicles working in the Leeds area. Officers are planning further operations with York Council as part of the West Yorkshire Combined Authority Cross Border Enforcement project.

#### Hackney Carriage & Private Hire

- 2.9 The overriding aim of the licensing service, when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Operators, is the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services.

The legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence. This process involves a detailed examination in order to make a judgment as to the fitness and propriety of an applicant. If an applicant cannot satisfy the Licensing Authority they are a fit and proper person then legislation dictates a licence must not be granted.

These are the principles that guide officers when making decisions in relation to applications for hackney carriage and private hire licences.

- 2.10 The number of hackney carriage and private hire licences in force is set out in the table below: -

Type	As of 31/10/2018
Hackney Carriage Vehicles	222
Dual Drivers Licence	2950
Private Hire Operators	132
Private Hire Vehicles	2031
<b>Total</b>	<b>5335</b>

2.11 The following table sets out the number of applications processed by the service since 1 April 2018: -

Licence Type	Application Type	No.
Hackney Carriage Vehicle	Renewal	111
	Suspension	8
Dual Drivers Licence	New	128
	Renewal	1718
	Suspension	31
	Revocation	3
Private Hire Operator	New	19
	Renewal	59
	Cancelled / Surrendered	7
Private Hire Vehicle	New	288
	Renewal	930
	Suspension	121
<b>Total</b>		<b>3423</b>

2.12 As Members will be aware, officers, along with colleagues from the West Yorkshire Combined Authority (inc. York) have been working together on the harmonisation of certain policies in respect of the licensing of the hackney carriage and private hire trades.

2.13 Consultation has recently opened on two of those policies, the results of which will be brought before a future meeting of the Licensing and Safety Committee: -

- Determining the Suitability of Applicants & Licensees as Drivers in Taxi & Private Hire Licensing Policy (Conviction Policy); and
- Driver Training Policy

2.14 In addition to the above, the licensing service are consulting on a separate 'overarching' policy relating to the Hackney Carriage and Private Hire trades within Kirklees. This policy draws together a number of separate policies into one easy to access and understand document. The results of this consultation will be brought before a future meeting of the Licensing and Safety Committee.

- 2.15 Officers, in conjunction with the Chair of the Licensing and Safety Committee, continue to work with the hackney carriage and private hire trades to ensure effective communication and consultation takes place.
- 2.16 As a result of this work, changes have been made to the appointment system for the licensing of vehicles. As a result of the changes the appointments have been reduced from three, to two, with vehicle owners now booking their vehicle tests directly with the Council's testing stations as opposed to the booking being made by licensing staff.
- 2.17 This change in process has seen a reduction in the waiting time for appointments at the Council Contact Centre, reducing the waiting time from what was three weeks, to being able to get an appointment within a couple of days.
- 2.18 Officers will continue to look at other processes relating to the licensing of hackney carriage and private hire trades, and where processes can be amended to make them more streamlined, amendments will be made, but not where it affects the safety of the public.
- 2.19 Officers continue to work with partnering agencies and have carried out seven roadside checks of licensed vehicles in conjunction with the Police and Vehicle Operator Services Agency. These checks have resulted in a number of vehicles being suspended for defects.

#### Other Licence Types

- 2.20 As well as the main functions outlined previously in this report the licensing service also administers and enforces a wide range of other licences, registrations and permits current numbers of some of which are outlined below:-

Licence type	Number in Force
A'Boards	54
Sex shops	3
Scrap metal sites	29
Scrap metal collectors	15
Street trading consents/licences	11
Pavement café licences	12
Leaflet distribution	27
Goods on the Highway	8

#### Staffing

- 2.21 The service has seen a number of staffing changes this year, with a new Operations Manager within Public Protection, Group Leader for Licensing coming into post, and a new Senior Licensing Officer.
- 2.22 The service has lost a number of experienced business support staff this year, which impacted the service immensely. However, recruitment has taken place and the service will have a full complement of business support staff by the end of this calendar year.
- 2.22 The service will shortly be recruiting for an additional 2.5 licensing officers, and then two assistant licensing officers. This recruitment will enable the service to move to a

more proactive enforcement model, which is currently predominately reactive. It will enable to service to inspect premises and licence holders to ensure they are complying with the conditions associated with their licences.

## Legal Update

### Statutory Guidance

2.23 In April 2018 the Government issued new statutory guidance under the Licensing Act 2003. This document is a valuable source of information to regulators and licence holders in how to interpret the Act.

### Gambling

2.24 The Government announced the outcome of the consultation on the future stakes for fixed odd betting terminals. This resulted in the maximum stake being reduced from £100 to £2. However, proposals at present state the implementation of the lower maximum stake will not come into effect until effect until April 2019. Wasn't there an announcement yesterday?]The Government said the delay was to give the gambling industry more time to adjust to the changes.

### Department for Transport – Task and Finish Group

2.25 In September 2017 the Transport Minister requested a working party be convened to review the current regulatory regime for taxis and private hire as he did not consider it fit for purpose.

A working party was convened and was chaired by Professor Mohammed Abdel-Haq from the University of Bolton. Other members of the group included trade representatives of trade groups, the Local Government Association, Transport for London, Suzy Lamplugh Trust, two Members of Parliament and the Competition and Markets Authority. Oral and written evidence was also considered.

The working party's report was published in September 2018 with thirty four recommendations being made; these include the following: -

- An urgent revision of existing legislation is required;
- There should be national minimum standards for drivers, vehicles and operators;
- Updated Government guidance should be issued
- Metro Mayors should emulate the model of licensing in London by combining authorities into one licensing area;
- Power to cap the numbers of licences to meet local need for taxis and PHVs;
- Fixed penalty notices to be introduced for minor licensing offences;
- All licensed vehicles should be fitted with CCTV
- Mandate the use of a central national database; and
- Review the evidence for restricting the hours licensed drivers can work similar to bus and lorry drivers.

All those involved in the licensing of the hackney carriage and private hire trades await the Ministers response to the report.

2.26 Staying with the Department of Transport, the DfT has recently published its 2018 taxi and private hire statistics. Which show the total number of licensed taxi and private hire vehicles and licensed drivers in England reached record levels in 2018. There are now a total of 285,400 licensed taxi and private hire vehicles in England, up 1.7% from last year. Meaning that on average, there were 5.1 licensed taxi and private hire vehicles per 1,000 people in England whereas in London there were 12.3 licensed vehicles per 1,000 people.

## HMRC

2.27 The HMRC is set to announce plans to introduce mandatory tax registration, for certain licence types, in a bid to tackle the hidden economy and make it a more level playing field for businesses. The Chancellor announced in the recent Budget, that the government would consider bringing this change in as part of the Finance Bill 2019. Licence types affected by the proposals will include:-

- SIA
- Scrap metal dealers
- Taxi/PH driver and operators
- HMOs
- Street/market trading
- Massage and special treatment premises licences

The Committee will be updated once a commencement date and further information is available.

## 2 **Implications for the Council**

### 3.1 **Early Intervention and Prevention (EIP)**

N/A

### 3.2 **Economic Resilience (ER)**

N/A

### 3.3 **Improving Outcomes for Children**

N/A

### 3.4 **Reducing demand of services**

N/A

### 3.5 **Other (eg Legal/Financial or Human Resources)**

N/A

## 4. **Consultees and their opinions**

None – Information report only

## 5. **Next steps**

None – Information report only

## 6. **Officer recommendations and reasons**

Members are asked to note the report.

## 7. **Cabinet portfolio holder's recommendations**

N/A



8. **Contact officer**

Russell Williams  
Group Leader – Licensing  
[russell.williams@kirklees.gov.uk](mailto:russell.williams@kirklees.gov.uk)  
01484 221 000

9. **Background Papers and History of Decisions**

N/A

10. **Service Director responsible**

Joanne Bartholomew  
Commercial, Regulatory and Operational Services  
[joanne.bartholomew@kirklees.gov.uk](mailto:joanne.bartholomew@kirklees.gov.uk)  
01484 221 000

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**Name of meeting: Licensing and Safety Committee**

**Date: 23<sup>rd</sup> November 2018**

**Title of report: Review of Licensing Policy Statement (Gambling)**

**Purpose of report**

The purpose of this report is to inform members of the results of the consultation on the Council’s draft Licensing Policy Statement (Gambling), and for Members to make recommendations to Council for its adoption.

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	<b>No</b>
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports)?</a></b>	<b>No</b>
<b>The Decision - Is it eligible for “call in” by Scrutiny?</b>	<b>No</b>
<b>Date signed off by Director &amp; name</b>	
<b>Is it also signed off by the Service - Director for Financial Management, IT, Risk and Performance?</b>	<b>Eamonn Croston 15.11.18</b>
<b>Is it also signed off by the Service Director - Legal Governance and Commissioning?</b>	<b>Julie Muscroft 15.11.18</b>
<b>Cabinet member portfolio</b>	<b>Cllr Naheed Mather</b>

**Electoral wards affected: All**

**Ward councillors consulted: All**

**Public or private: Public**

**1. Summary**

1.1 This report details the outcome of the consultation process in respect of the review of the Council’s Licensing Policy Statement (Gambling) and make recommendations to Council for its adoption.

**2. Information required to take a decision**

2.1 The Gambling Act 2005 licenses and regulates commercial gambling and under that Act local authorities are responsible for licensing premises where gambling takes place.

The Gambling Act sets out three licensing objectives:

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

The Gambling Act 2005 currently requires Licensing Authorities to publish at least every three years a statement of their licensing policy (gambling). Applications for licences under the Gambling Act 2005 have to be made in accordance with the Licensing Authority's Licensing Policy (Gambling) and the Regulations made under the 2005 Act.

The Council's previous policy came into force on the 31<sup>st</sup> January 2016 following a statutory consultation and review, and adoption by Full Council on the 9<sup>th</sup> December 2015.

2.2 The Council has now to review the existing policy with a view to having a new policy in force by 31 January 2019. The policy, which has to be approved by the full Council (as the Licensing Authority), has to be the subject of public consultation, and any comments received have to be taken into account before formally adopting the policy.

2.3 At the 10 September 2019 meeting of the Licensing Safety Committee, Members authorised officers to consult on a draft revised policy. This consultation commenced on the 16<sup>th</sup> September 2018 and ended on the 26<sup>th</sup> October 2018.

2.4 Page 3 of the draft proposed policy sets out the full list of those consulted. Three responses were received, which are as follows:-

- i) Gamcare

Appendix I contains the response from GamCare

- ii) Response from a member of the Kirklees Safeguarding Children's Board.

Page 17, Sections 2 and 3, consider the addition of *"Occasional spot checks for children/young persons in adult-only areas"*.

- iii) Public Health

Expand on the links between the local area profile and local risk assessments.

Definition of a vulnerable person should be clear from the outset of the policy. Other minor changes which are highlighted in the revised draft policy

2.5 The comments received a part of the consultation have been considered and officers respond to those comments as follows:

iv) GamCare

Licensing have worked with Public Health to develop a Local Area Profile, which is attached at Appendix II.

A local area profile is an assessment of the key characteristics of Kirklees in the context of gambling-related harm. The information presented helps to provide a better understanding of the types of people that may be more vulnerable to gambling-related harm and where they are located.

This addresses the first bullet point in the response from GamCare.

The issues raised in bullet point two will be addressed in the Local Area Profile.

The Local Area Profile, attached at appendix II, takes into account existing gambling establishments, education establishments, community centre, GP surgeries, places of worship and job centres. GamCare have suggested the accommodation / centres for vulnerable persons, including those with learning difficulties, and those with gambling / alcohol/ drug abuse problems as pertinent areas the profile should consider.

These are valid points raised by GamCare and licensing will work with colleagues in Public Health to include these key areas within the profile.

The remainder of the issues highlighted by GamCare will be taken into account when looking at applications for new gambling licences or indeed as part of the enforcement regime.

v) Response from a member of the Kirklees Safeguarding Children's Board.

This comment has been taken in to account in the revised draft policy, and have been included under page 15, section 2, of the revised policy and page 16, section 3.

vi) Response from Public Health

Comments from Public Health have been taken into account in the revised draft policy.

These comments were

- the definition of a vulnerable person should be made clearer under the Local Risk Assessment Section on page 10 of the policy. This has been taken into account and the definition made clearer,

- On page 10 of the policy, where it sets out what, at a minimum, an operator should take into account when undertaking their risk assessments, whether it should also link to the local area profile.

Officers have added a paragraph on page 11 of the policy that links back to the local area profile,

- On page 15 of the policy, under section 3 (licensed family entertainment centres, public health questioned how staff monitor the use of machines to ensure they are not being used by under 18's,

Officers have added an additional measure that may be considered by the licensing authority, relating to a documents procedure for how employees will monitor the licensed area.

- 2.6 As stated in 2.5 above, the Licensing Service have worked closely with Public health for the first time to develop a Local Area Profile and the service has been integral to providing the data and developing the mapping information which underpins the profile.

One of Kirklees' corporate outcomes is to have sustainable economic growth for communities and businesses and in reviewing the Council's statement of gambling policy it was important to consider the impact gambling licences have on the economy and vibrancy of the town centres. Therefore, the key objective with regards to producing a local area profile is to gain a better understanding of the gambling issues within our deprived areas of Kirklees and what measures operators can put in place, via the policy, to reduce the risk of problem gambling in these areas.

A copy of the profile can be found at appendix II.

### **3. Implications for the Council**

#### **3.1 Early Intervention and Prevention (EIP)**

N/A

#### **3.2 Economic Resilience (ER)**

N/A

#### **3.3 Improving Outcomes for Children**

The revised policy, including the introduction of a local area profile, will support this key outcome.

#### **3.4 Reducing demand of services**

N/A

#### **3.5 Other implications (e.g. Financial, Legal...)**

Approval of the draft revised Statement of Principles will support the Kirklees corporate outcome of ensuring we keep people safe and protected from harm and making sure vulnerable adults are supported and safe. This will be achieved by ensuring the Council continues to contribute to the prevention of gambling being a source of crime or disorder, to ensure that gambling is conducted in a fair and open way, and by protecting children and other vulnerable persons from being harmed or exploited in gambling.

The costs of the preparation and publication of the revised statement of principles can be contained within existing budgets.

### **Legal Implications**

Section 349(1) of the Gambling Act 2005 requires that a Licensing Authority shall prepare and publish a statement of the principles it proposes to apply in exercising its functions under the Act before each successive 3 year period.

The current statement of principles is for the period 2015-18. However, S349(2) provides that a Licensing Authority shall also review its statement from time to time and if necessary revise the statement and publish the revision before it takes effect.

Section 153 of the Act states that the Licensing Authority shall aim to permit the use of premises for gambling in so far as the Authority think fit and be in accordance with guidance issued by the Gambling Commission.

Finally, in preparing a revision, the Licensing Authority shall undertake consultation in accordance with S349(3).

### **Equality Implications**

The Equality Act 2010 creates the Public Sector Equality Duty (PSED).

Under section 149 of the Act :-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to—
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are—

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;

race;  
religion or belief;  
sex;  
sexual orientation.

In order to fulfil the PSED the Council is required to assess the impact of any proposed action on the equality objectives set out above.. In summary the assessment is that the level of impact is extremely low.

The aim of the Statement of Gambling Policy is to comply with the requirements of the Gambling Act 2005. It sets out how Kirklees as the Licensing Authority will approach licensing premises under the Gambling Act 2005. The updated policy identifies what the Licensing Authority expects from applicants and provides appendices of useful information including a new local area profile.

None of the groups set out under the Act are specifically affected. However the Gambling Act requires that a public consultation exercise is carried out which has taken place as detailed at paragraph 4. The consultation was primarily on line. The decision to award a licence will be guided by the main aims and principles of the legislation which ultimately seek to protect vulnerable persons.

#### **4. Consultees and their opinions**

Consultation has taken place on the revised Statement of Principles and a full list of those contacted is contained at page 3 of the policy. A six week consultation has been carried out between 17 September 2018 and 26 October 2018, the results of which are contained within the main body of this report.

#### **5. Next steps**

- 5.1 Members are asked to consider the responses to the consultation and the amendments made to the policy as a result of those responses.

#### **6. Officer recommendations and reasons**

The Committee is recommended to:

- i. Consider the responses to the consultation and revised policy, as a result of the consultation representations, and
- ii. Recommend Council to approve the revised policy as the new Licensing Policy Statement (Gambling) for the next three years.

#### **7. Cabinet portfolio holder recommendation**

Cllr Naheed Mather supports the draft revised policy attached.

#### **8. Contact officer**

Russell Williams



Group Leader – Licensing  
[russell.williams@kirklees.gov.uk](mailto:russell.williams@kirklees.gov.uk)  
01484 221 000

**9. Background Papers and History of Decisions**

N/A

**10. Service Director responsible**

Joanne Bartholomew  
Commercial, Regulatory and Operational Services  
[joanne.bartholomew@kirklees.gov.uk](mailto:joanne.bartholomew@kirklees.gov.uk)  
01484 221 000

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**From:** Catherine Sweet [REDACTED]  
**Sent:** 18 September 2018 12:22  
**To:** Licensing <[Licensing@kirklees.gov.uk](mailto:Licensing@kirklees.gov.uk)>  
**Subject:** Gambling Act 2005: Consultation of Revised Statement of Gambling Policy

Hello,

Thank you for your letter regarding the above consultation, we appreciate your interest in our work.

While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the [Gambling Commission](#).

The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.

- A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see [www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/](http://www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/)
- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
- Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?
- Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.
- Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

We would suggest that the Local Licensing Authority primarily consider applications from [GamCare Certified operators](#). GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact [REDACTED]

For more information on GamCare training and other services available to local authorities, as well as recommended training for gambling operators, please see the attached brochures.

If there is anything else we can assist with please do let us know.

Kind regards,  
Catherine

**Catherine Sweet**  
**Head of Marketing and Communications**



**[Click here to sign up to our free, monthly e-newsletter](#)**

# Kirklees Local Area Profile

GAMBLING ACT 2005

# 1. Introduction and Background

## The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

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

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

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

## Local Risk Assessment

It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

In undertaking a local risk assessment the Council will expect the operator, as a minimum to take into account:

- 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, and other areas where children will gather
- health information and data relating to gambling related harm

The local risk assessment should also show how vulnerable people, including people with gambling dependencies, are protected.

This Local Area Profile has been produced to aid applicants in giving careful consideration to the points above when making an application. The Council recognises that it cannot insist on

applicants using the local area profile when completing their risk assessments. However, an applicant who decides to disregard the profile may face additional representations and the expense of a hearing as a result.

## 2. Gambling Related Harm

The Local Government Association defines gambling related harm as:

**“Any type of repetitive gambling that disrupts or damages personal, family or recreational pursuits. It can have many and varied impact, including on an individual’s physical and mental health, relationships, housing and finances, and affect a wide range of people, such as families, colleagues and wider local communities.”<sup>1</sup>**

It is with this in mind that Kirklees Council seeks to ensure that gambling premises and license holders are aware of, and committed to ensuring that gambling activity is carefully monitored and that those at risk of gambling related harm are identified and offered appropriate support.

### Who is most at risk?

Research and evidence shows that there are a number of population groups who are more at risk of gambling related harm<sup>2</sup>. These are:

- Children, adolescents and young adults (including students)
- People with mental health issues, including those experiencing substance abuse problems
- Individuals from certain minority ethnic groups, such as Asian/Asian British, Black/Black British and Chinese/other ethnicity
- The unemployed
- The homeless
- Those with low intellectual functioning
- Problem gamblers seeking treatment
- People with financially constrained circumstances
- Those living in deprived areas

### What is the impact?

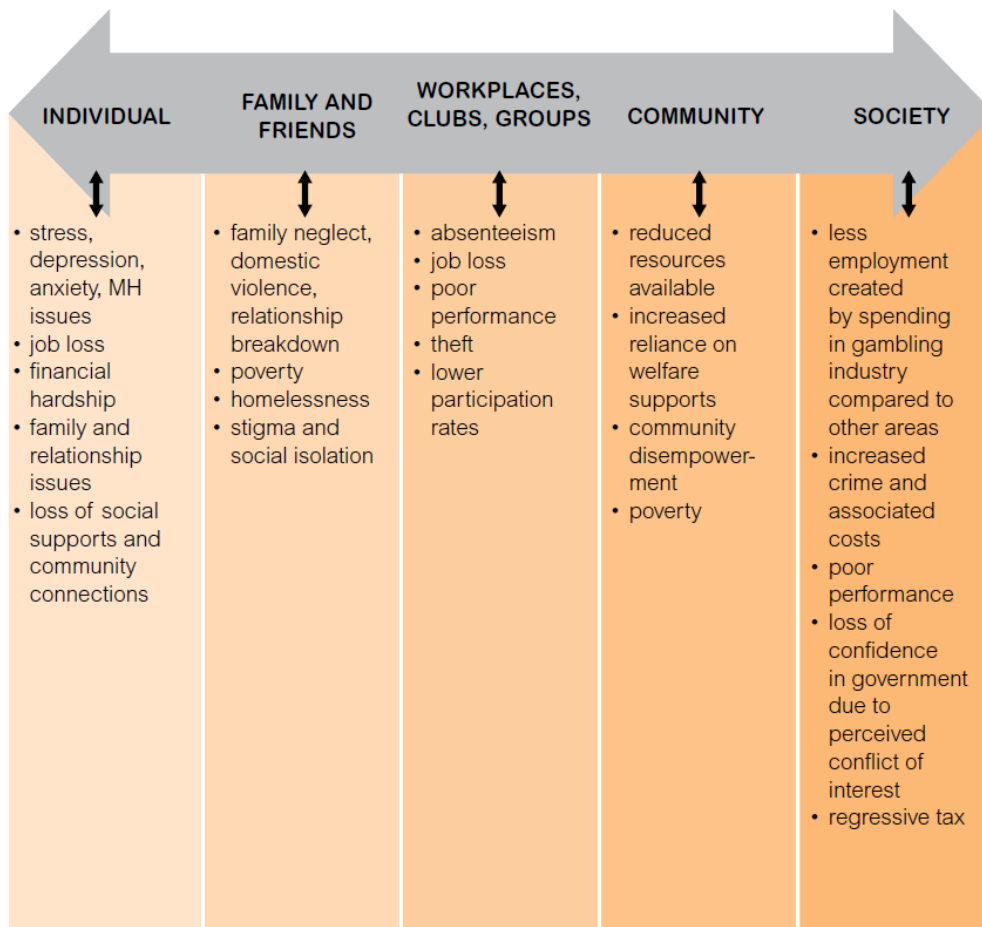
The impact of gambling can have a significant effect on an individual’s physical, mental and social health. However, the impact can also extend beyond an individual – affecting relationships, families, friends, workplaces and communities. This is demonstrated below<sup>3</sup>:

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<sup>1</sup> Tackling gambling related harm; a whole council approach; Local Government Association and Public Health England; 2018.

<sup>2</sup> Tackling gambling related harm; a whole council approach; Local Government Association and Public Health England; 2018.

<sup>3</sup> Tackling gambling related harm; a whole council approach; Local Government Association and Public Health England; 2018.



**Source:** Health promotion resource guide for problem gambling prevention in Melbourne North<sup>12</sup>

### 3. Our Approach to the Local Area Profile

Each locality with Kirklees has its own character and challenges. In order to assist applicants in completing their local risk assessments, the Council has published this Local Area Profile. The local area profile should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the profiles, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The local area profile will be presented to any subsequent licensing sub-committee when they determine an application that has received representations.

The Council recognises that it cannot insist on applicants using the local area profile when completing their risk assessments. However, an applicant who decides to disregard the profile may face additional representations and the expense of a hearing as a result.

#### 3.1 Creating the Kirklees Local Area Profile

A local area profile is an assessment of the key characteristics of Kirklees in the context of gambling-related harm. The information presented helps to provide a better understanding of the types of people that may be more vulnerable to gambling-related harm and where they are located.



We have used spatial analysis to visualise potential vulnerability to gambling-related harm in Kirklees. By mapping certain risk factors associated with gambling related harm we will identify areas of higher risk with regards to vulnerability to gambling-related harm.

Based on the evidence outlined in the section above about which groups may be most at risk of gambling-related harm, the following thematic data was mapped and used to create a 'Gambling Harm Risk Index':

- Deprivation (Index of Multiple Deprivation rankings)
- Unemployment
- Ethnic minorities
- Young people (aged 11-24)
- Crime and ASB rates

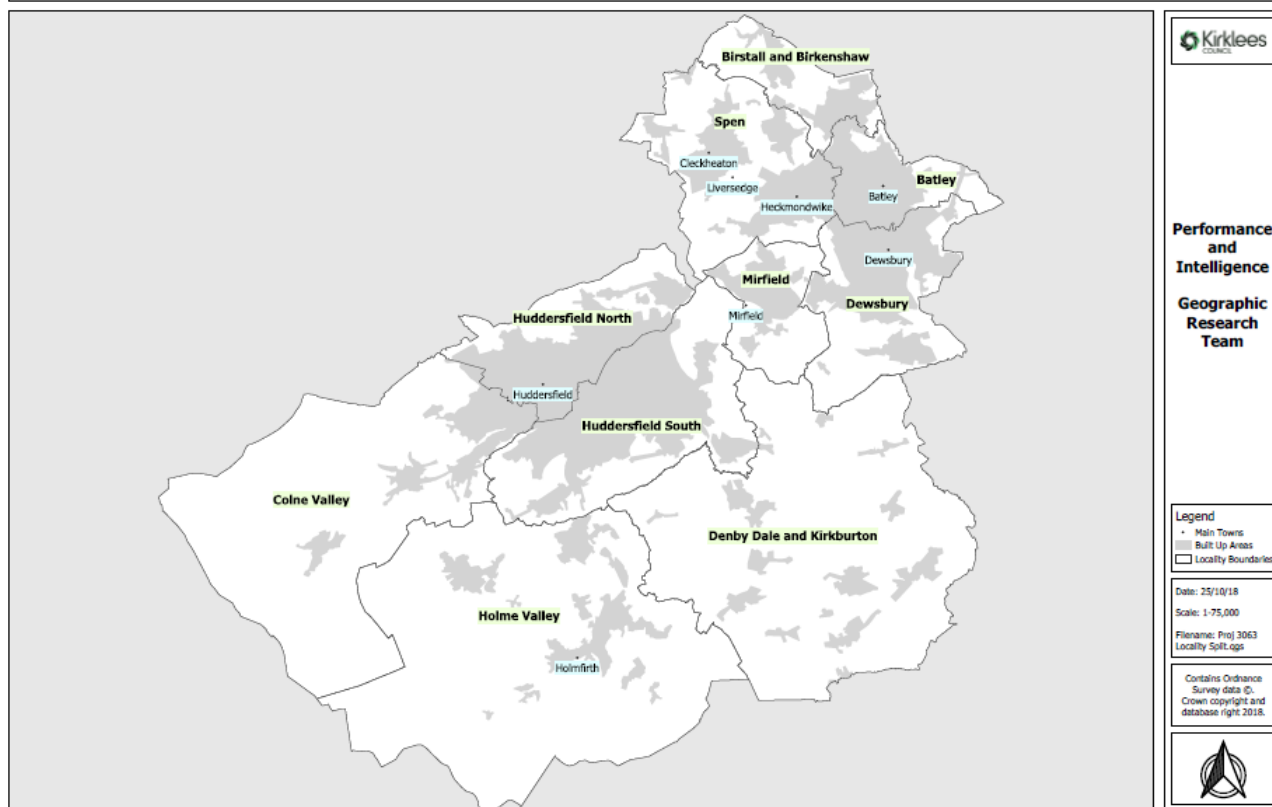
Each LSOA in the District was given score of 1 – 5 for each of the factors, which were then combined to give an overall 'Gambling Harm Risk Score'; the higher the score, the more at risk an area's population may be to gambling-related harm.

To give additional context, the following point data was also mapped:

- Existing gambling establishments
- Educational establishments
- Community centres
- GP surgeries
- Places of worship
- Job centres

In order for the Local Area Profile to be meaningful and easy to use, we divided the District into ten locality areas:

## Gambling Local Area Profile - Ten Locality Split



### 4. The Local Area Profile

#### 4.1 The Kirklees Area

Kirklees Council is situated in West Yorkshire, which contains 5 metropolitan councils in total. The council area has a population of approximately 440,000, making it the largest metropolitan district not based on a city in terms of population. The population has increased by 8.4% since 2002, and is predicted to rise a further 9.9% by 2030. The number of households is expected to increase 20% by 2039. In terms of area it is the third largest in West Yorkshire, covering 157 square miles. The council area is mainly rural in the south with a central urban area around large towns. The area also comprises of several smaller towns of varying sizes. These areas are shown on the map above.

Kirklees has a varied population – many ethnicities are represented, speaking a range of languages and bringing a cultural diversity to the region. A thriving student community based around the University of Huddersfield attracts students from around the world. 21% of the Kirklees population are from an ethnic minority background; significantly higher than the Yorkshire & Humber average of 11% and the national average of 14%. Some parts of Kirklees are much more ethnically diverse than others, with high numbers of ethnic minority groups around Dewsbury, Batley and Huddersfield town centre, but very low numbers in other areas, particularly the South of the district.

Life expectancy and healthy life expectancy (the number of years lived in good health) have been increasing in Kirklees, but there are big inequalities in life expectancy and healthy life expectancy across the District depending on whether someone lives in a more deprived or less deprived area. Kirklees contains areas of high and low deprivation, with regions of highest deprivation found in some of the more densely populated urban areas to the north and east (including parts of Huddersfield, Dewsbury and Batley), and lower levels of deprivation found in the more sparsely populated rural areas to the south and west (including the Colne and Holme Valleys, Denby Dale and Kirkburton). We also know that those living in some of the most deprived areas of the District are more vulnerable to a wide range of health and wellbeing issues, such as smoking, obesity, etc.

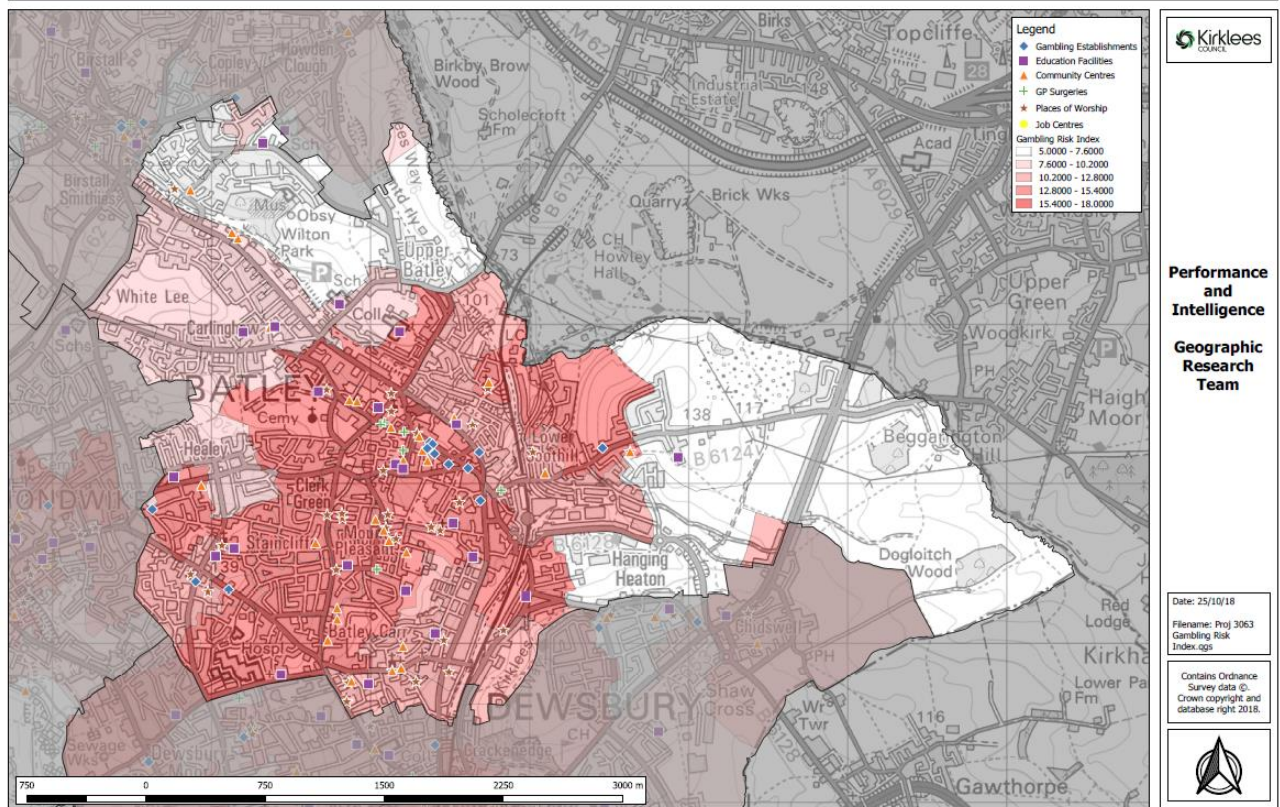
The maps below show the risk levels for gambling harm across the 'ten localities' of Kirklees. Applicants are encouraged to identify the risk level of the area in which they are proposing to make an application and address any local issues around the risk of gambling-related harm. Any areas with a score of 15.4 – 18 are considered very high risk (identifiable by the darkest shade of red) and applications for these areas may be subject to a formal hearing to determine the application, if the licensing authority do not think the operator has considered the risks appropriately. This local area profile is to be considered alongside the other criteria and restrictions set out in the Statement of Principles.

Maps showing the prevalence of each individual risk factor in an area can be found at Appendix 1. Applicants are encouraged to consult these to gain a fuller understanding of the local context and issues in the area in which they are proposing to open an establishment. If required, larger copies of maps are available upon request. Please contact [licensing@kirklees.gov.uk](mailto:licensing@kirklees.gov.uk)

## 4.2 Batley

There are no areas of Birstall & Birkenshaw identified as very high risk. However, gambling related harm can happen in any area. Applicants proposing to open an establishment here are still encouraged to consider the detailed maps in Appendix 1 and provide details of how they will mitigate for gambling related harm.

### Gambling Local Area Profile – All Risk Factors Combined - Batley

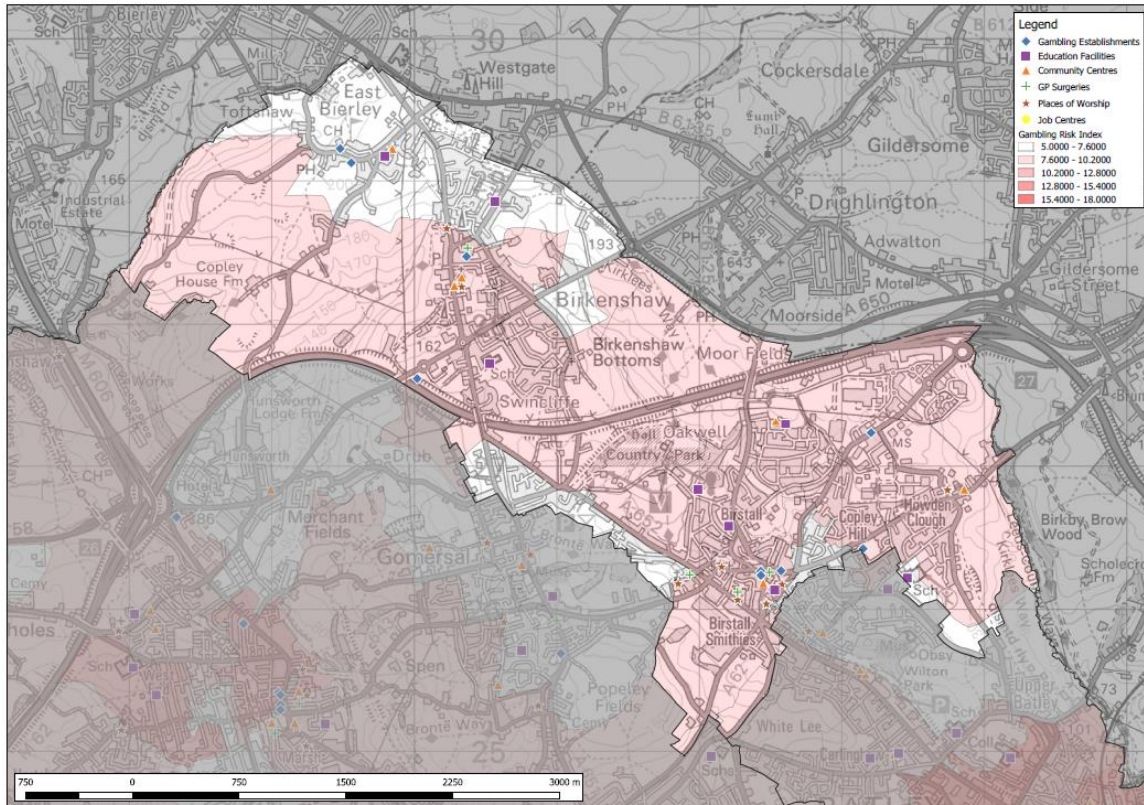


## 4.3 Birstall & Birkenshaw

There are no areas of Birstall & Birkenshaw identified as very high risk. However, gambling related harm can happen in any area. Applicants proposing to open an establishment here are still encouraged to consider the detailed maps in Appendix 1 and provide details of how they will mitigate for gambling related harm.




# Gambling Local Area Profile – All Risk Factors Combined - Birstall and Birkenshaw



**Performance and Intelligence**  
**Geographic Research Team**

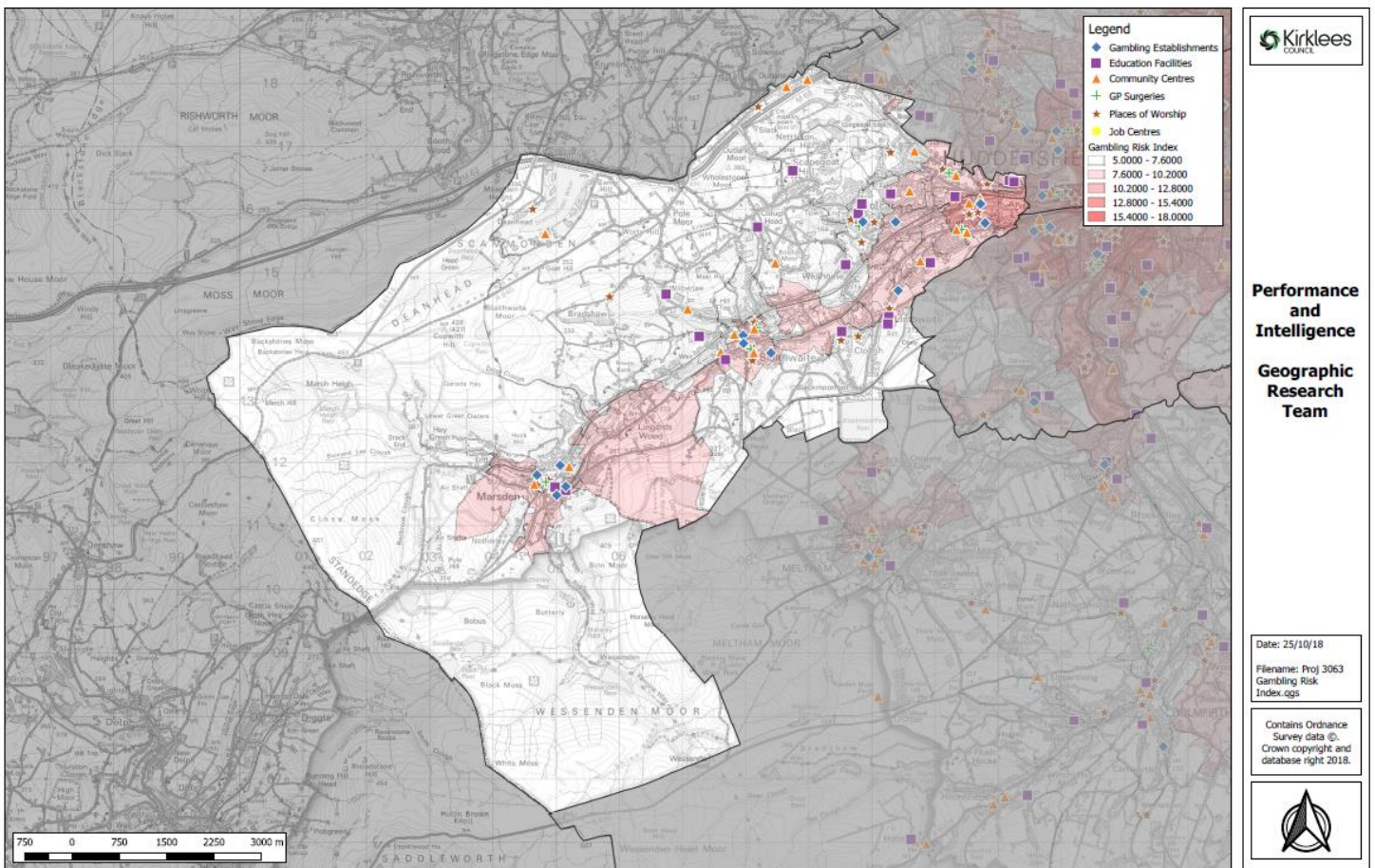
Date: 25/10/18  
 Filename: Proj 3063  
 Gambling Risk Index.ogx  
 Contains Ordnance Survey data © Crown copyright and database right 2018.



## 4.4 Colne Valley

There are no areas of Colne Valley identified as very high risk. However, gambling related harm can happen in any area. Applicants proposing to open an establishment here are still encouraged to consider the detailed maps in Appendix 1 and provide details of how they will mitigate for gambling related harm.

### Gambling Local Area Profile – All Risk Factors Combined - Colne Valley

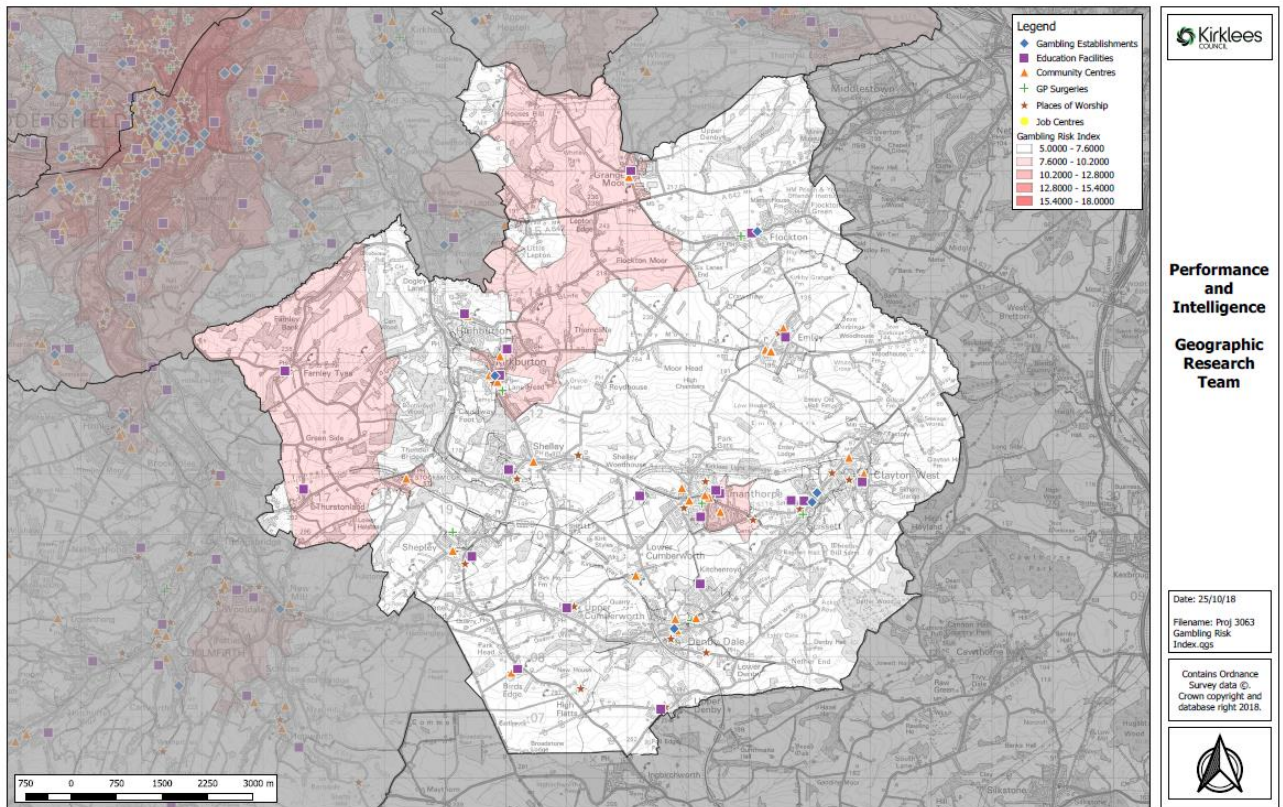




## 4.5 Denby Dale & Kirkburton

There are no areas of Denby Dale & Kirkburton identified as very high risk. However, gambling related harm can happen in any area. Applicants proposing to open an establishment here are still encouraged to consider the detailed maps in Appendix 1 and provide details of how they will mitigate for gambling related harm.

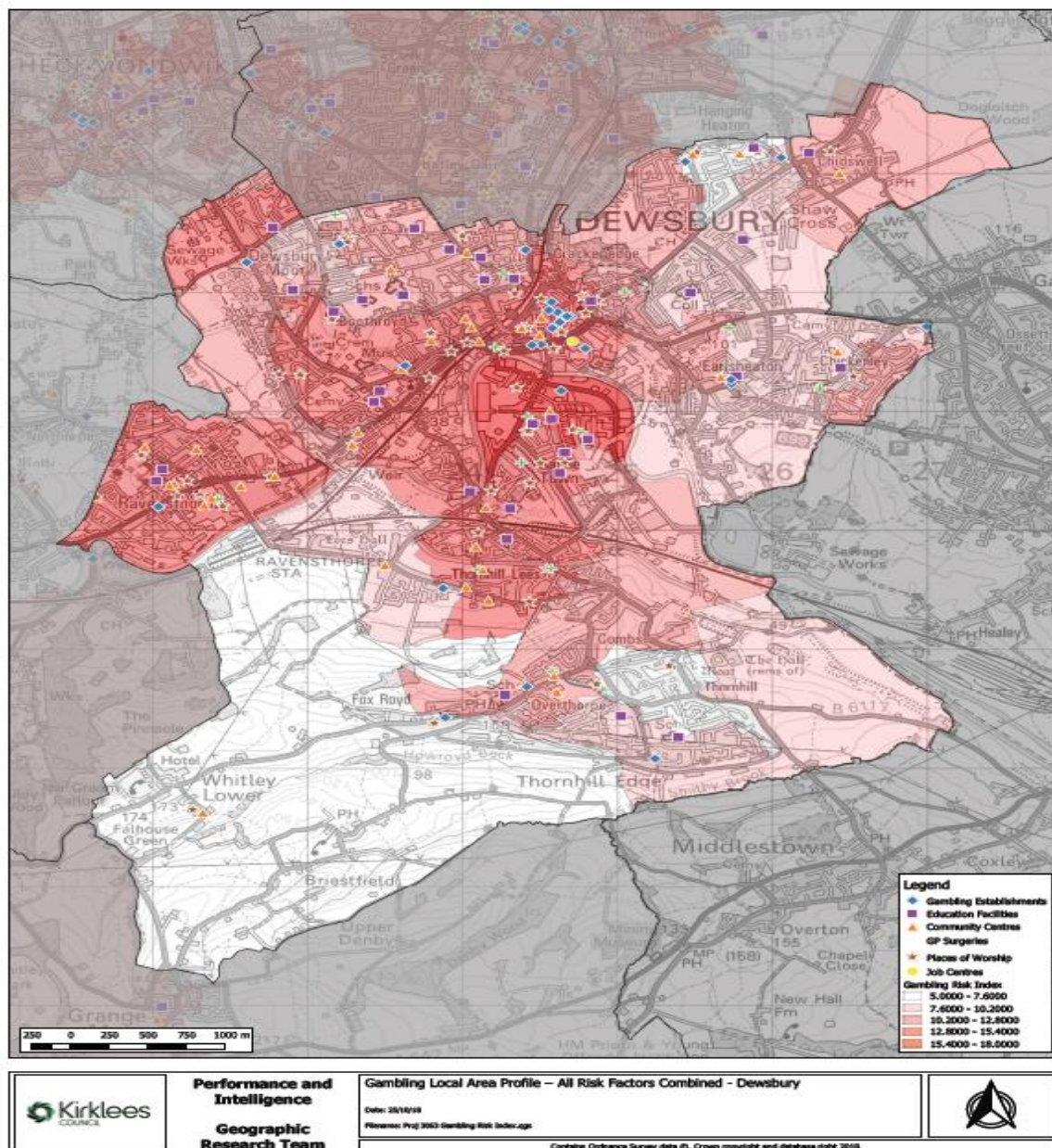
### Gambling Local Area Profile – All Risk Factors Combined - Denby Dale and Kirkburton



## 4.6 Dewsbury

In Dewsbury, there is one LSOA which is considered to be very high risk; this is highlighted in the darkest shade of red below.

Closer scrutiny of applications will take place where they fall within, or near to, the areas highlighted as high risk. Operators applying for licences, or varying licences within these areas, will have to demonstrate, via their local risk assessments, that they have considered the risks identified and have taken the necessary and appropriate steps to mitigate those risks.



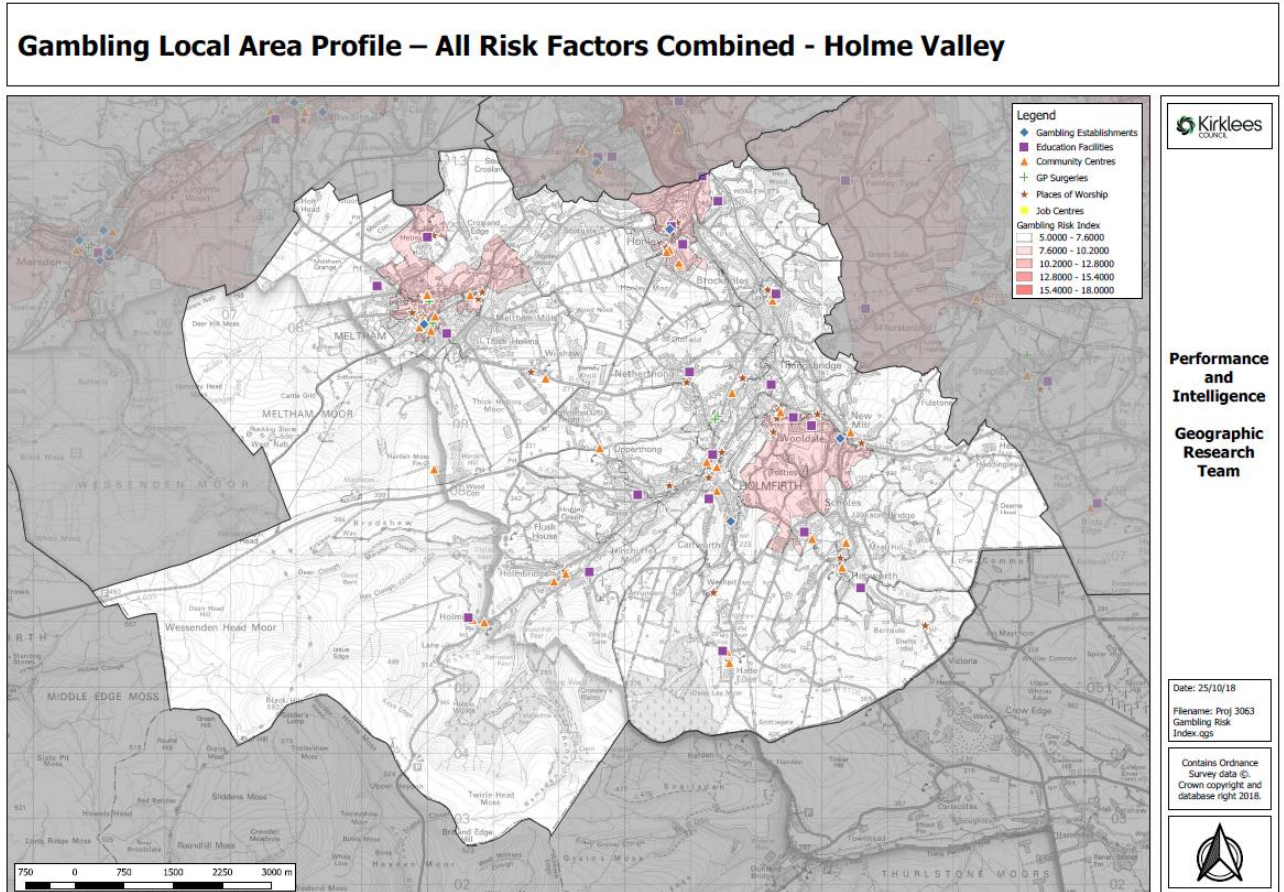


The following postcodes fall within this high risk area:

WF12 9TA	WF12 9AT
WF13 1FF	WF12 9AU
WF12 9AS	WF12 9LT
WF12 9BA	WF12 9PJ
WF12 9JS	WF12 9PN
WF12 9JT	WF12 9PR
WF12 9JU	WF12 9PS
WF12 9JX	WF12 9PT
WF12 9LD	WF12 9PU
WF12 9LE	WF12 9QS
WF12 9LF	WF12 9AQ
WF12 9LG	WF12 9PP
WF12 9LH	WF12 9LN
WF12 9LP	WF12 9AH
WF12 9LR	WF13 1EH
WF12 9LS	WF13 1XH
WF12 9LY	WF12 9AP
WF12 9LZ	WF13 1XL
WF12 9NP	WF12 9AW
WF12 9NS	WF12 9BE
WF12 9LA	WF12 9PW
WF12 9LB	WF12 9AE
WF12 9LW	WF12 9AR
WF12 9BD	WF12 9AN
WF12 9BQ	WF12 9LQ
WF12 9AG	WF12 9AF
	WF12 9LJ
	WF12 9AL
	WF12 9PH
	WF12 9AX

## 4.7 Holme Valley

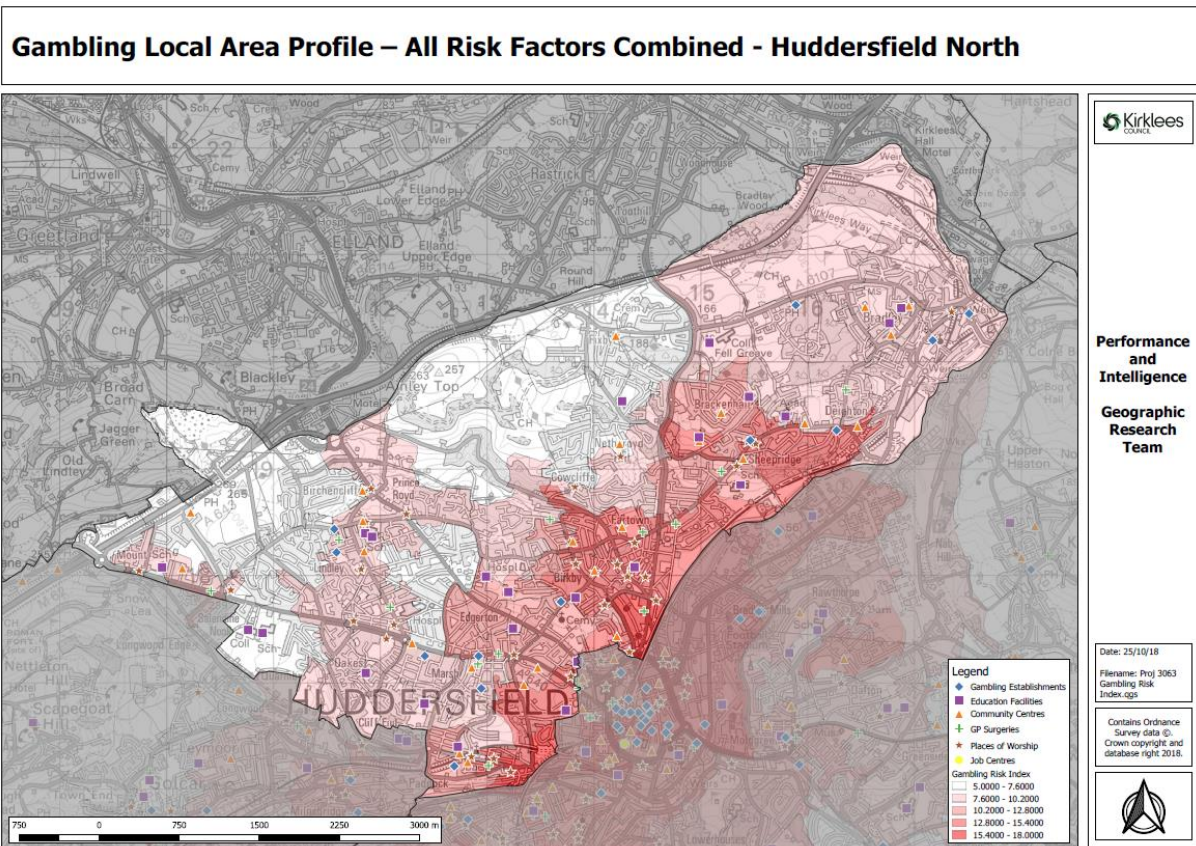
There are no areas of Holme Valley identified as very high risk. However, gambling related harm can happen in any area. Applicants proposing to open an establishment here are still encouraged to consider the detailed maps in Appendix 1 and provide details of how they will mitigate for gambling related harm.



## 4.8 Huddersfield North and Huddersfield South

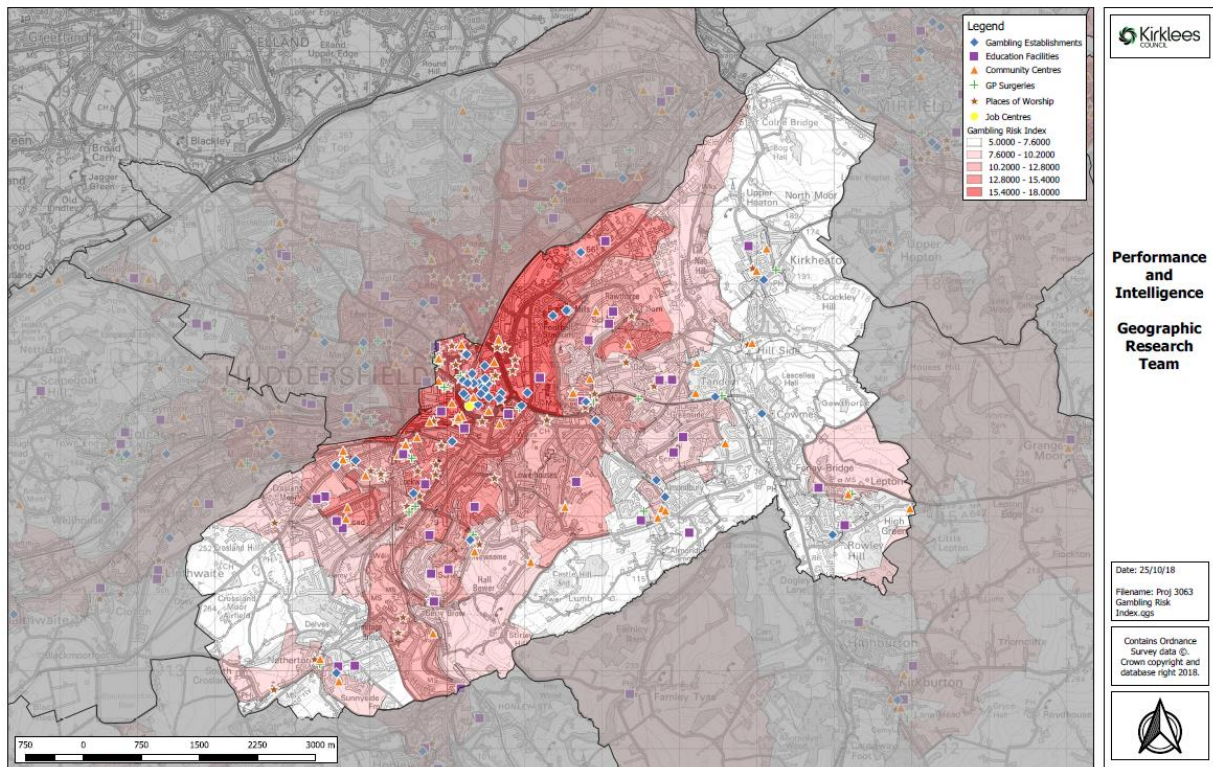
Huddersfield North and Huddersfield South contain two very high risk LSOAs which fall into both area; these are highlighted in the darkest shade of red on the maps below

Closer scrutiny of applications will take place where they fall within, or near to, the areas highlighted as high risk. Operators applying for licences, or varying licences within these areas, will have to demonstrate, via their local risk assessments, that they have considered the risks identified and have taken the necessary and appropriate steps to mitigate those risks.





## Gambling Local Area Profile – All Risk Factors Combined - Huddersfield South



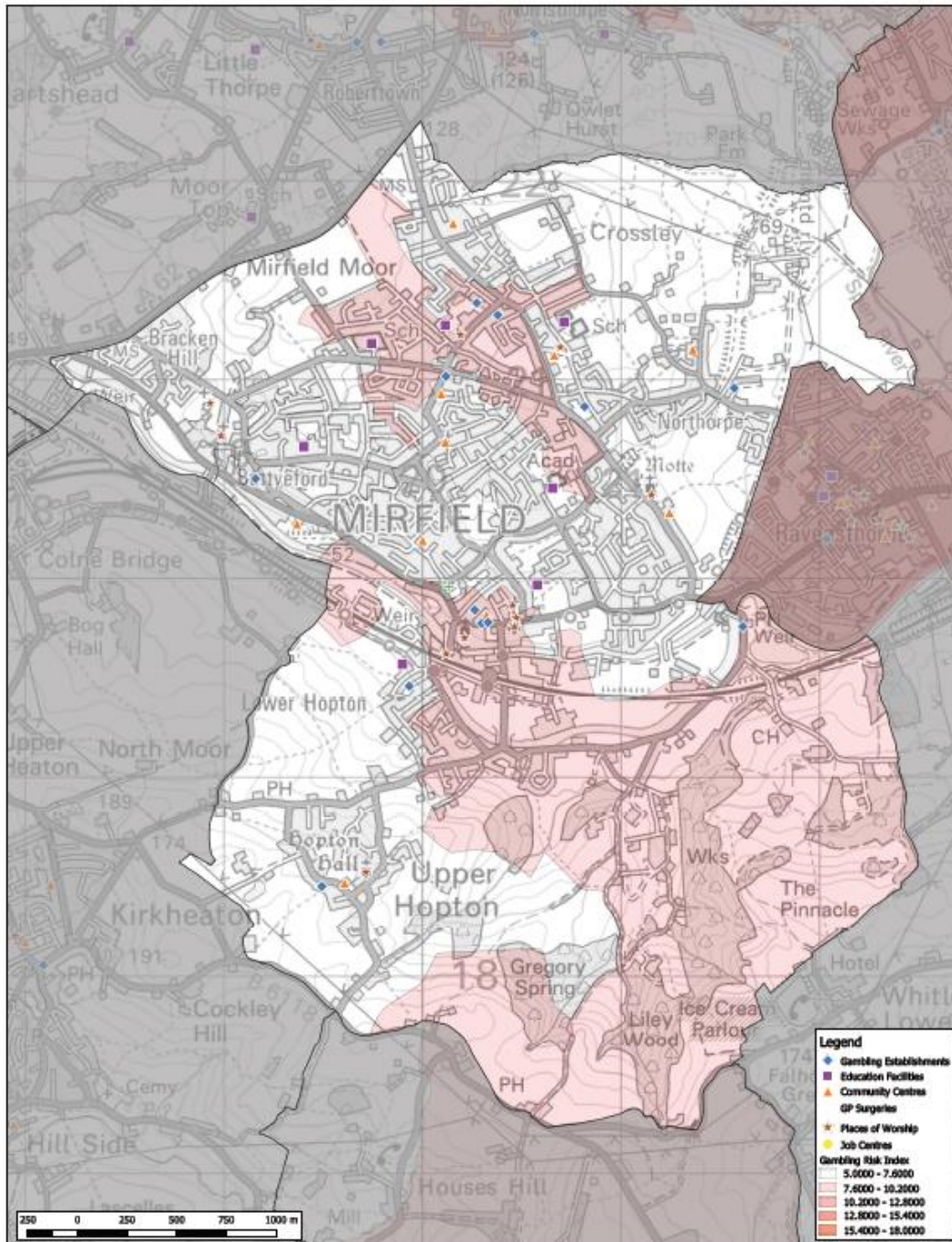
The following postcodes fall within these high risk areas:

HD1 2AN	HD1 1DT	HD1 2PU	HD1 2DT	HD1 2QE	HD1 5DG	HD1 6JH
HD1 2PT	HD1 1ER	HD1 2SU	HD1 2EF	HD1 6AH	HD1 5AW	HD1 6JJ
HD1 1DR	HD1 1DD	HD1 2TH	HD1 2BP	HD1 6QT	HD1 5AT	HD1 6JL
HD1 1DY	HD1 1DL	HD1 2UR	HD1 2EP	HD1 6QX	HD1 5DL	HD1 6JN
HD1 1QA	HD1 1QF	HD1 2BW	HD1 2JD	HD1 6HQ	HD1 5DQ	HD1 6JW
HD1 1BQ	HD1 1BA	HD1 2EH	HD1 2LR	HD1 6QS	HD1 6AL	HD1 6NJ
HD1 1DU	HD1 1BT	HD1 2JY	HD1 2QD	HD1 6QR	HD1 6BR	HD1 6NN
HD1 2EX	HD1 1BX	HD1 2PZ	HD1 2QJ	HD1 1QT	HD1 6HU	HD1 6NW
HD1 1SG	HD1 1EG	HD1 2QA	HD1 2JF	HD1 2DN	HD1 6NG	HD1 6PU
HD1 1QX	HD1 1EH	HD1 2QF	HD1 2AA	HD1 1QS	HD1 6BA	HD1 6AY
HD1 1BY	HD1 1RL	HD1 2RA	HD1 2AX	HD1 1DG	HD1 6BG	HD1 6BE
HD1 1NP	HD1 1BU	HD1 2SQ	HD1 2AZ	HD1 4AD	HD1 6BW	HD1 6JP
HD1 1NY	HD1 2AD	HD1 2DX	HD1 2BU	HD1 2QT	HD1 6BL	HD1 6BY
HD1 1PB	HD1 2AL	HD1 2EG	HD1 2SX	HD1 1QY	HD1 6HY	HD1 6AP
HD1 1QH	HD1 2AR	HD1 2JJ	HD1 2BR	HD1 1AA	HD1 6JB	HD1 6BN
HD1 1QJ	HD1 2BQ	HD1 2PY	HD1 2HG	HD1 6AJ	HD1 6JE	HD1 6DD
HD1 1QQ	HD1 2BT	HD1 2RD	HD1 2HE	HD1 1ED	HD1 6JF	HD1 6AR
HD1 1QZ	HD1 2EA	HD1 2RS	HD1 2BB	HD1 1RW	HD1 6DZ	HD1 6NB
HD1 1RA	HD1 2EW	HD1 2RT	HD1 2HA	HD1 1RY	HD1 6HZ	HD1 6AE
HD1 1ES	HD1 2LE	HD1 2ET	HD1 2HL	HD1 1EB	HD1 6JA	HD1 5AA
HD1 1BG	HD1 2LF	HD1 2SP	HD1 2RX	HD1 6AS	HD1 6JG	HD1 6BZ

HD5 9AD	HD1 6PP	HD1 6PX	HD1 2NX	HD1 4BP
HD5 9AN	HD1 6PW	HD2 1YG	HD1 3HR	HD1 4BZ
HD1 6RA	HD1 6PH	HD1 6AQ	HD1 3HU	HD1 4HA
HD1 6SB	HD1 6PR	HD1 1RF	HD1 3HY	HD1 4RN
HD1 6RX	HD1 6PT	HD1 6AF	HD1 3HZ	HD1 4RU
HD1 6SD	HD1 6RJ	HD1 2DR	HD1 3JB	HD1 4RY
HD5 9BA	HD1 6PS	HD1 2HF	HD1 3LE	HD1 4SE
HD5 9AB	HD1 6PF	HD1 6QB	HD1 3LF	HD1 2NS
HD5 9AE	HD2 1YB	HD1 1QL	HD1 4SF	HD1 3EB
HD1 6RZ	HD1 6PD	HD1 1DJ	HD1 4AZ	HD1 2JL
HD5 9BS	HD2 1YD	HD1 6AX	HD1 4BB	HD1 2JT
HD5 9AF	HD2 1YF	HD1 6BX	HD1 4BD	HD1 3HJ
HD1 6NA	HD1 6DE	HD5 9AA	HD1 4BE	HD1 3HW
HD1 6PG	HD1 2QR	HD1 1DE	HD1 4BG	HD1 4BA
HD1 6PE	HD1 2QB	HD1 1LE	HD1 4BL	HD1 4DL
HD1 6NS	HD1 6ND	HD1 1SW	HD1 4BN	HD1 4BU
HD1 6NX	HD1 2ES	HD1 1TA	HD1 4EU	HD1 4AJ
HD1 6NY	HD1 5AN	HD1 2DW	HD1 4RP	HD1 4AN
HD1 6NZ	HD5 9AL	HD1 2SN	HD1 4RT	HD1 4SR
HD1 6PA	HD1 2QY	HD1 6NL	HD1 4RX	HD1 4BX
HD1 6PB	HD1 6QE	HD1 6PZ	HD1 4RZ	HD1 2JN
HD1 6PJ	HD1 2BN	HD1 6SE	HD1 4SG	HD1 3JD
HD1 6PL	HD1 6NE	HD1 2RB	HD1 4SH	HD1 2JS
HD1 6PN	HD1 6BT	HD1 1DA	HD1 4SJ	HD1 2TG
HD1 6BB	HD1 1RD	HD1 1ST	HD1 4SS	HD1 3LD
HD1 1RX	HD1 6DG	HD1 1SU	HD4 5AE	HD1 3FH
HD1 6NT	HD1 6NU	HD1 9JT	HD1 3JA	HD1 3FJ
HD1 1SR	HD1 2ER	HD4 5AA	HD1 4SD	HD1 3FL
HD1 6AG	HD1 1DH	HD4 5AD	HD1 1SE	HD1 2NU
				HD1 4RL
				HD1 2JA
				HD1 4BS

## 4.9 Mirfield

There are no areas of Mirfield identified as very high risk. However, gambling related harm can happen in any area. Applicants proposing to open an establishment here are still encouraged to consider the detailed maps in Appendix 1 and provide details of how they will mitigate for gambling related harm.



	<p><b>Performance and Intelligence</b></p> <p><b>Geographic Research Team</b></p>	<p><b>Gambling Local Area Profile – All Risk Factors Combined - Mirfield</b></p> <p>Date: 26/10/18</p> <p>Filename: Proj 3003 Gambling Risk Index.gpx</p> <p><small>Contains Ordnance Survey data ©. Crown copyright and database right 2018.</small></p>	
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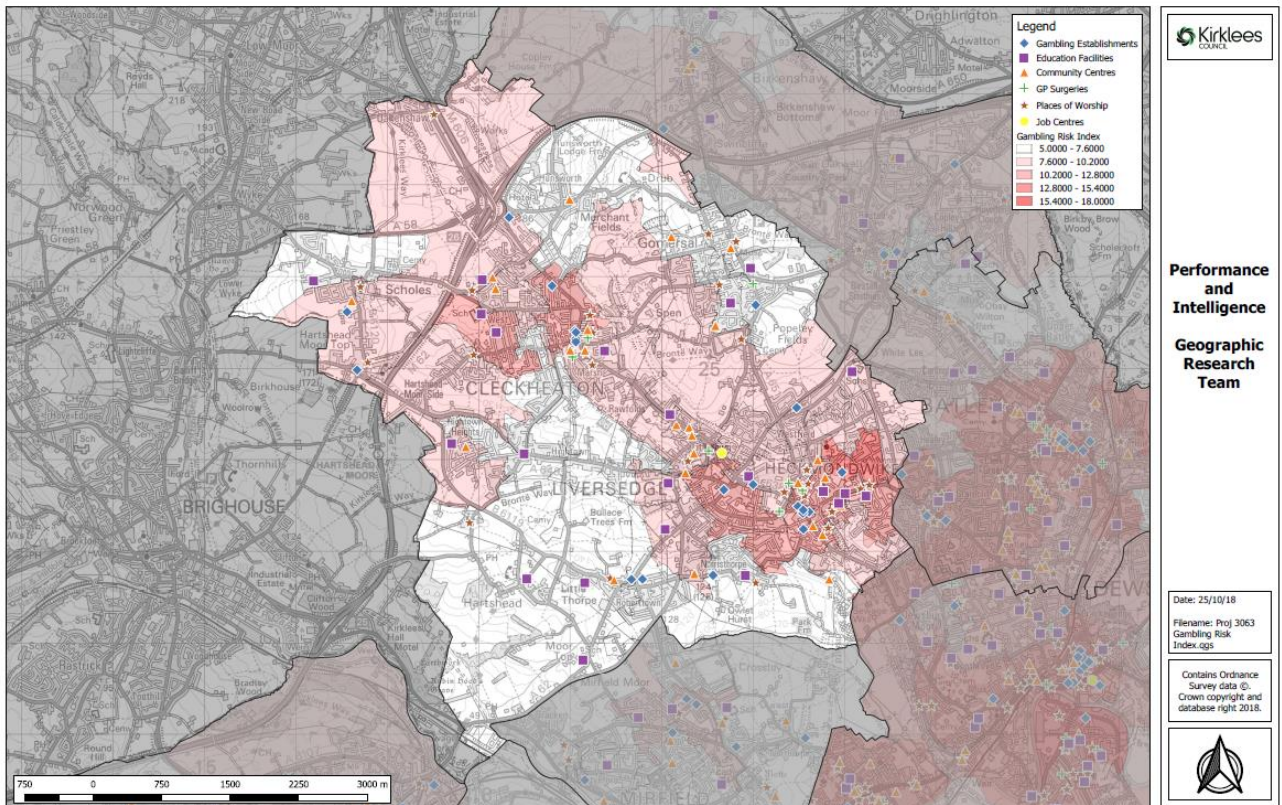




## 4.10 Spen

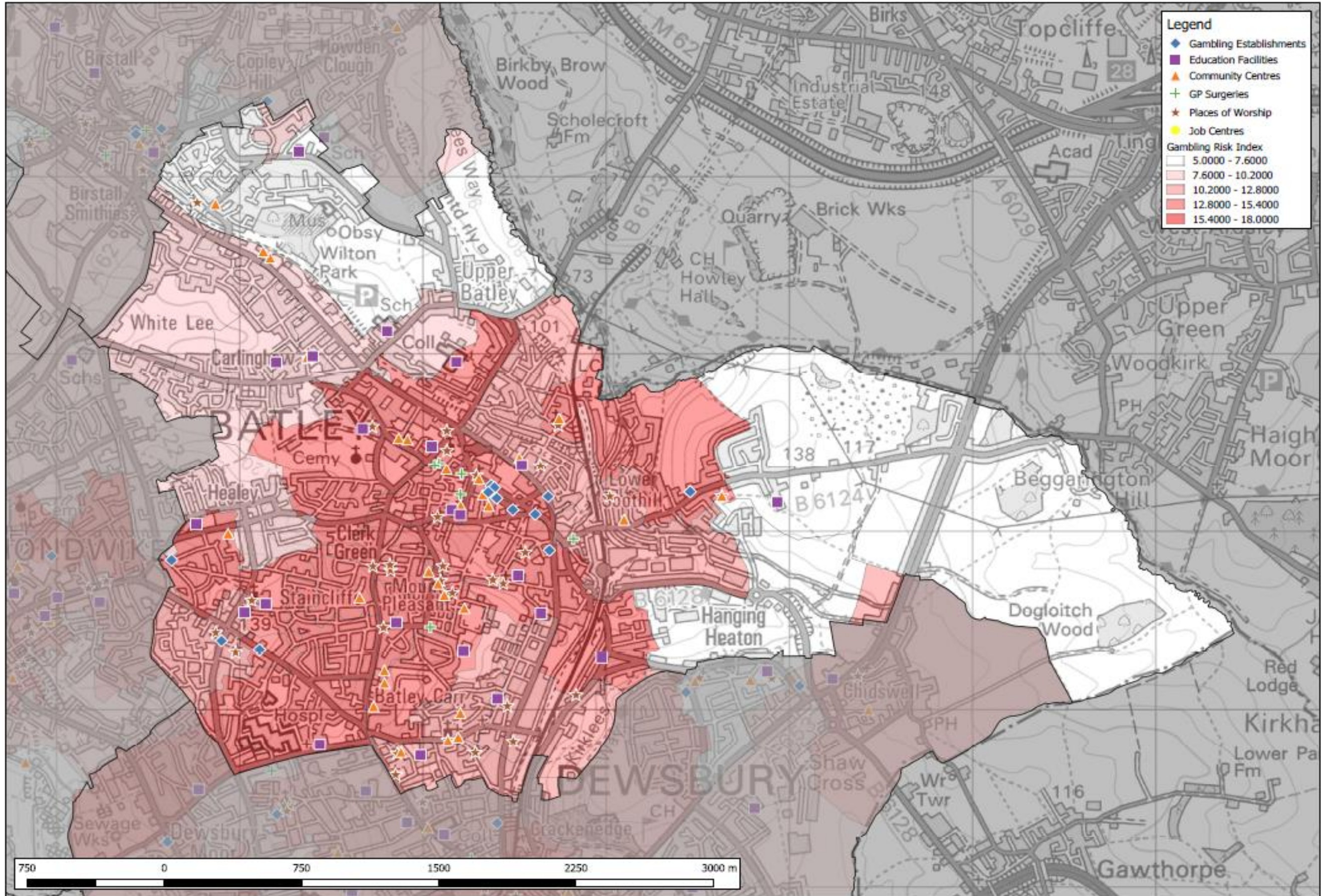
There are no areas of Spen considered to be very high risk. However, gambling related harm can happen in any area. Applicants proposing to open an establishment here are still encouraged to consider the detailed maps in Appendix 1 and provide details of how they will mitigate for gambling related harm.

### Gambling Local Area Profile – All Risk Factors Combined - Spen





# Gambling Local Area Profile – All Risk Factors Combined - Batley



**Performance and Intelligence**

**Geographic Research Team**

Date: 25/10/18

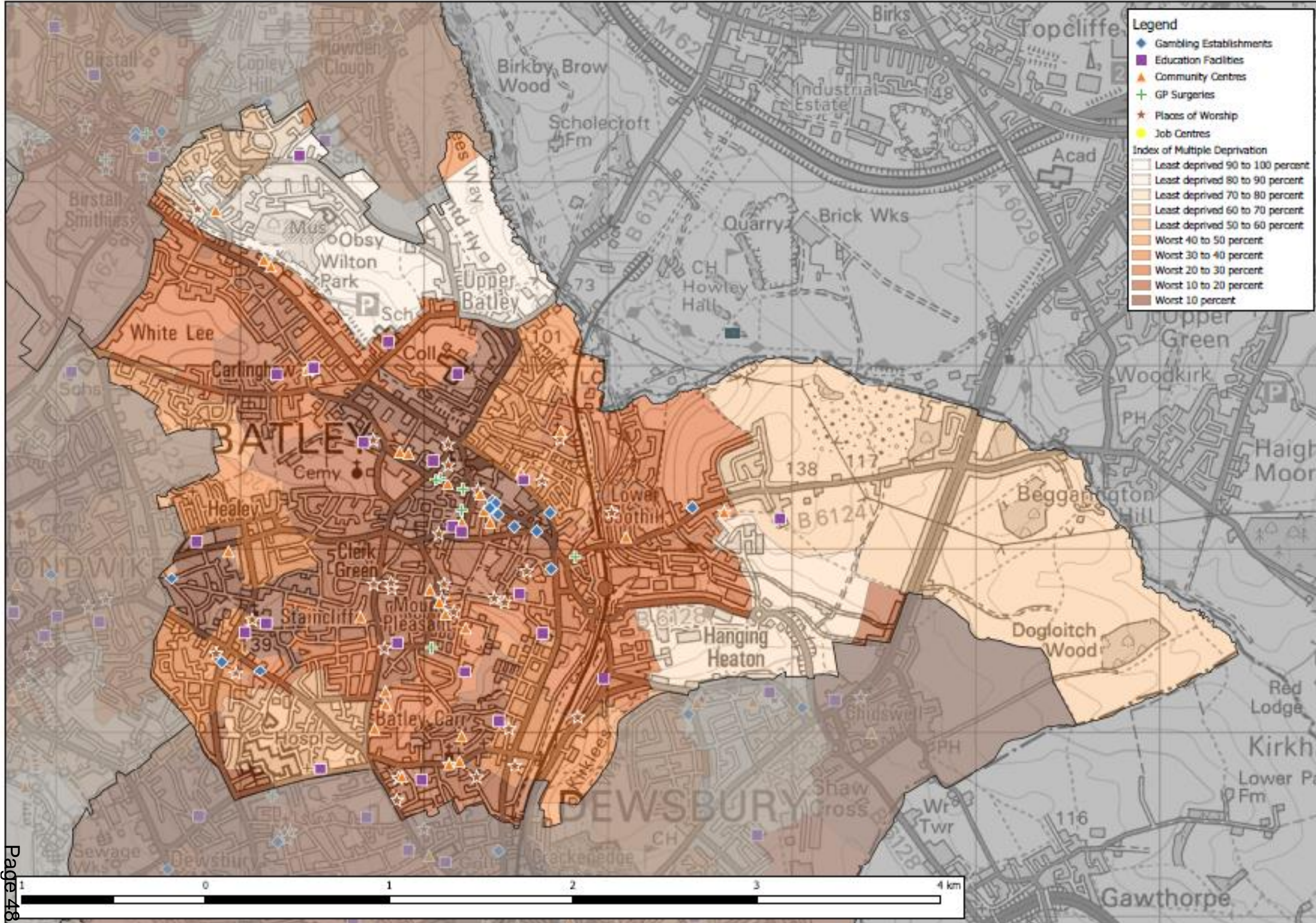
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Gambling Risk  
Index.ogs

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# Gambling Local Area Profile - Index of Multiple Deprivation (2015) - Batley



**Performance and Intelligence**

**Geographic Research Team**

Date: 25/10/18

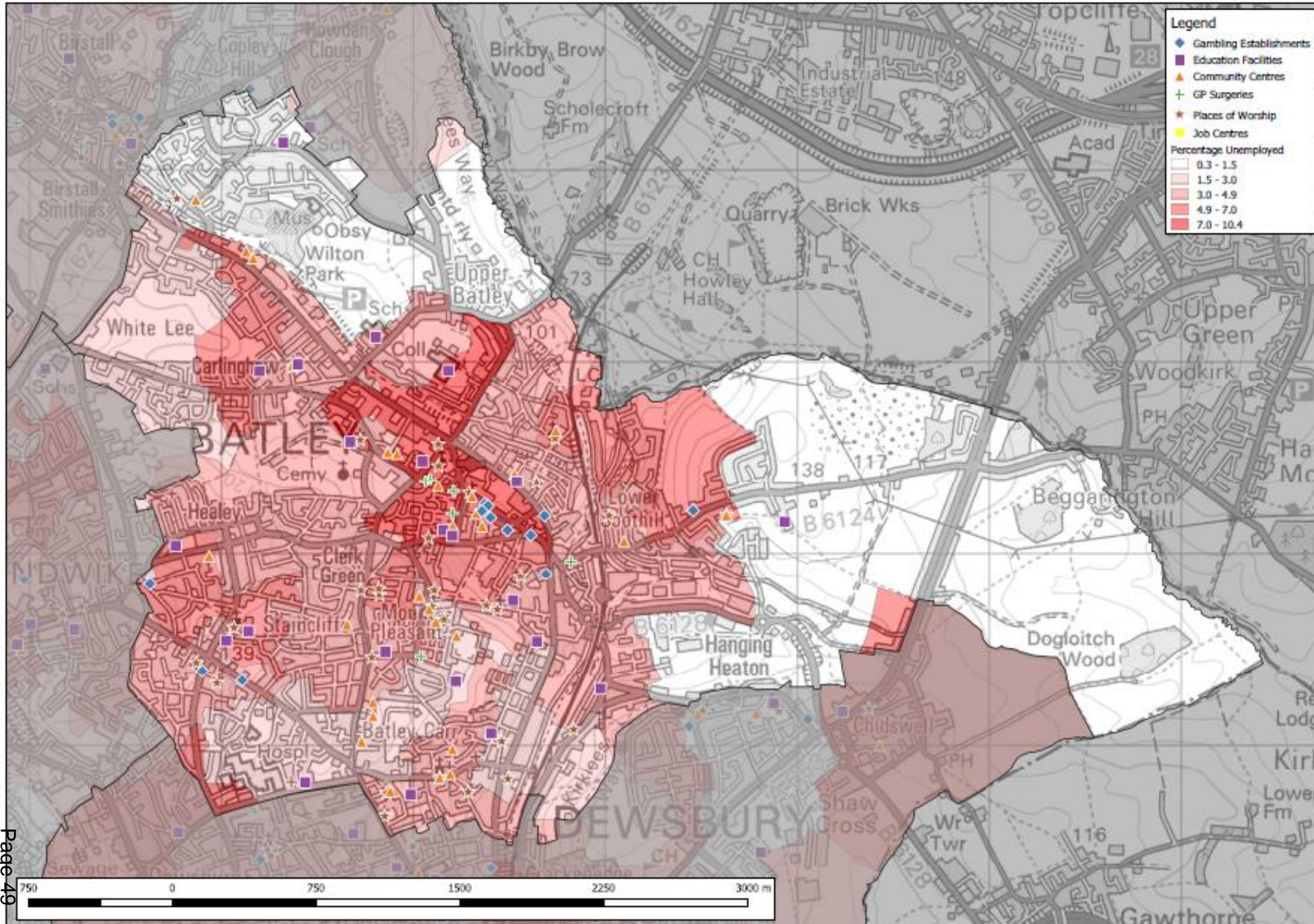
Filename: Proj 3063 Deprivation Maps.qgs

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# Gambling Local Area Profile - Percentage Unemployment - Batley



**Legend**

- ◆ Gambling Establishments
- Education Facilities
- ▲ Community Centres
- + GP Surgeries
- ★ Places of Worship
- Job Centres

**Percentage Unemployed**

- 0.3 - 1.5
- 1.5 - 3.0
- 3.0 - 4.9
- 4.9 - 7.0
- 7.0 - 10.4



**Performance and Intelligence**

**Geographic Research Team**

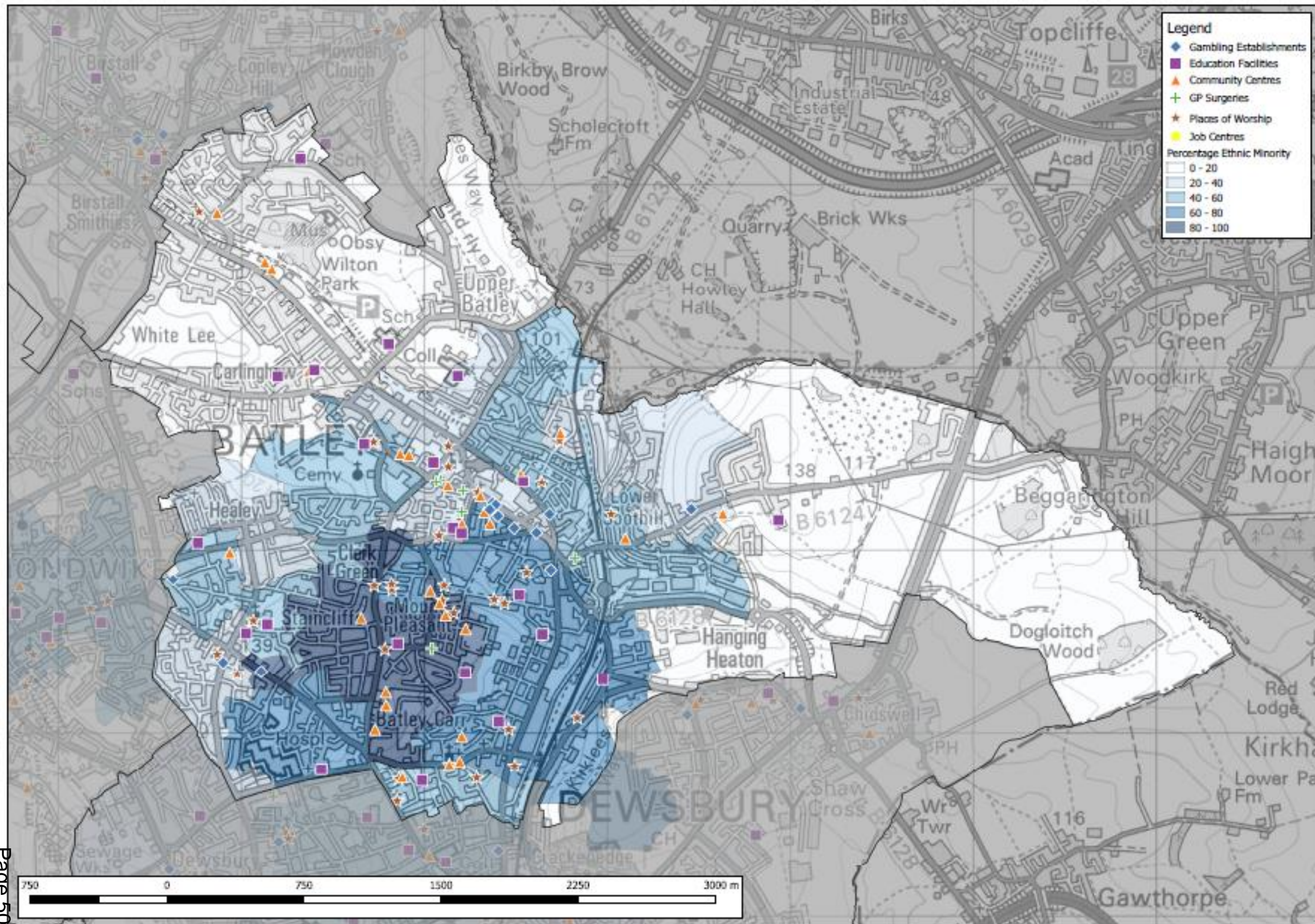
Date: 25/10/18  
 Filename: Proj 3063 Unemployment Maps.qgs

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# Gambling Local Area Profile - Percentage Ethnic Minorities - Batley



**Performance and Intelligence**  
**Geographic Research Team**

Date: 25/10/18

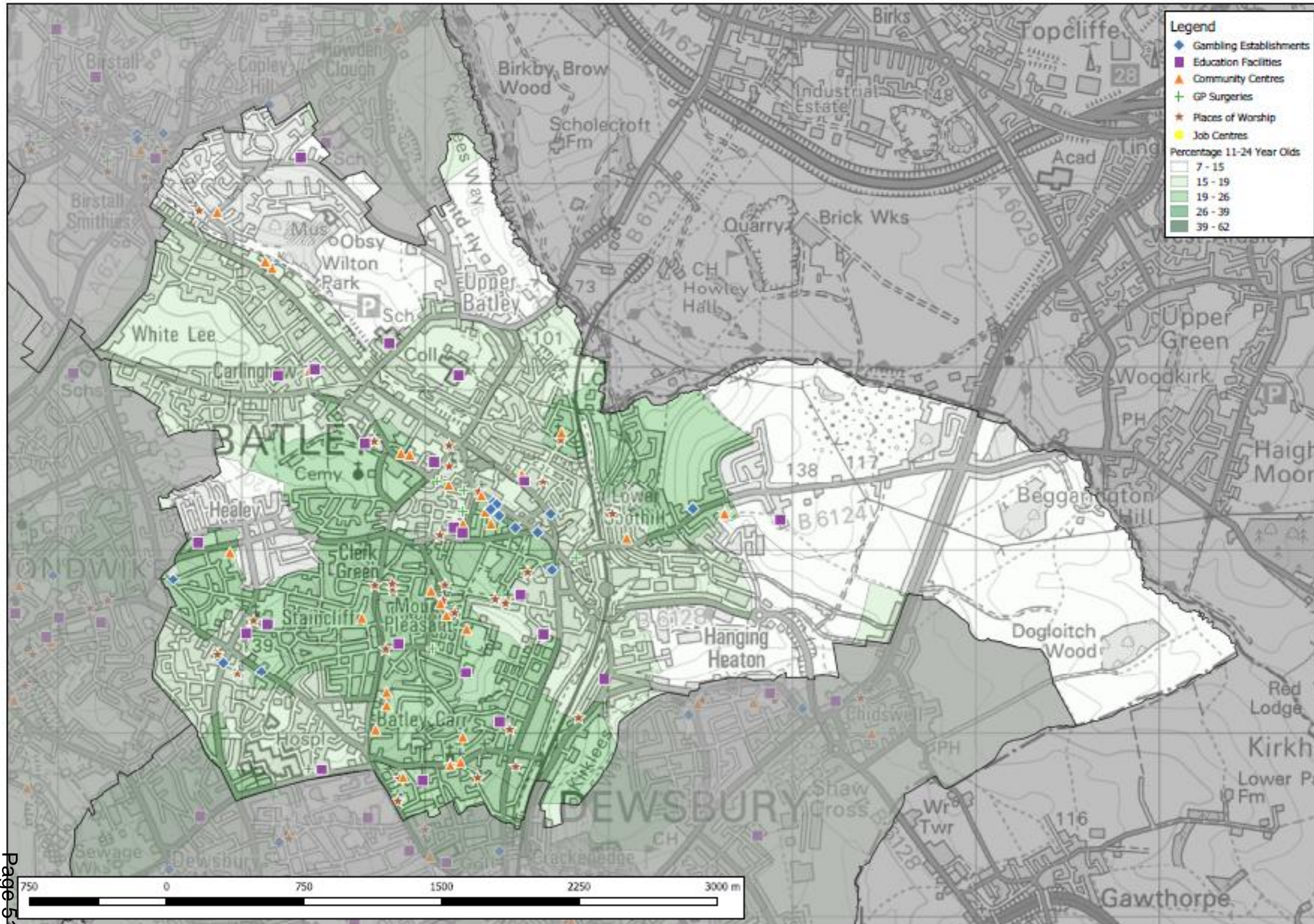
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Ethnicity Maps.qgs

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# Gambling Local Area Profile - Percentage 11 to 24 Year Olds - Batley

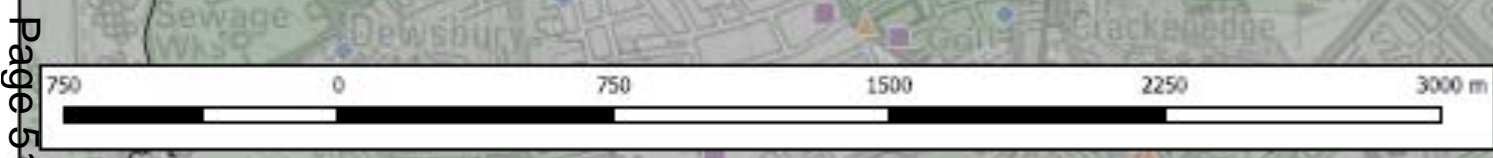


Performance and Intelligence

Geographic Research Team

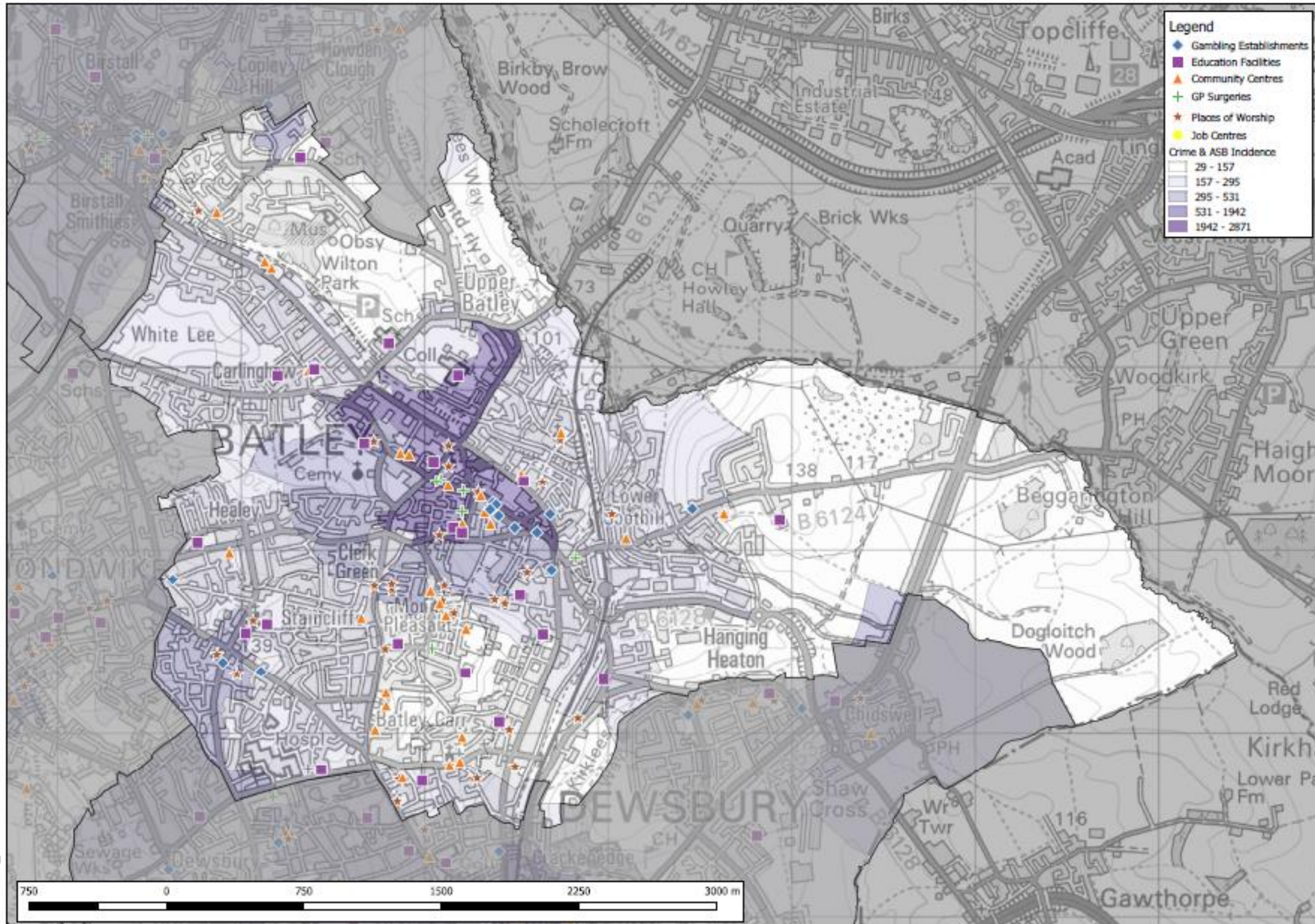
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 Filename: Proj 3063  
 Young People  
 Maps.qgs

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# Gambling Local Area Profile - Crime & Antisocial Behaviour Incidence - Batley



**Performance and Intelligence**

**Geographic Research Team**

Date: 25/10/18

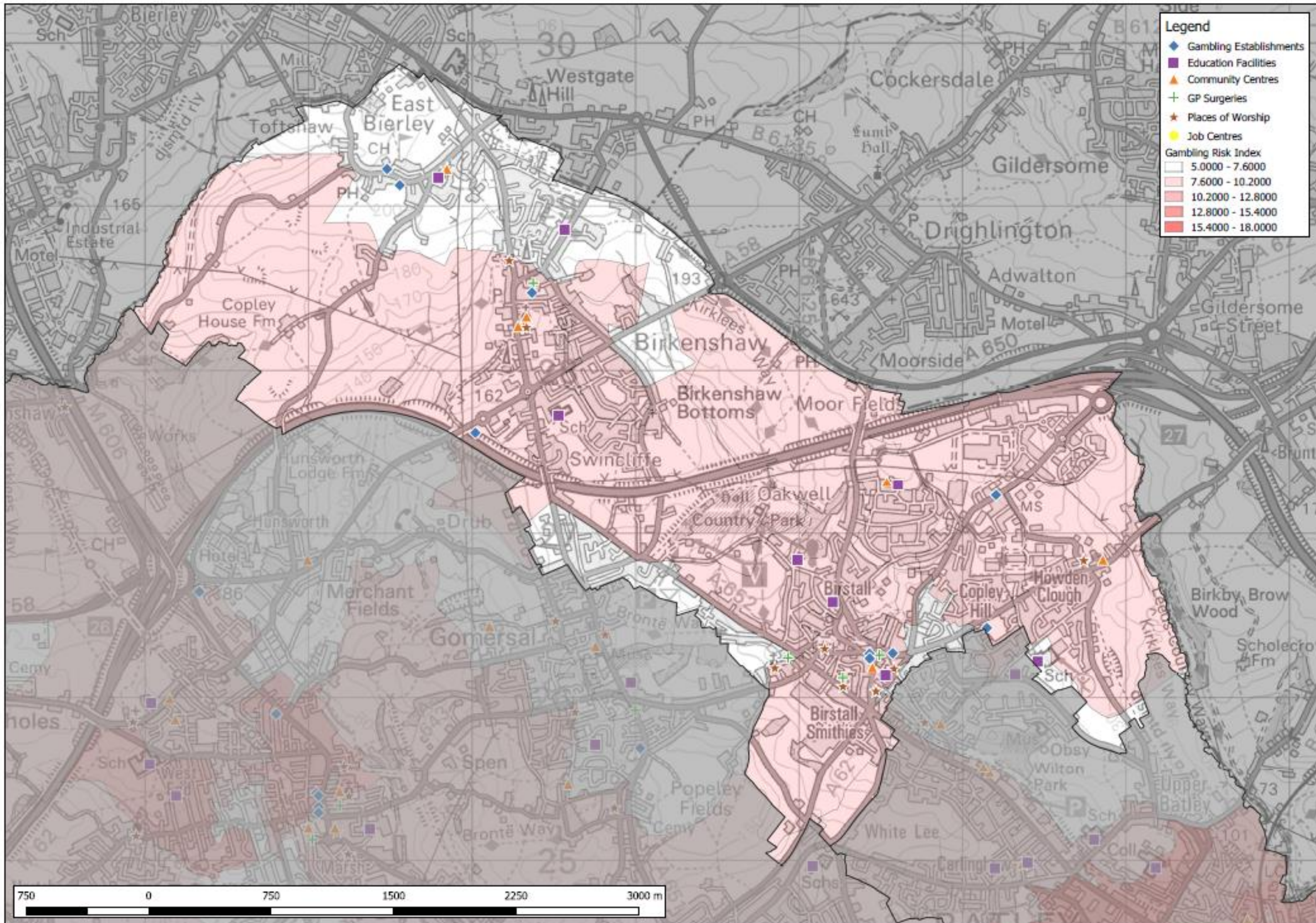
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Crime Incidence  
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# Gambling Local Area Profile – All Risk Factors Combined - Birstall and Birkenshaw



Performance and Intelligence

Geographic Research Team

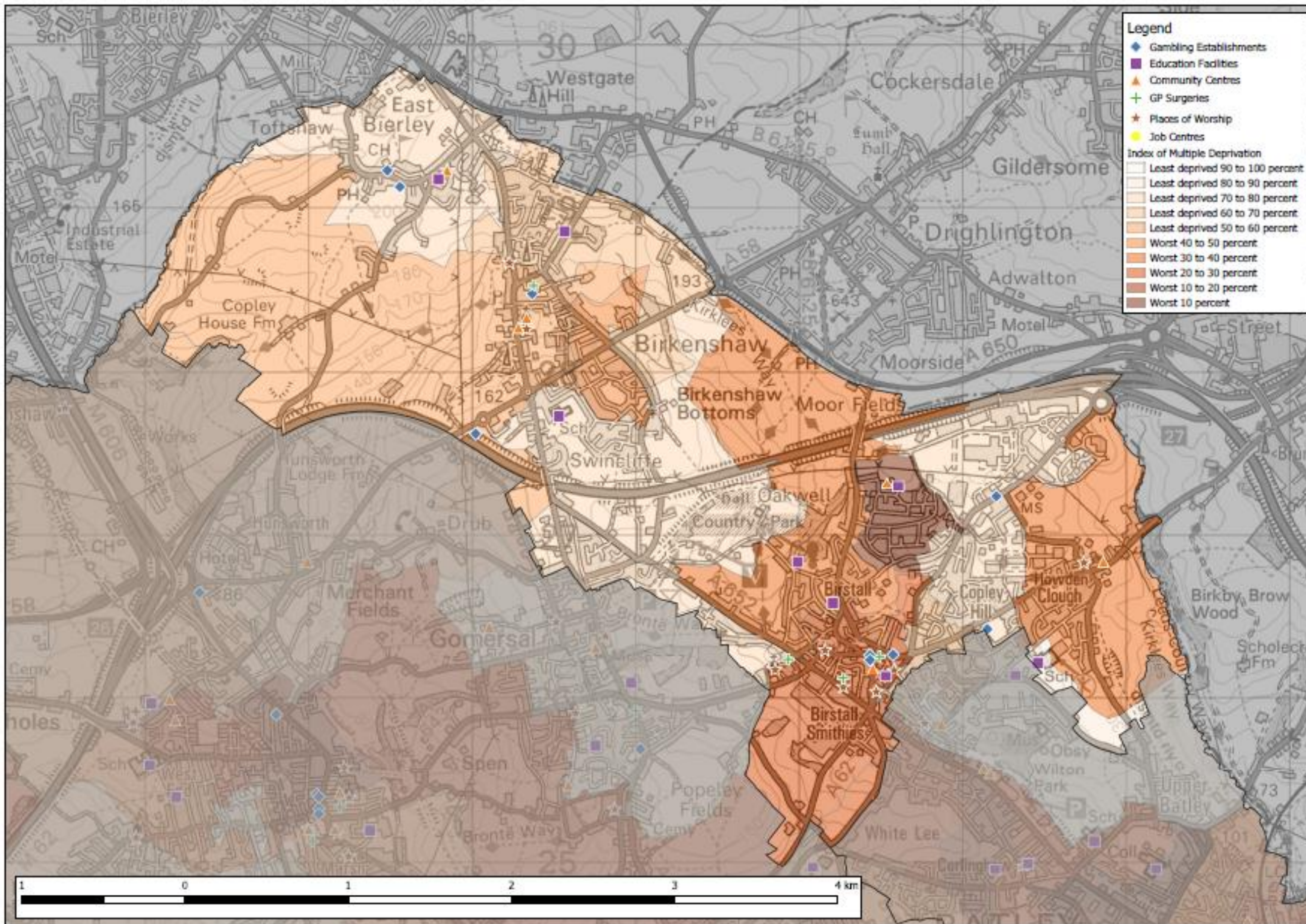
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 Filename: Proj 3063  
 Gambling Risk  
 Index.ogs

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# Gambling Local Area Profile - Index of Multiple Deprivation (2015) - Birstall and Birkenshaw



**Legend**

- ◆ Gambling Establishments
- Education Facilities
- ▲ Community Centres
- ✚ GP Surgeries
- ★ Places of Worship
- Job Centres

**Index of Multiple Deprivation**

- Least deprived 90 to 100 percent
- Least deprived 80 to 90 percent
- Least deprived 70 to 80 percent
- Least deprived 60 to 70 percent
- Least deprived 50 to 60 percent
- Worst 40 to 50 percent
- Worst 30 to 40 percent
- Worst 20 to 30 percent
- Worst 10 to 20 percent
- Worst 10 percent



**Performance and Intelligence**

**Geographic Research Team**

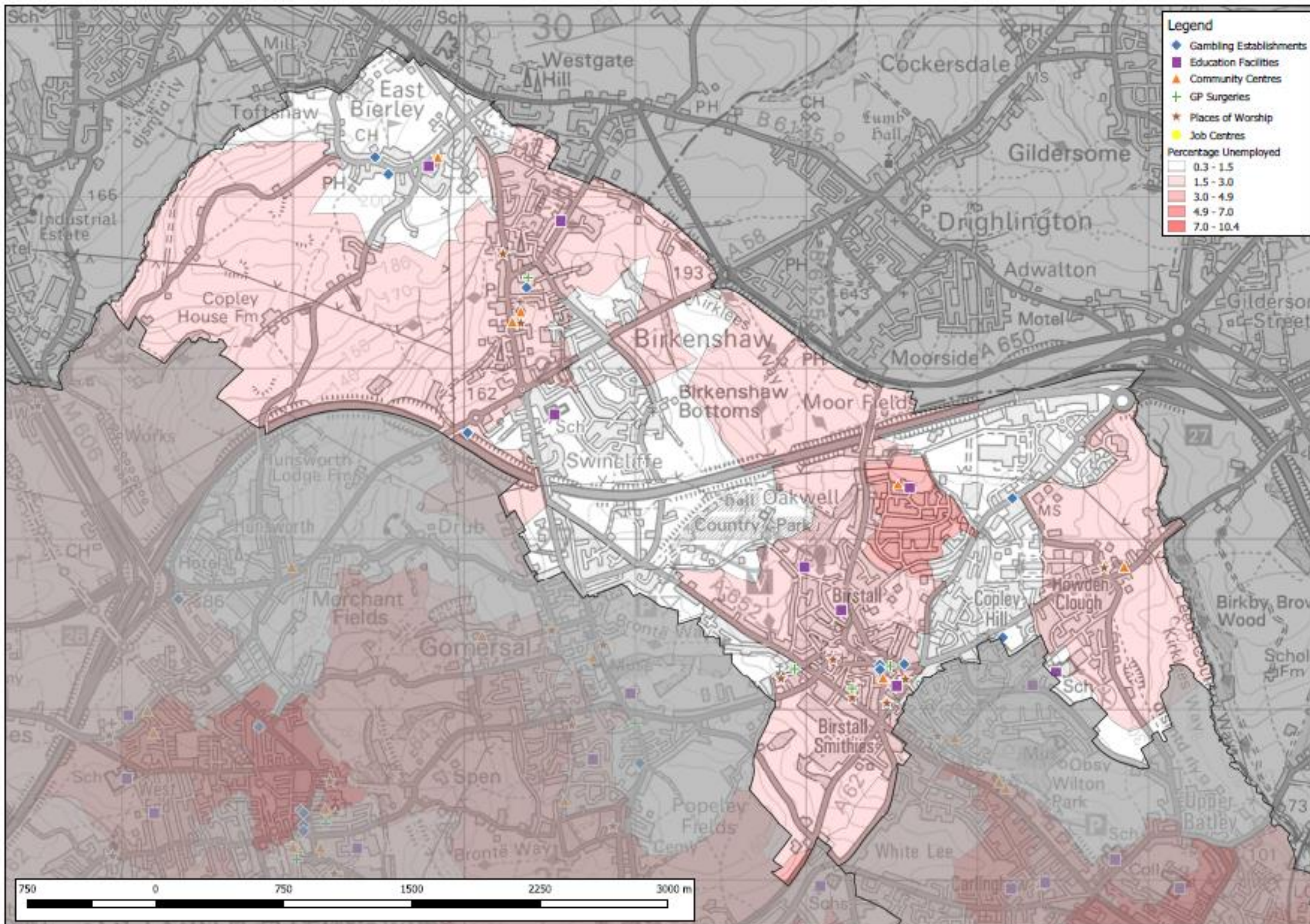
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# Gambling Local Area Profile - Percentage Unemployment - Birstall and Birkenshaw



Performance and Intelligence

Geographic Research Team

Date: 25/10/18

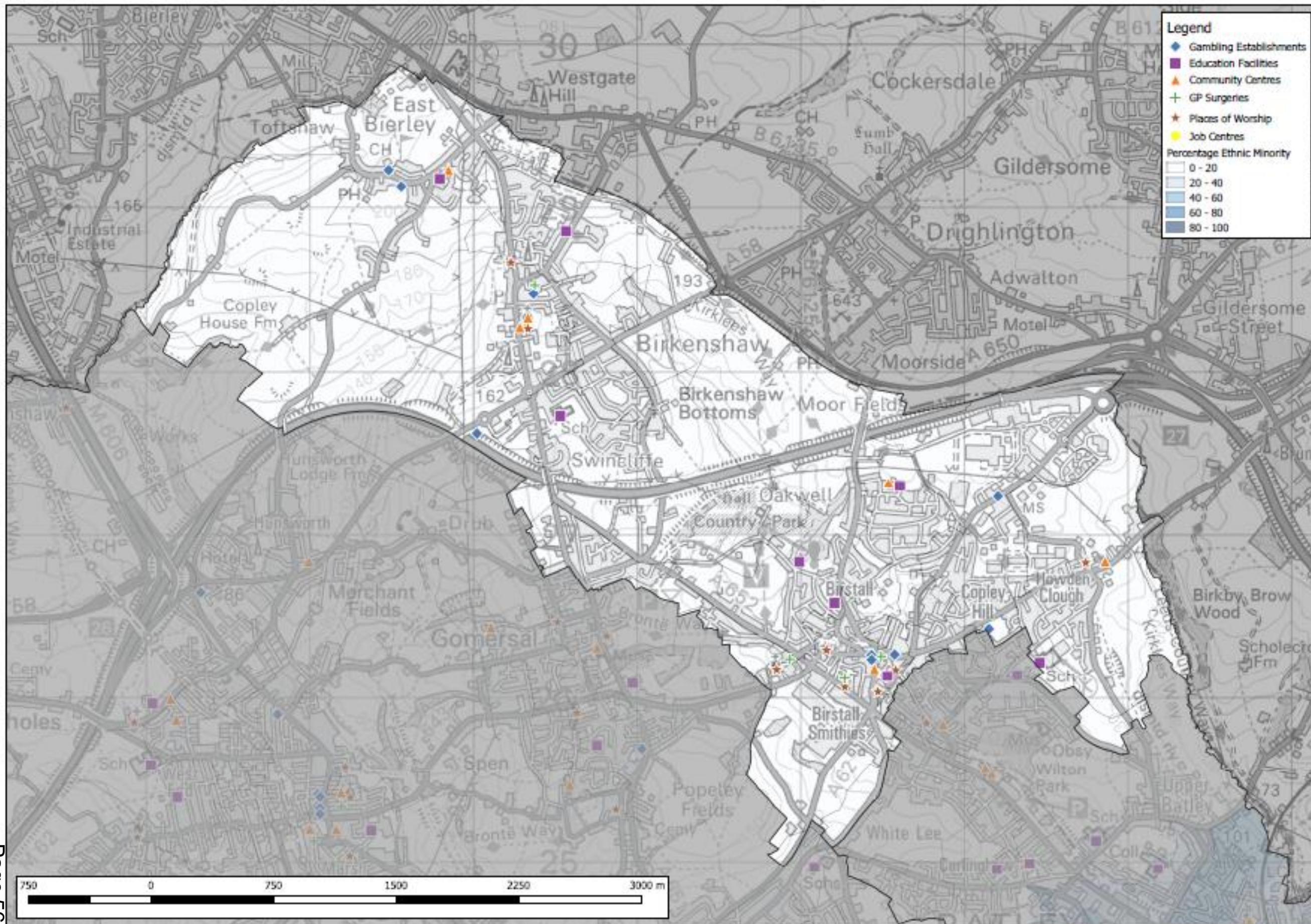
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# Gambling Local Area Profile - Percentage Ethnic Minorities - Birstall and Birkenshaw



**Performance and Intelligence**  
**Geographic Research Team**

Date: 25/10/18

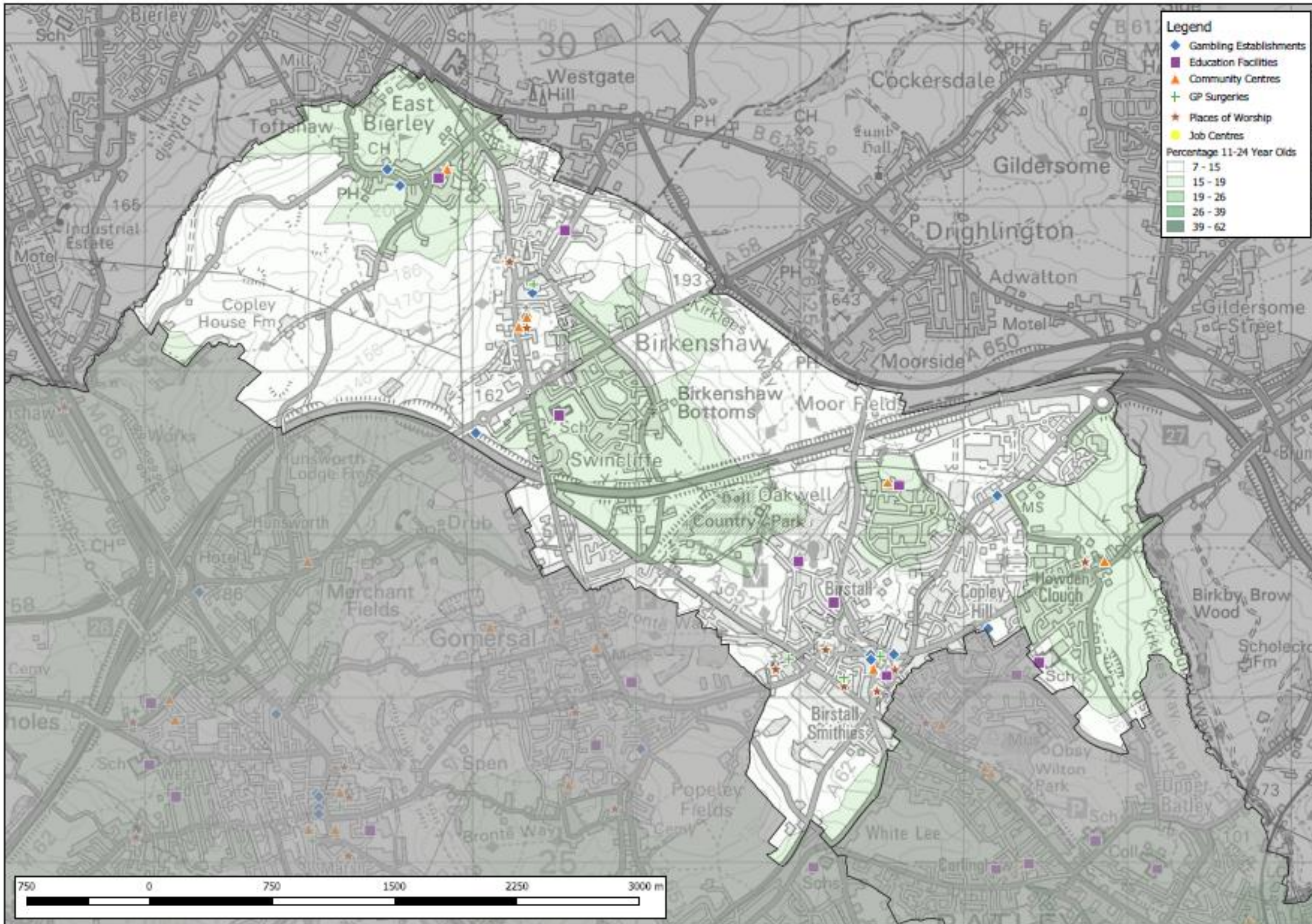
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Ethnicity Maps.qgs

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# Gambling Local Area Profile - Percentage 11 to 24 Year Olds - Birstall and Birkenshaw



**Legend**

- ◆ Gambling Establishments
- Education Facilities
- ▲ Community Centres
- ✚ GP Surgeries
- ★ Places of Worship
- Job Centres

**Percentage 11-24 Year Olds**

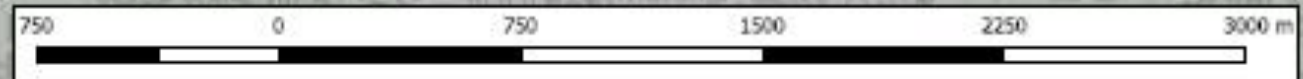
- 7 - 15
- 15 - 19
- 19 - 26
- 26 - 39
- 39 - 62



**Performance and Intelligence**  
**Geographic Research Team**

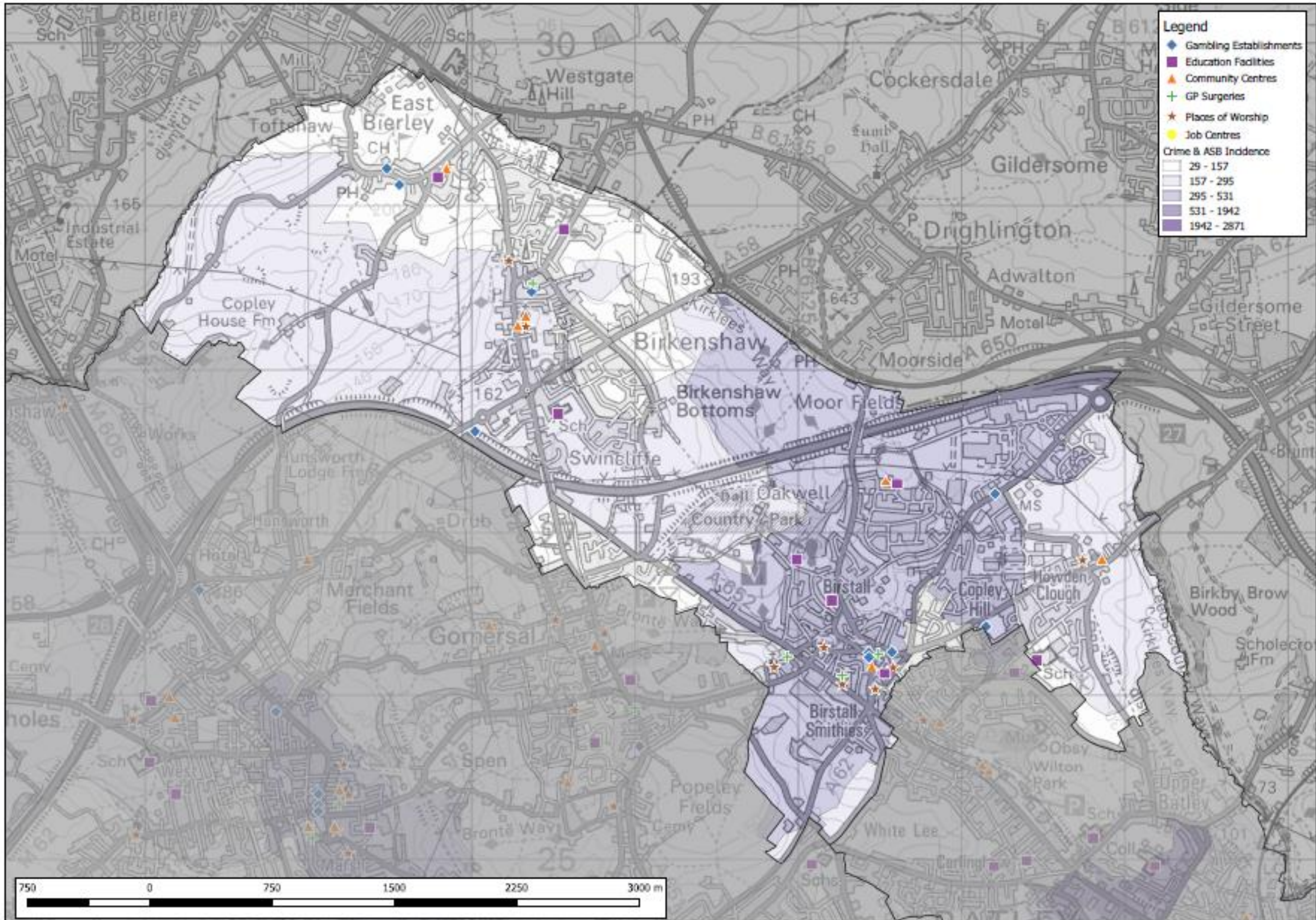
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Maps.qgs

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# Gambling Local Area Profile - Crime & Antisocial Behaviour Incidence - Birstall and Birkenshaw



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**Geographic Research Team**

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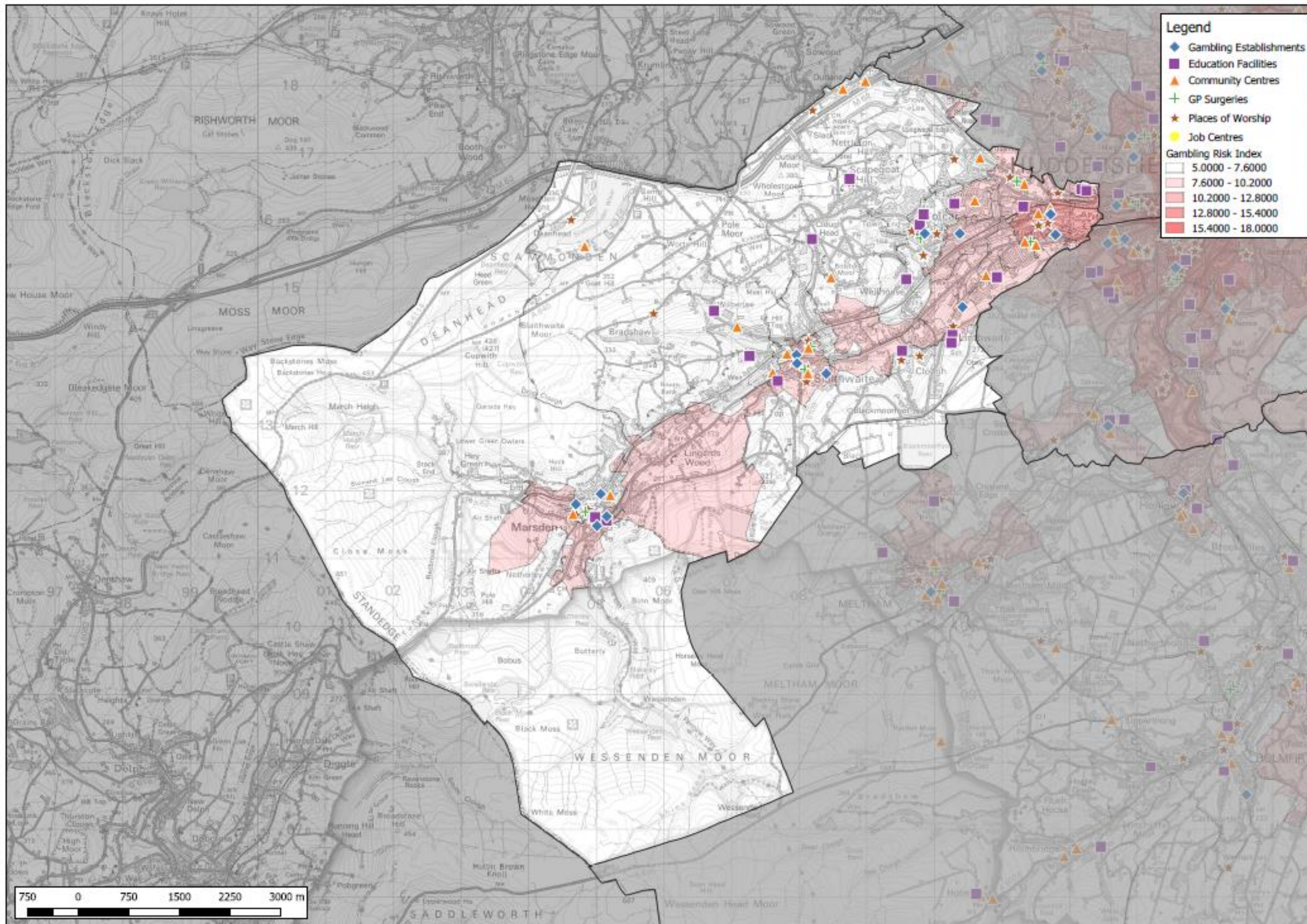
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# Gambling Local Area Profile – All Risk Factors Combined - Colne Valley



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**Geographic Research Team**

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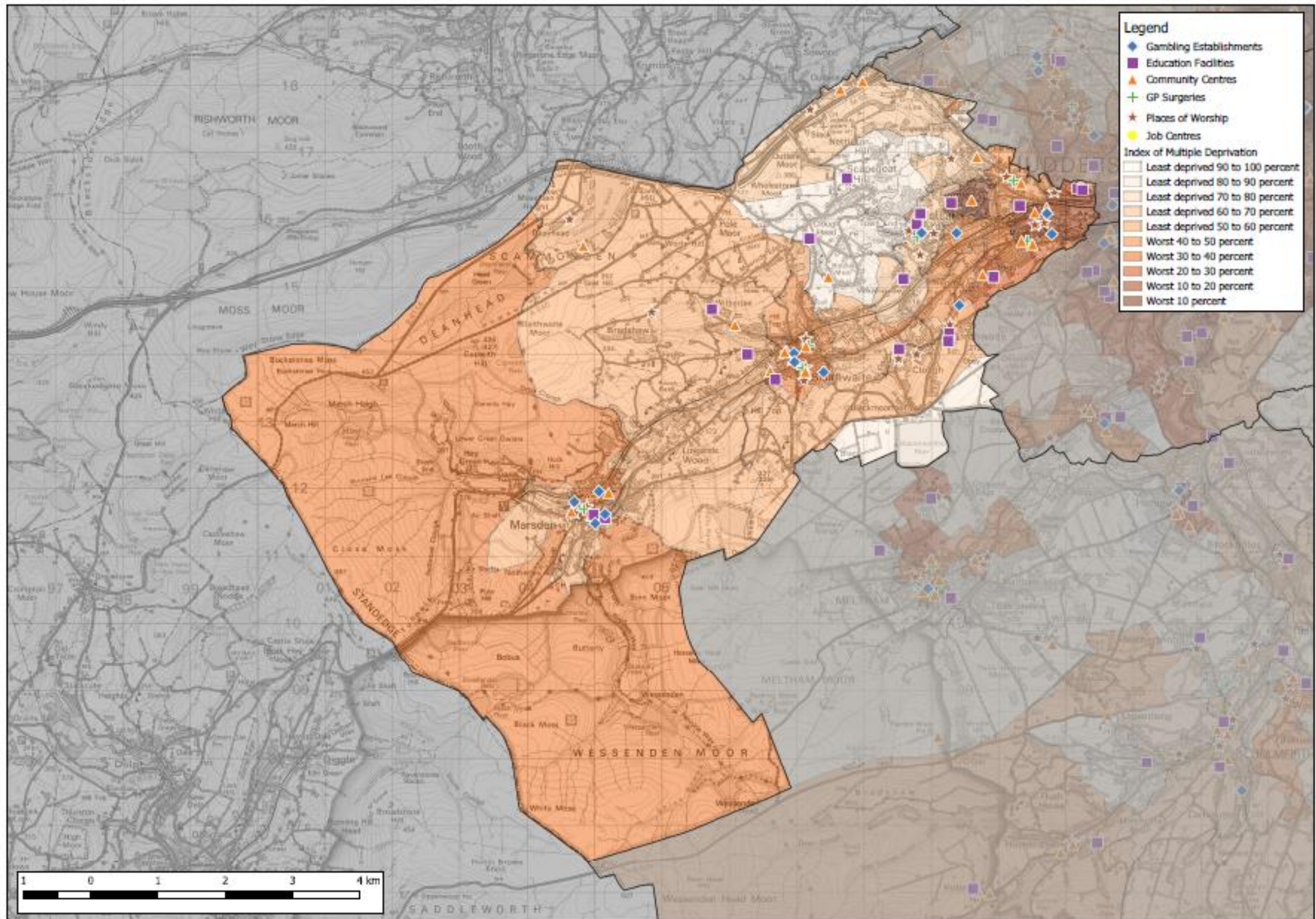
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Gambling Risk Index.qgs

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# Gambling Local Area Profile - Index of Multiple Deprivation (2015) - Colne Valley



**Legend**

- ◆ Gambling Establishments
- Education Facilities
- ▲ Community Centres
- ✚ GP Surgeries
- ★ Places of Worship
- Job Centres

**Index of Multiple Deprivation**

- Least deprived 90 to 100 percent
- Least deprived 80 to 90 percent
- Least deprived 70 to 80 percent
- Least deprived 60 to 70 percent
- Least deprived 50 to 60 percent
- Worst 40 to 50 percent
- Worst 30 to 40 percent
- Worst 20 to 30 percent
- Worst 10 to 20 percent
- Worst 10 percent



**Performance and Intelligence**

**Geographic Research Team**

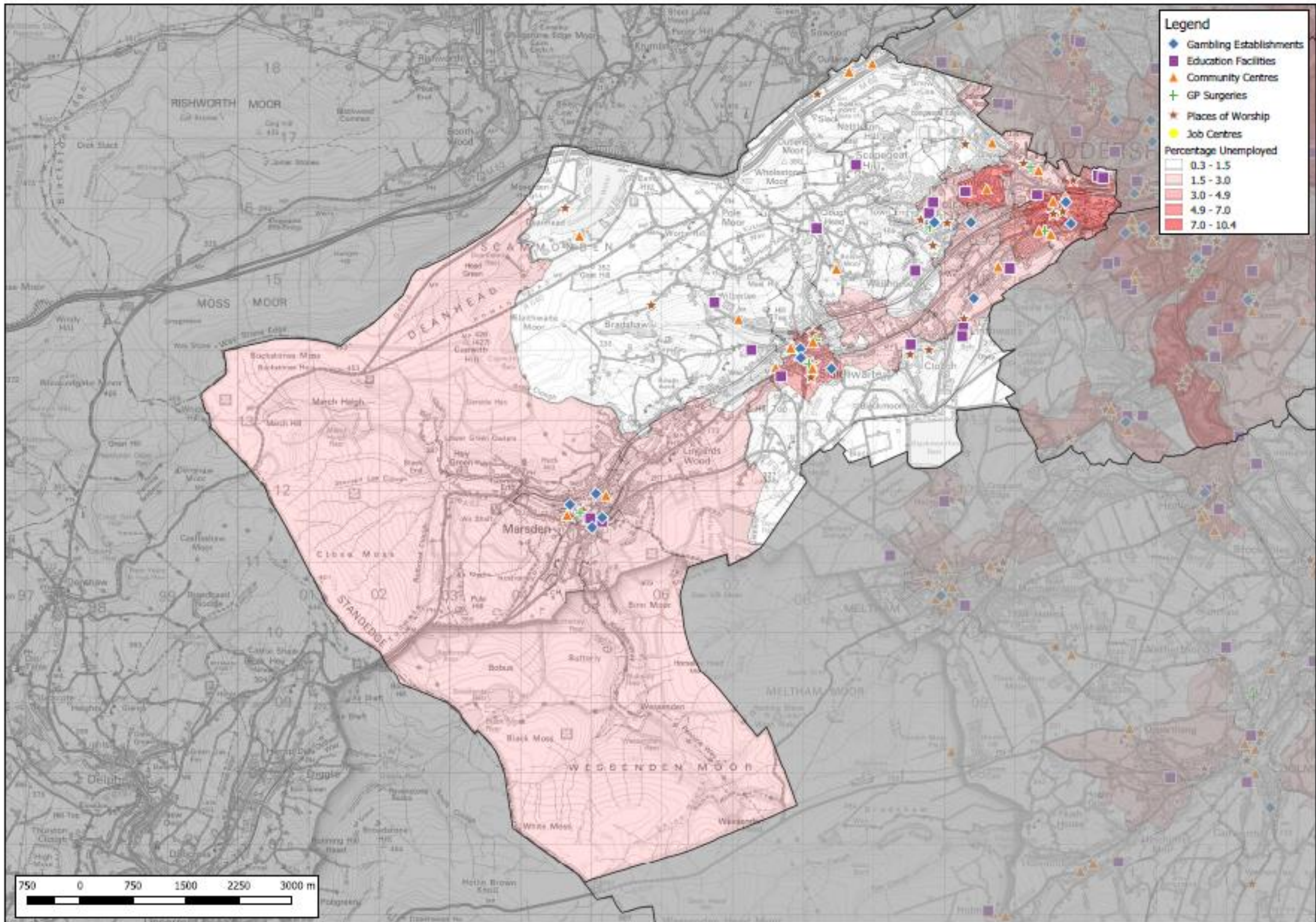
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# Gambling Local Area Profile - Percentage Unemployment - Colne Valley



**Legend**

- ◆ Gambling Establishments
- Education Facilities
- ▲ Community Centres
- ✚ GP Surgeries
- ★ Places of Worship
- Job Centres

**Percentage Unemployed**

- 0.3 - 1.5
- 1.5 - 3.0
- 3.0 - 4.9
- 4.9 - 7.0
- 7.0 - 10.4



**Performance and Intelligence**

**Geographic Research Team**

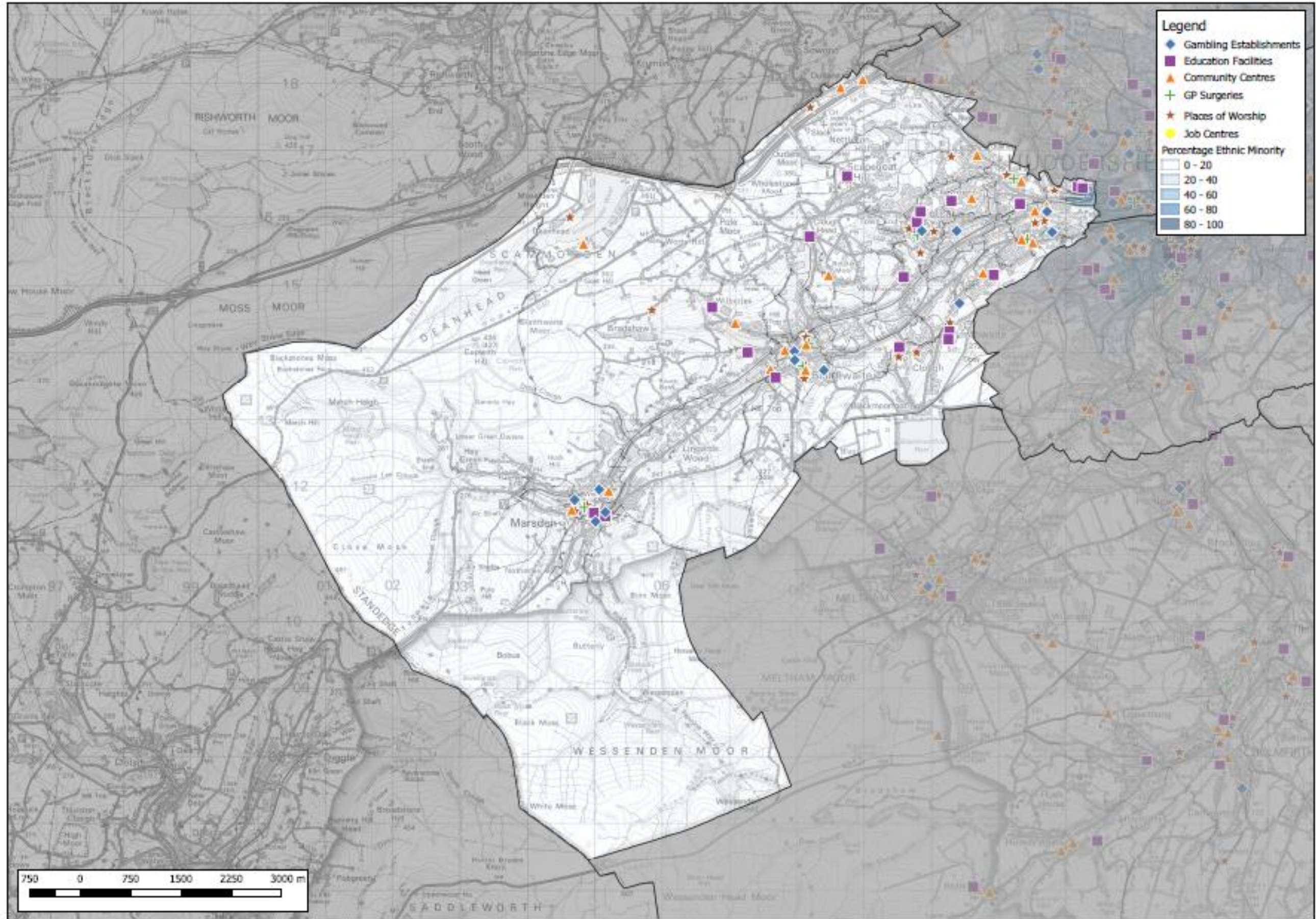
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# Gambling Local Area Profile - Percentage Ethnic Minorities - Colne Valley



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**Geographic Research Team**

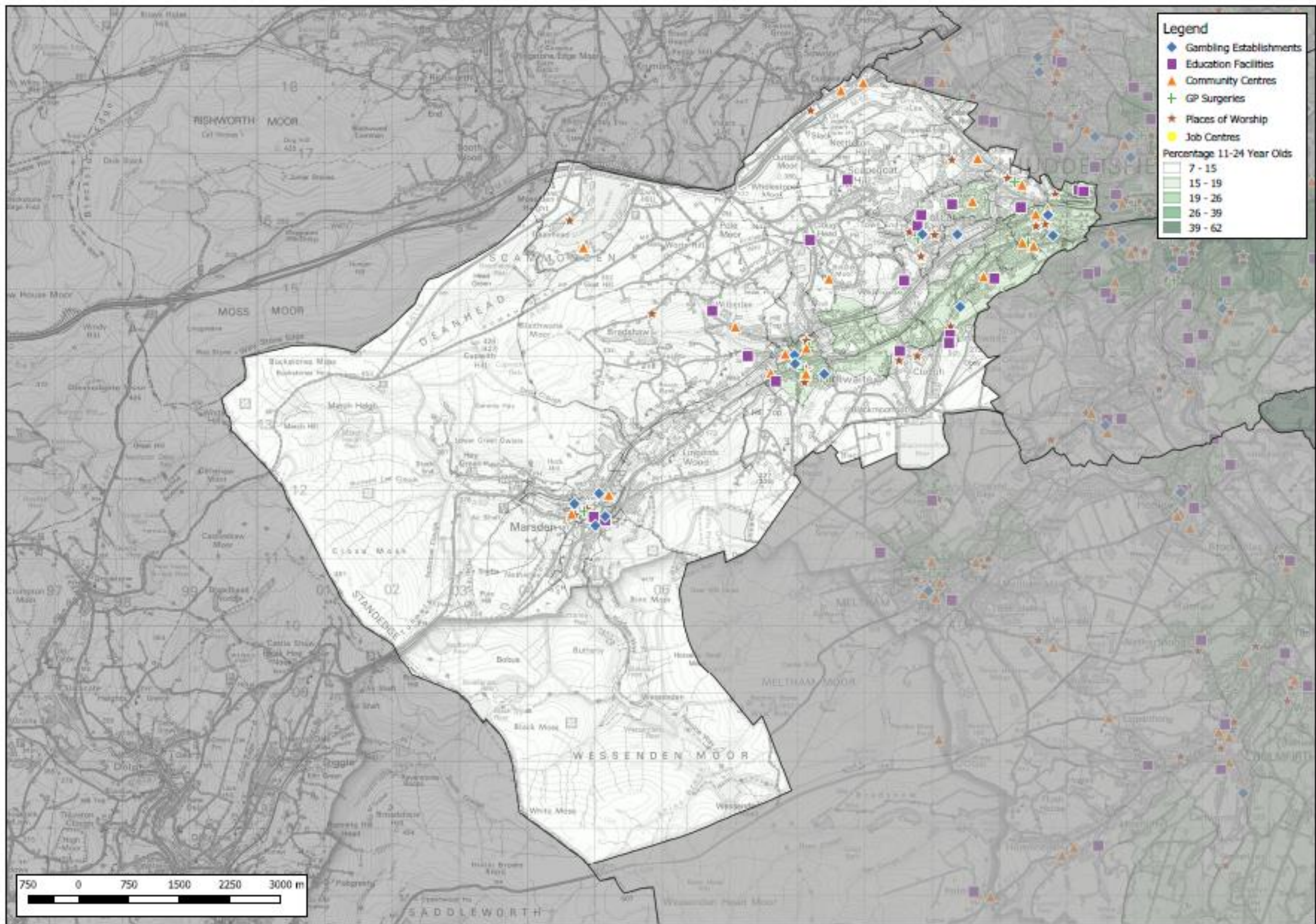
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# Gambling Local Area Profile - Percentage 11 to 24 Year Olds - Colne Valley



**Legend**

- ◆ Gambling Establishments
- Education Facilities
- ▲ Community Centres
- ✚ GP Surgeries
- ★ Places of Worship
- Job Centres

**Percentage 11-24 Year Olds**

- 7 - 15
- 15 - 19
- 19 - 26
- 26 - 39
- 39 - 62



**Performance and Intelligence  
Geographic Research Team**

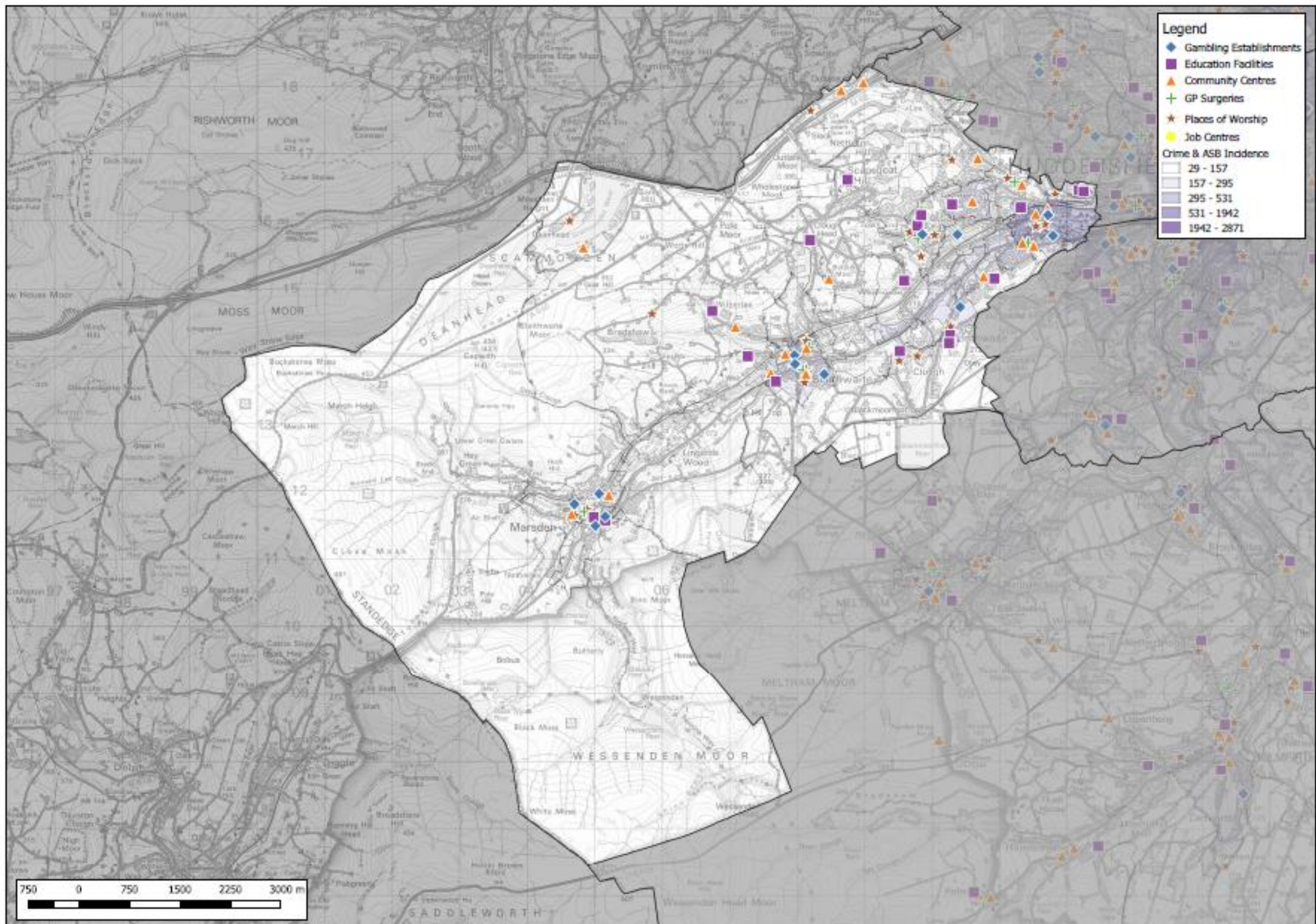
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Young People  
Maps.qgs

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# Gambling Local Area Profile - Crime & Antisocial Behaviour Incidence - Colne Valley



**Performance and Intelligence**

**Geographic Research Team**

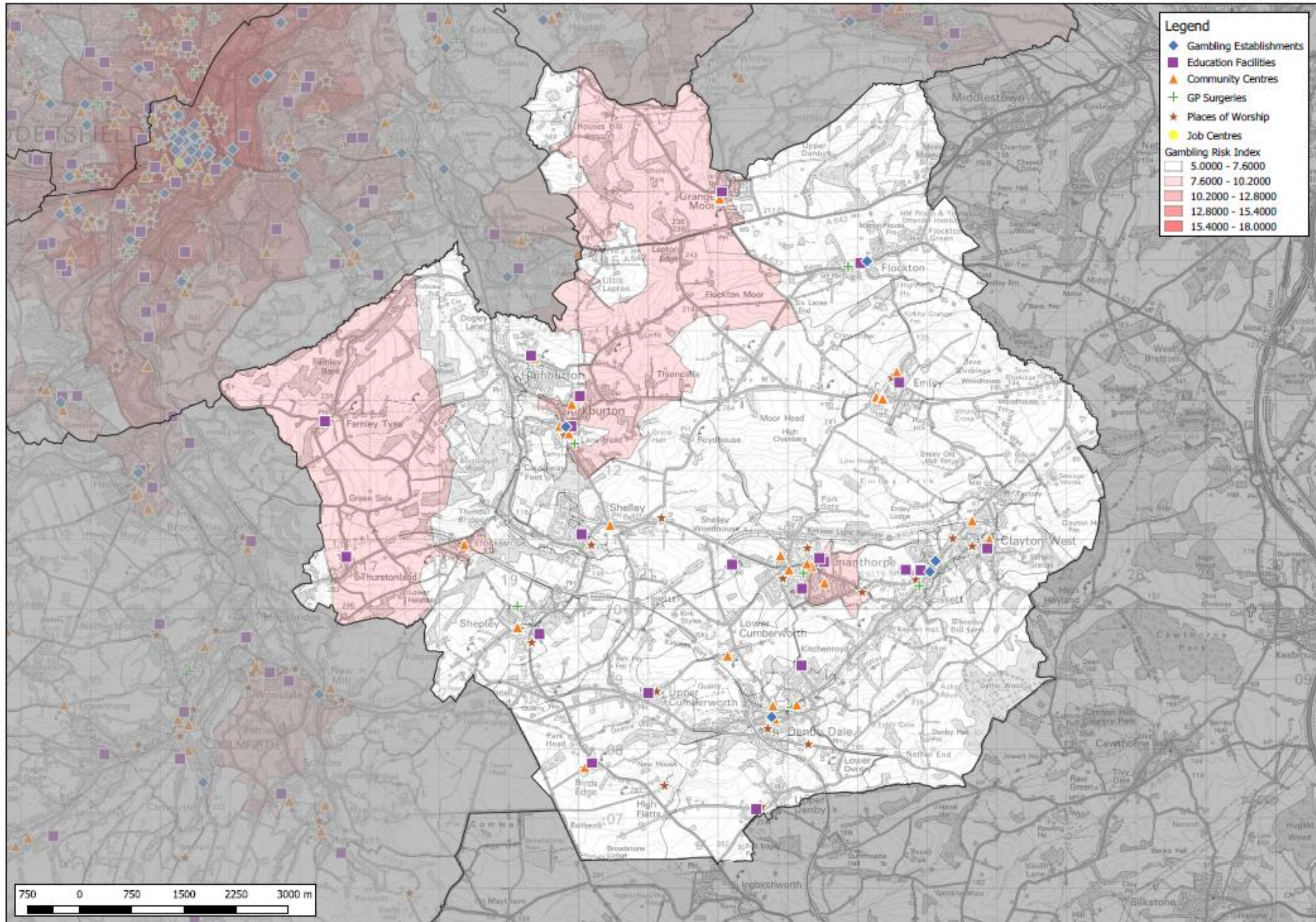
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 Crime Incidence  
 Maps.qgs

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# Gambling Local Area Profile – All Risk Factors Combined - Denby Dale and Kirkburton



**Performance and Intelligence**

**Geographic Research Team**

Date: 25/10/18

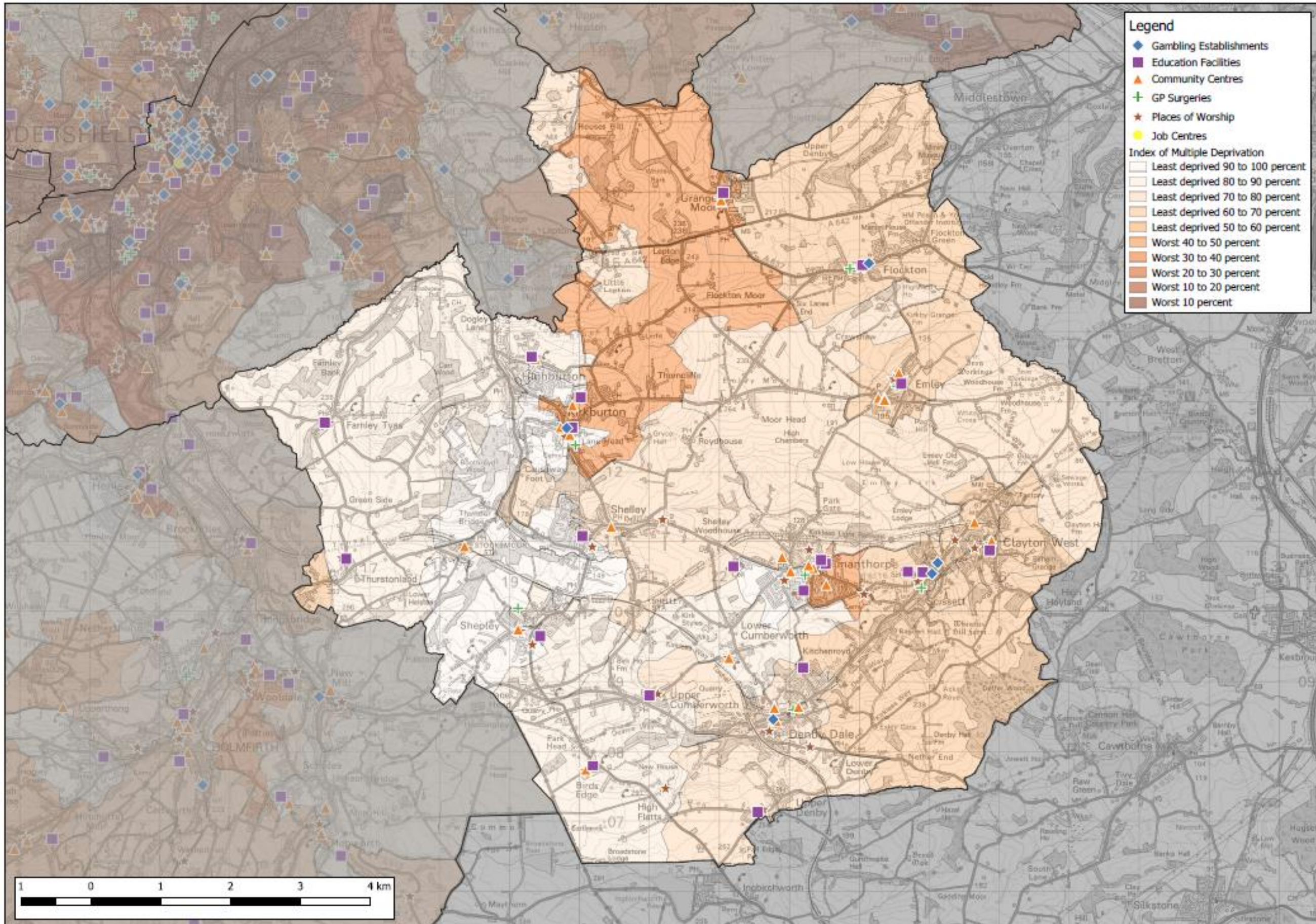
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# Gambling Local Area Profile - Index of Multiple Deprivation (2015) - Denby Dale and Kirkburton



**Performance and Intelligence**

**Geographic Research Team**

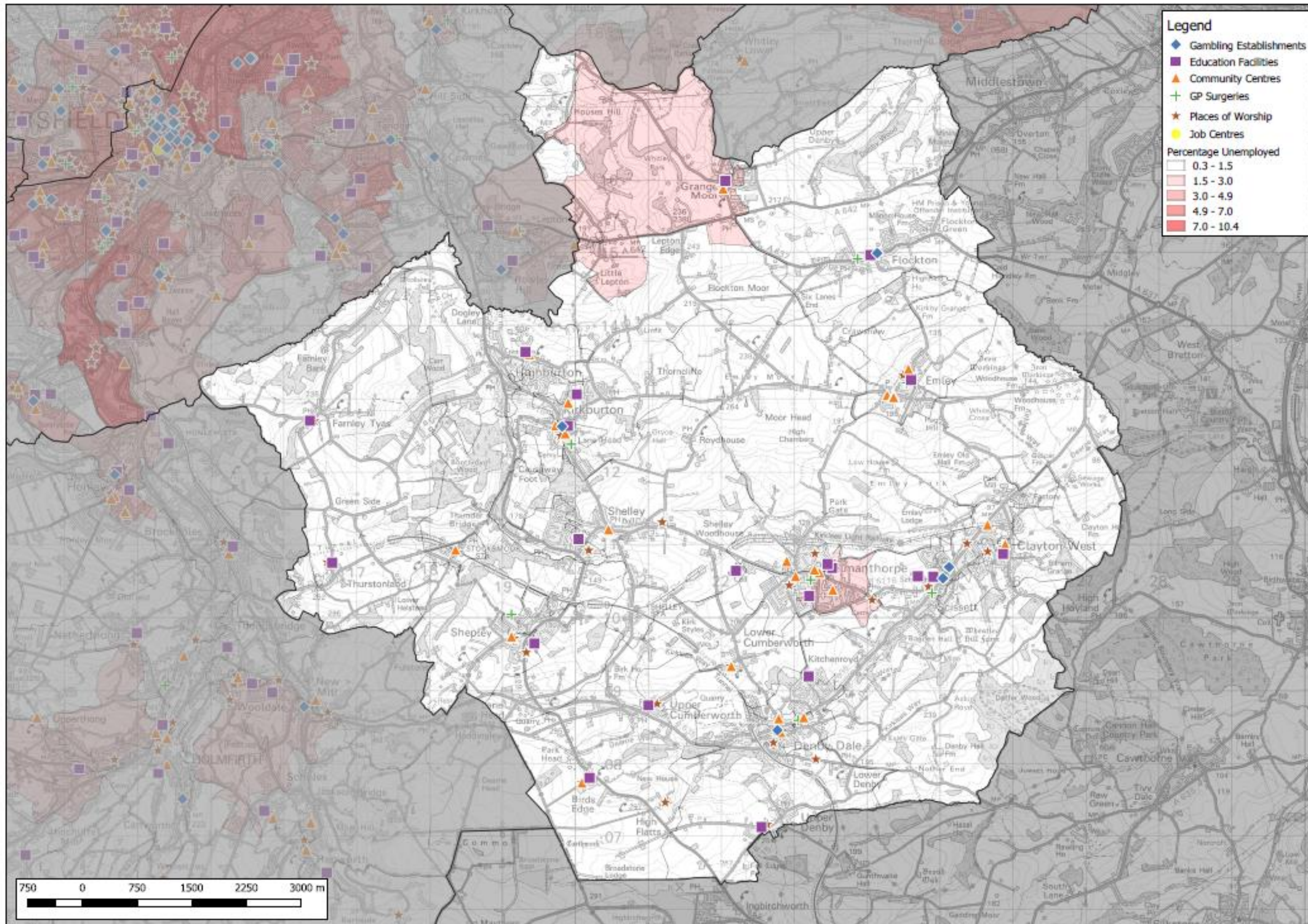
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 Deprivation Maps.qgs

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# Gambling Local Area Profile - Percentage Unemployment - Denby Dale and Kirkburton



**Performance and Intelligence**

**Geographic Research Team**

Date: 25/10/16

Filename: Proj 3063  
Unemployment  
Maps.ogs

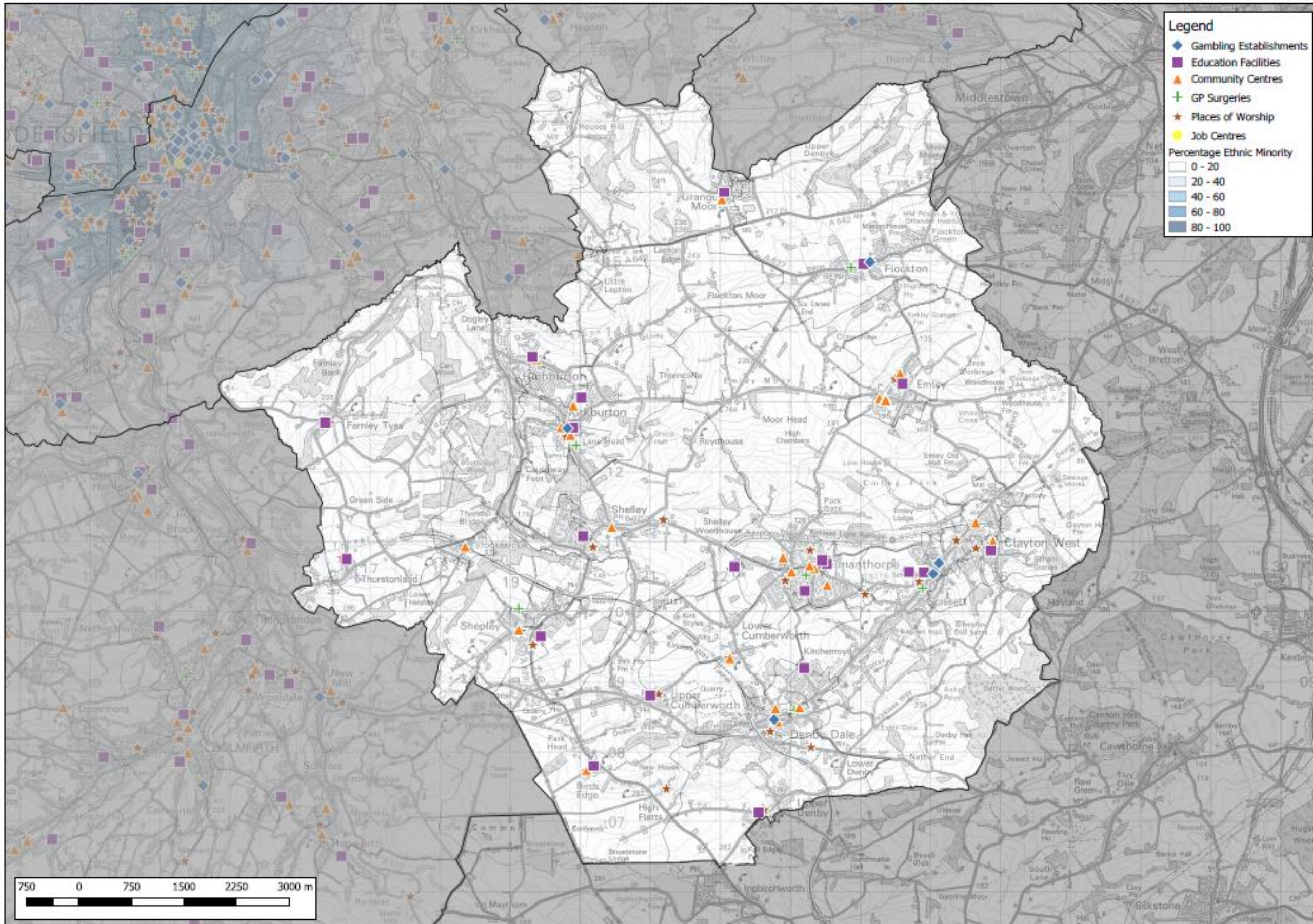
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750 0 750 1500 2250 3000 m



# Gambling Local Area Profile - Percentage Ethnic Minorities - Denby Dale and Kirkburton



**Performance  
and  
Intelligence**

**Geographic  
Research  
Team**

Date: 25/10/18

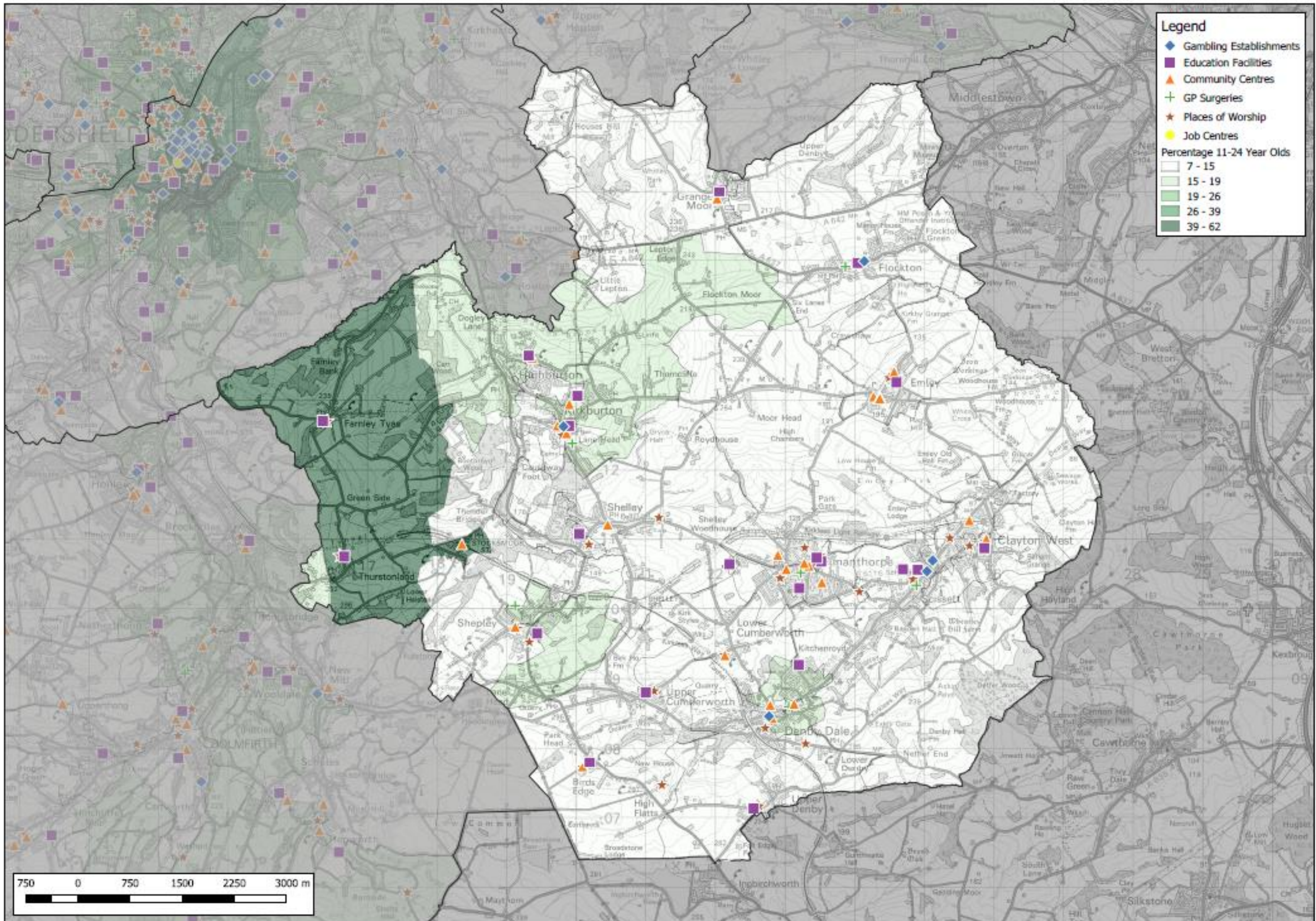
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# Gambling Local Area Profile - Percentage 11 to 24 Year Olds - Denby Dale and Kirkburton



Performance and Intelligence

Geographic Research Team

Date: 25/10/18

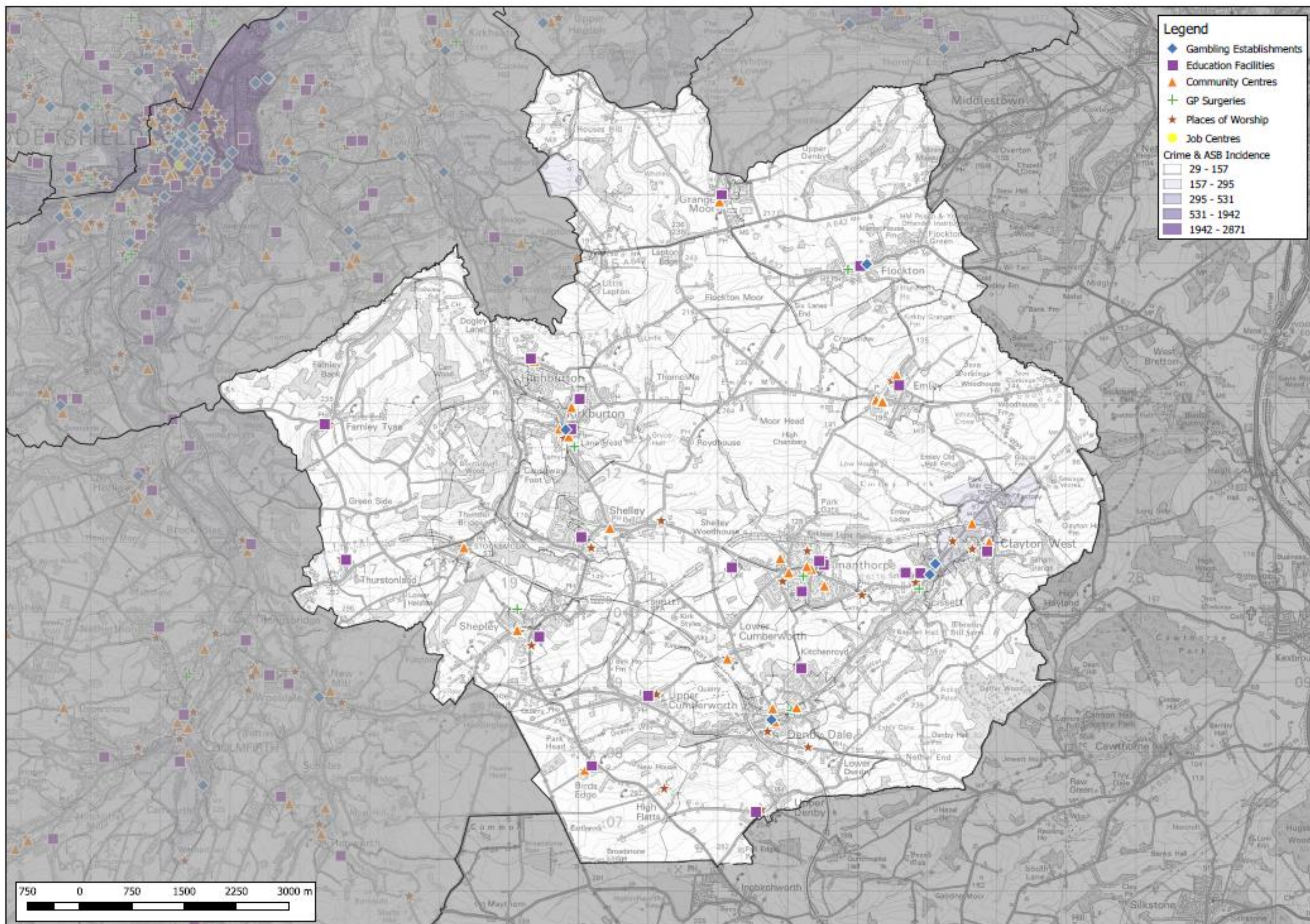
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# Gambling Local Area Profile - Crime & Antisocial Behaviour Incidence - Denby Dale and Kirkburton



Performance and Intelligence

Geographic Research Team

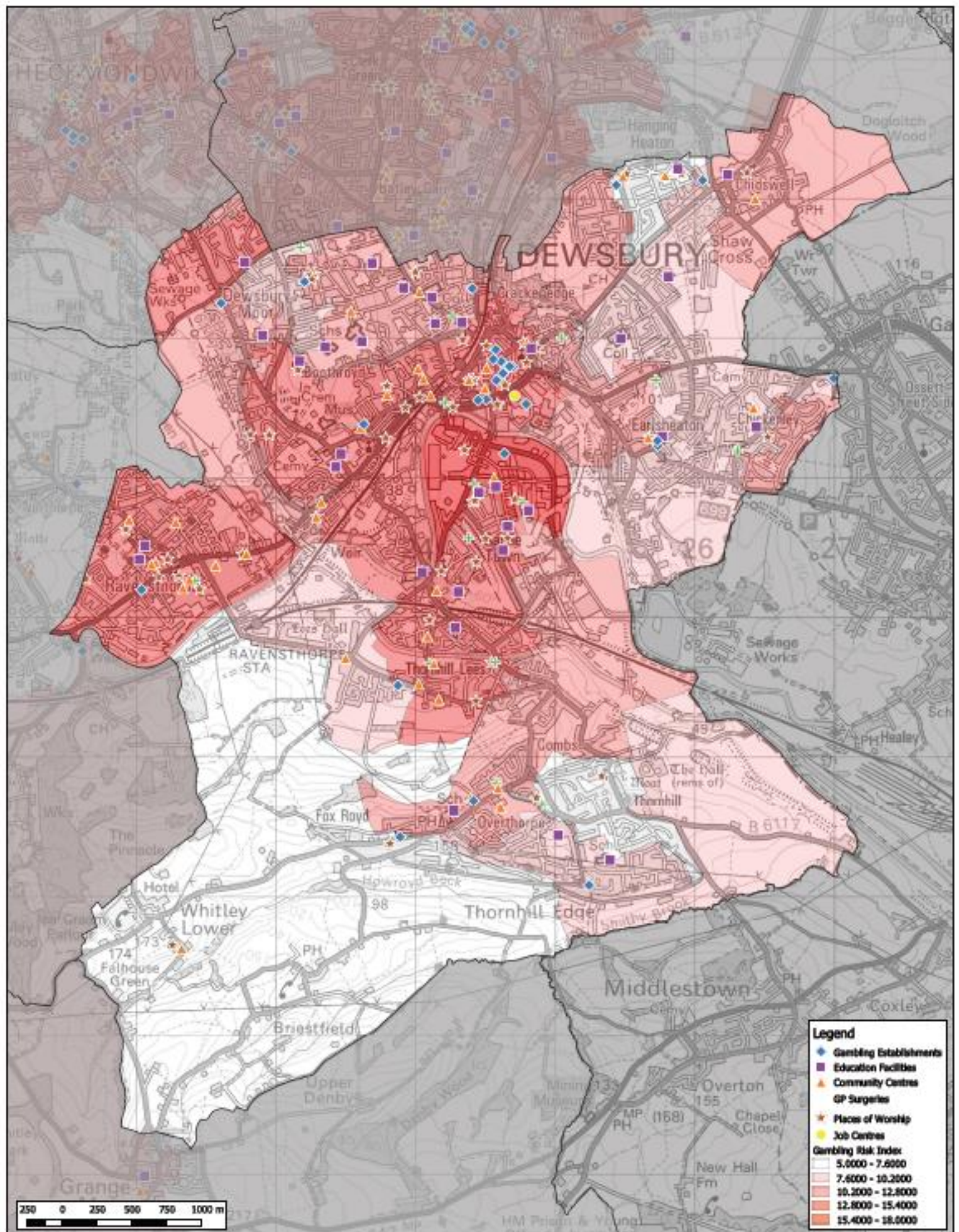
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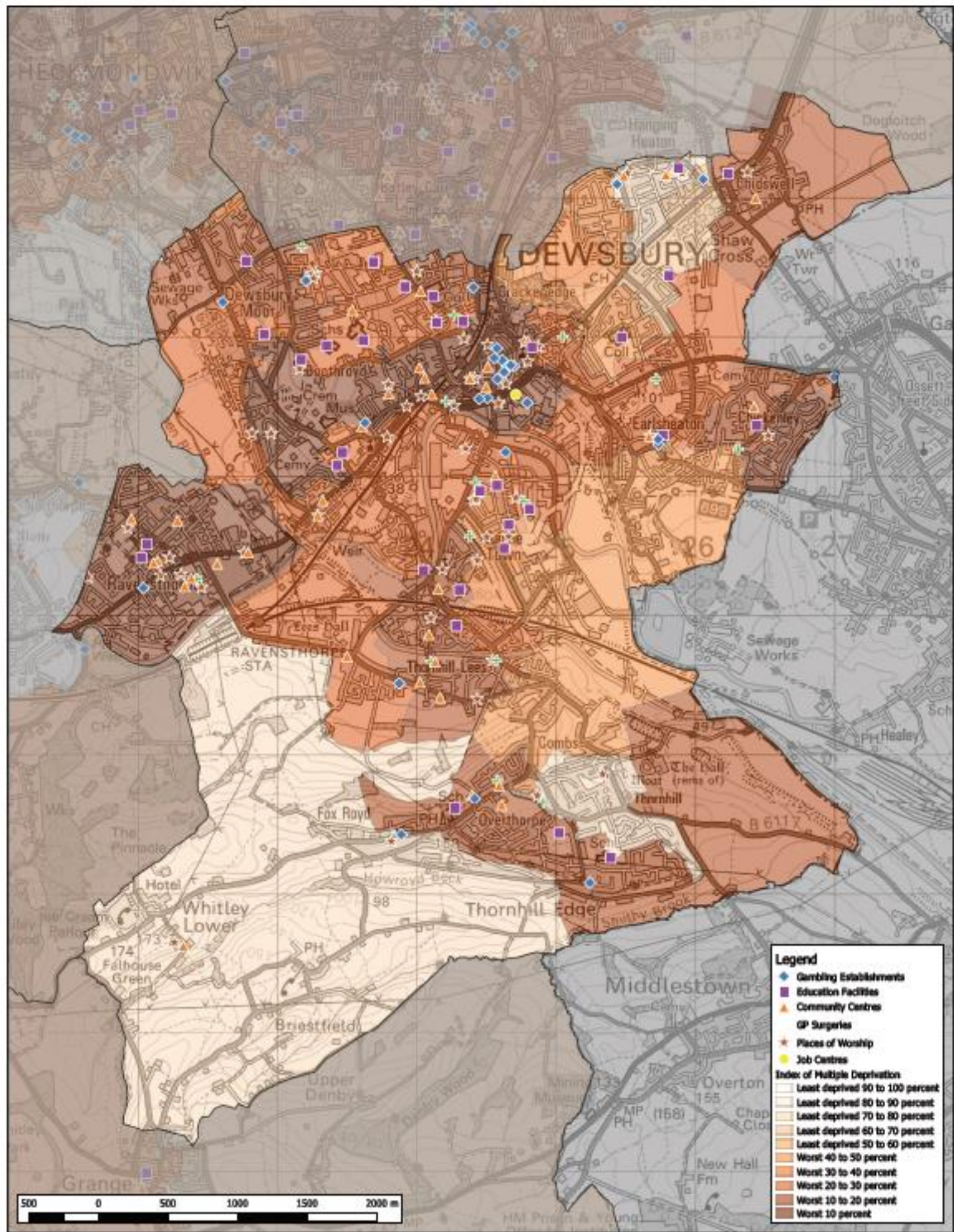




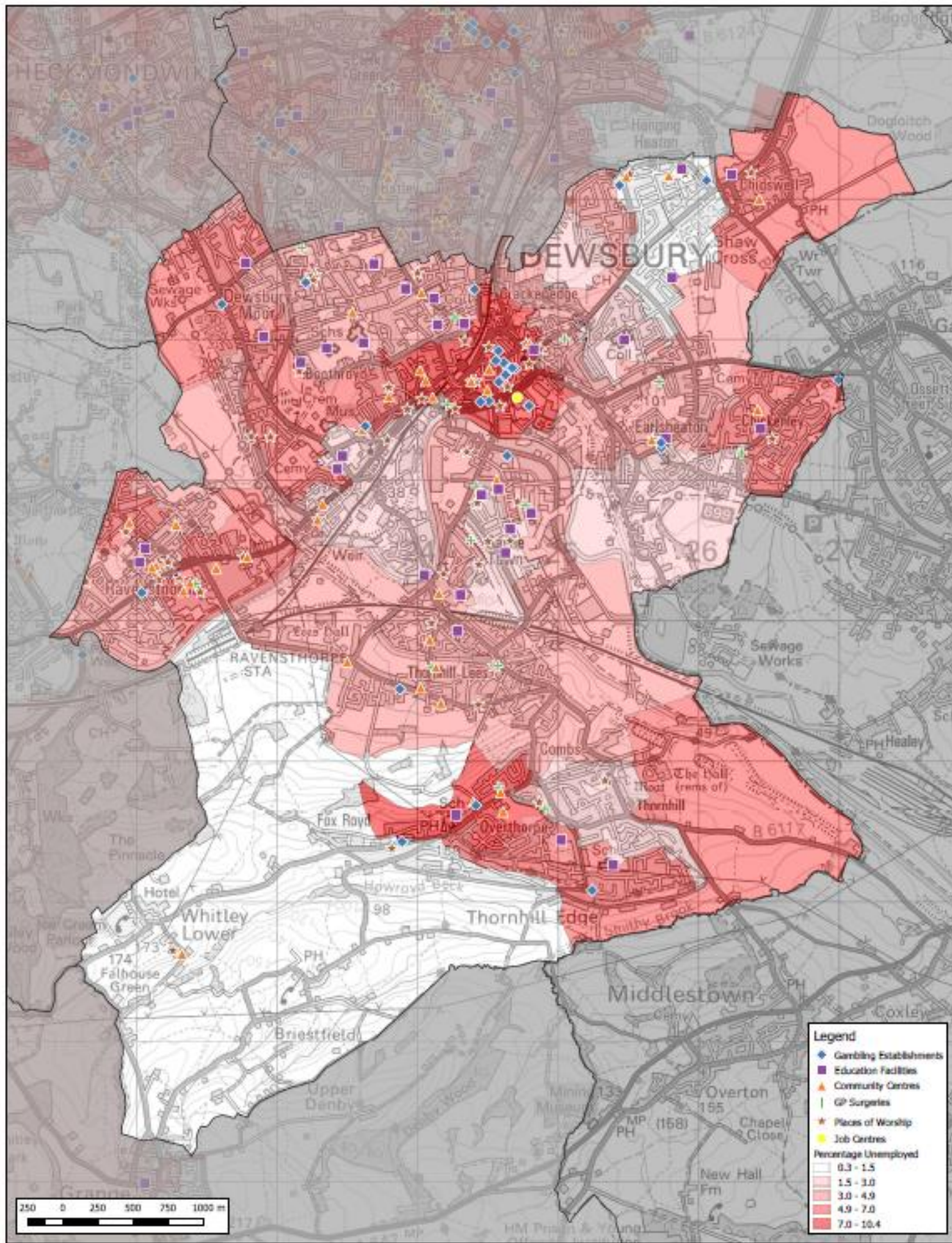


<p><b>Kirklees</b> COUNCIL</p>	<p><b>Performance and Intelligence</b></p> <p><b>Geographic Research Team</b></p>	<p><b>Gambling Local Area Profile – All Risk Factors Combined - Dewsbury</b></p> <p>Date: 28/10/18</p> <p>Filename: Proj 2013 Gambling Risk Index.apx</p> <p><small>Contains Ordnance Survey data © Crown copyright and database right 2018.</small></p>	
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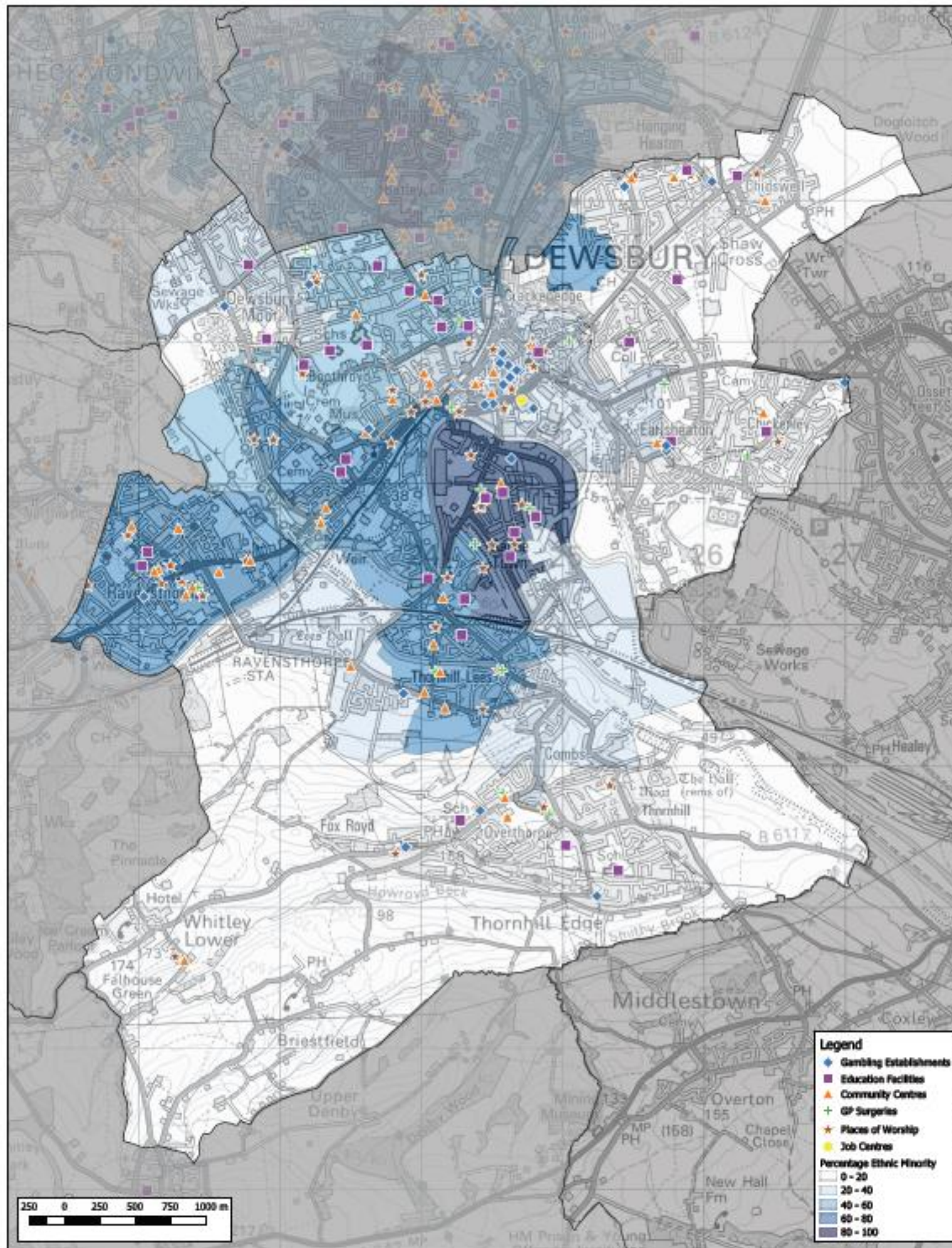




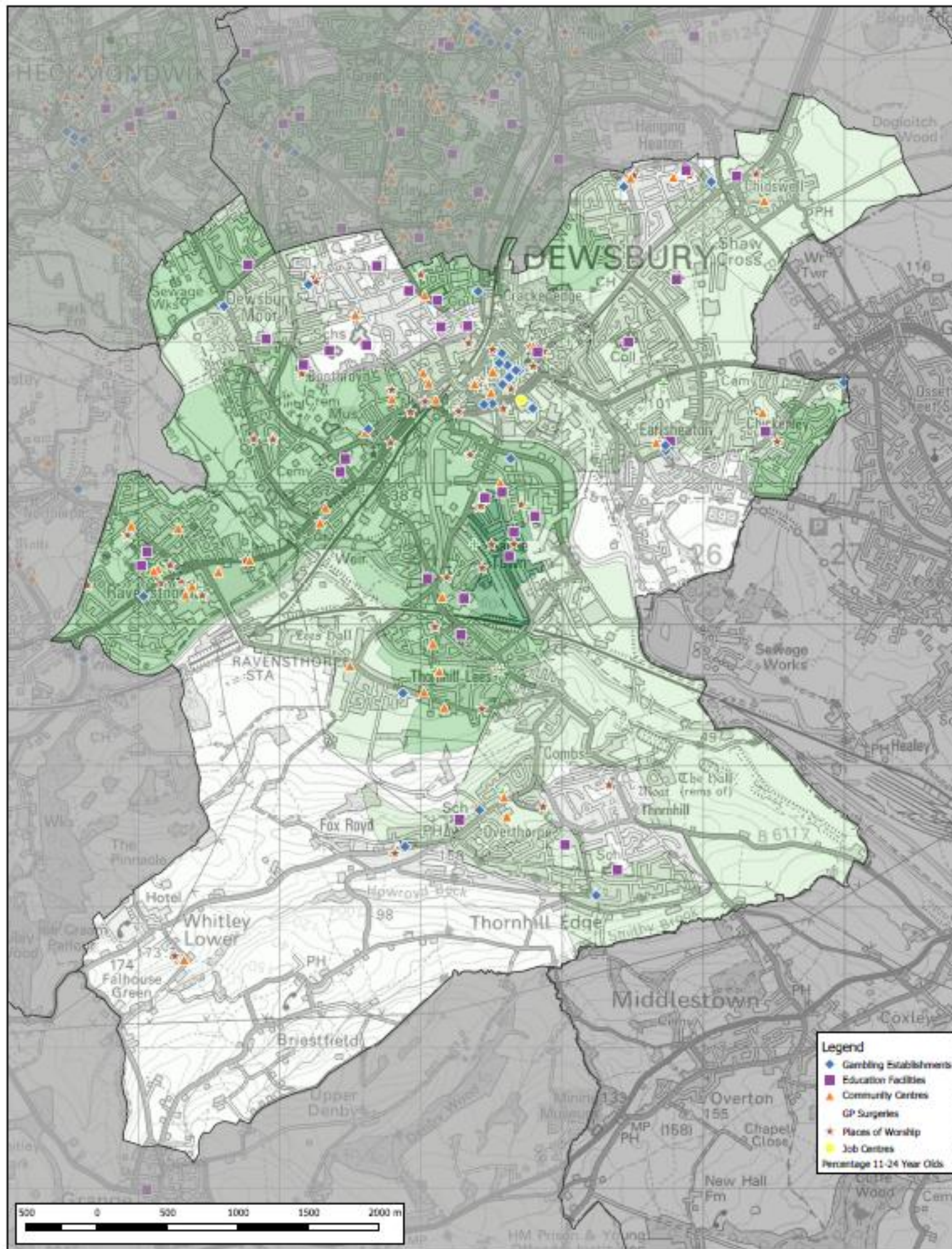


<p><b>Kirklees</b> COUNCIL</p>	<p><b>Performance and Intelligence</b></p> <p><b>Geographic Research Team</b></p>	<p>Gambling Local Area Profile - Percentage Unemployment - Dewsbury</p> <p>Date: 25/02/18</p> <p>Filename: Proj 000 Unemployment Maps.qxd</p>	
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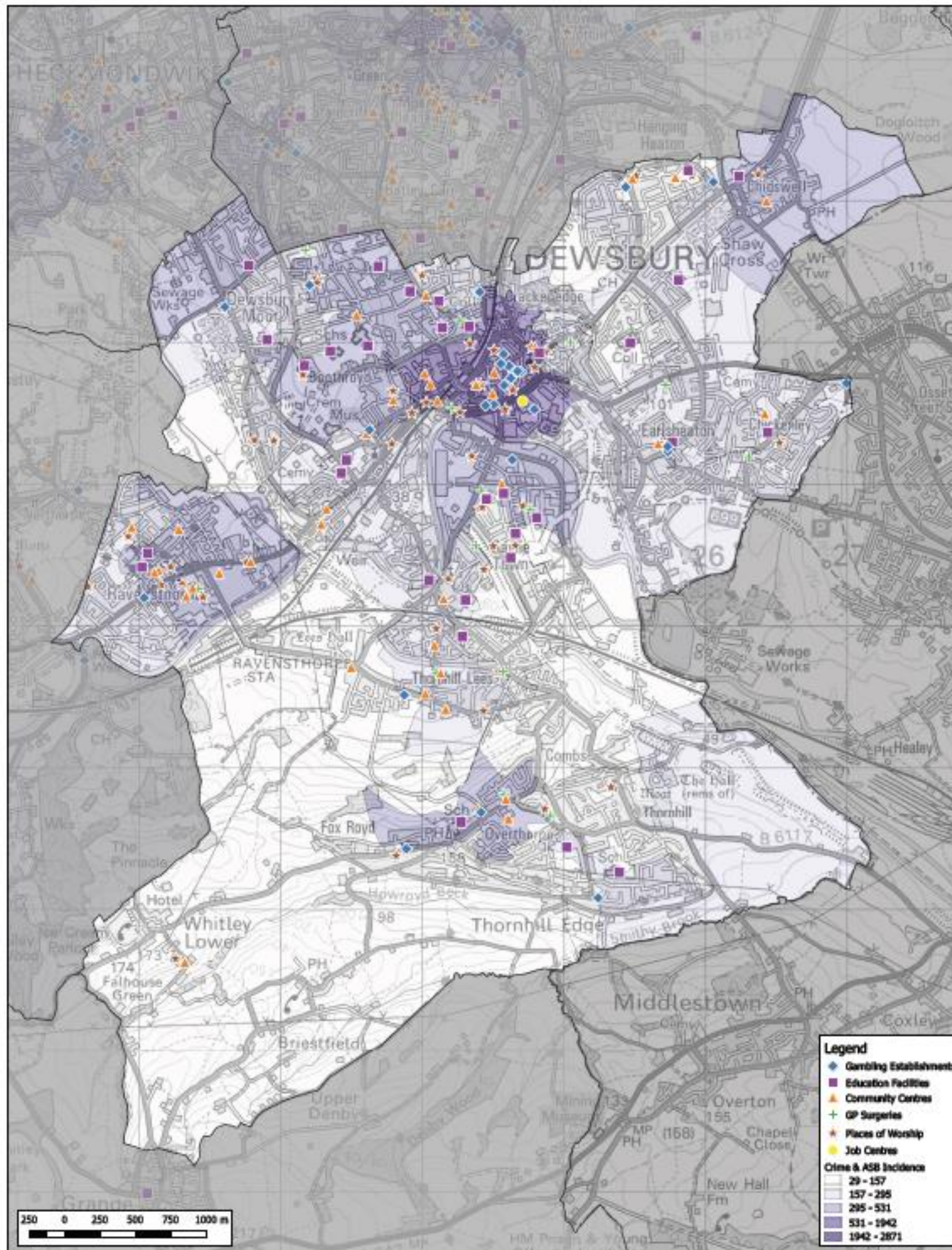






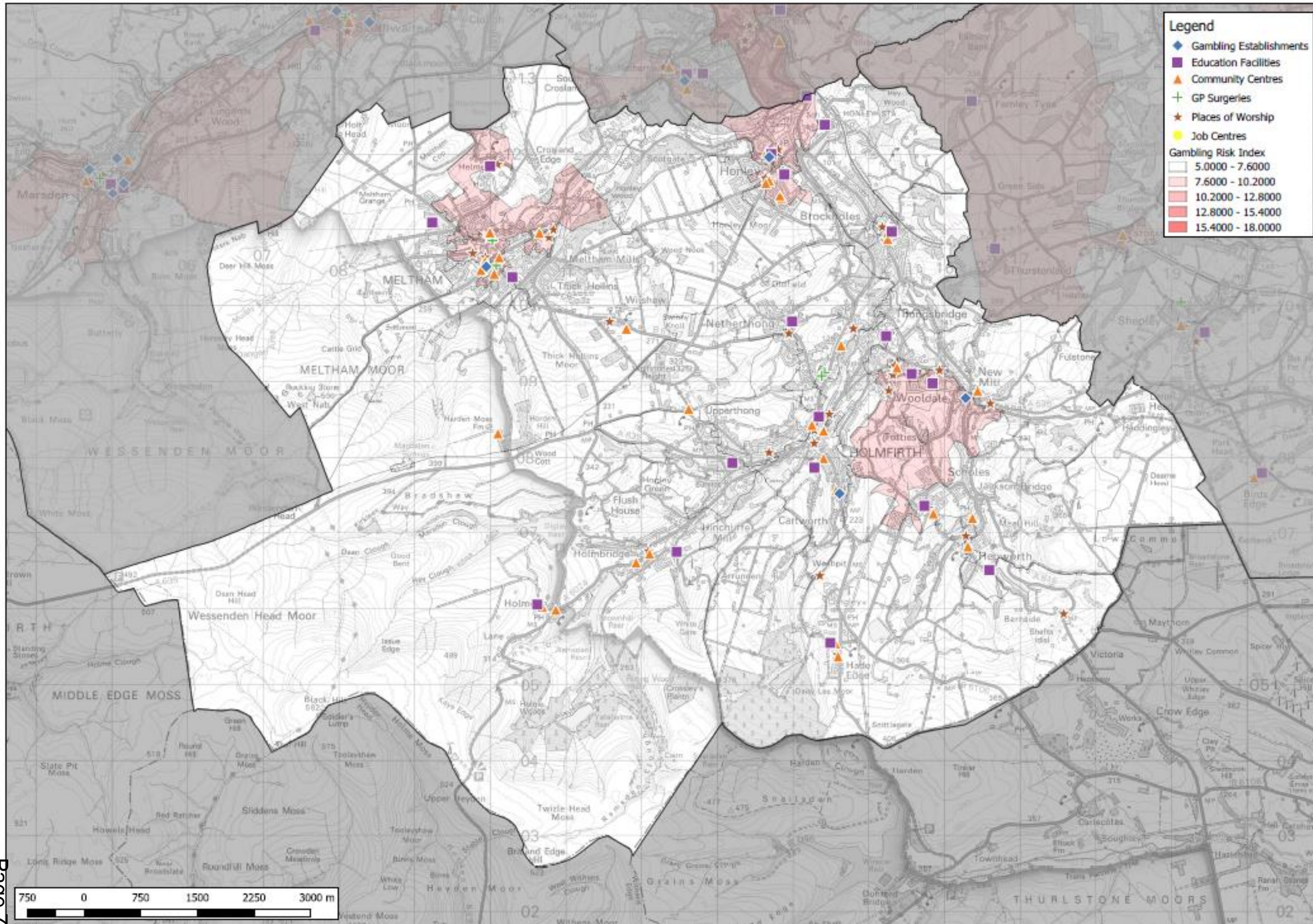








# Gambling Local Area Profile – All Risk Factors Combined - Holme Valley



**Performance and Intelligence**

**Geographic Research Team**

Date: 25/10/18

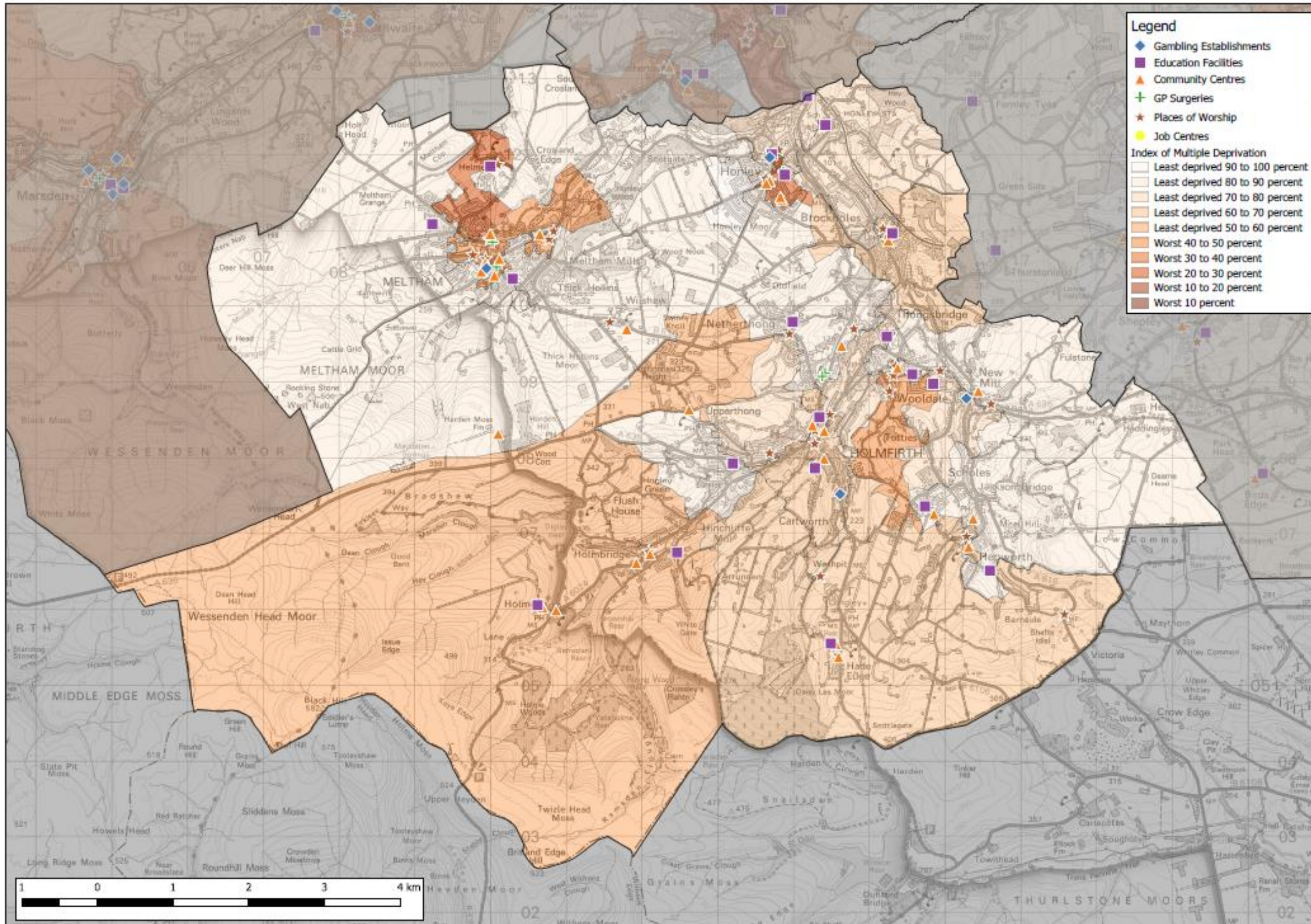
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# Gambling Local Area Profile - Index of Multiple Deprivation (2015) - Holme Valley



**Performance and Intelligence**

**Geographic Research Team**

Date: 25/10/18

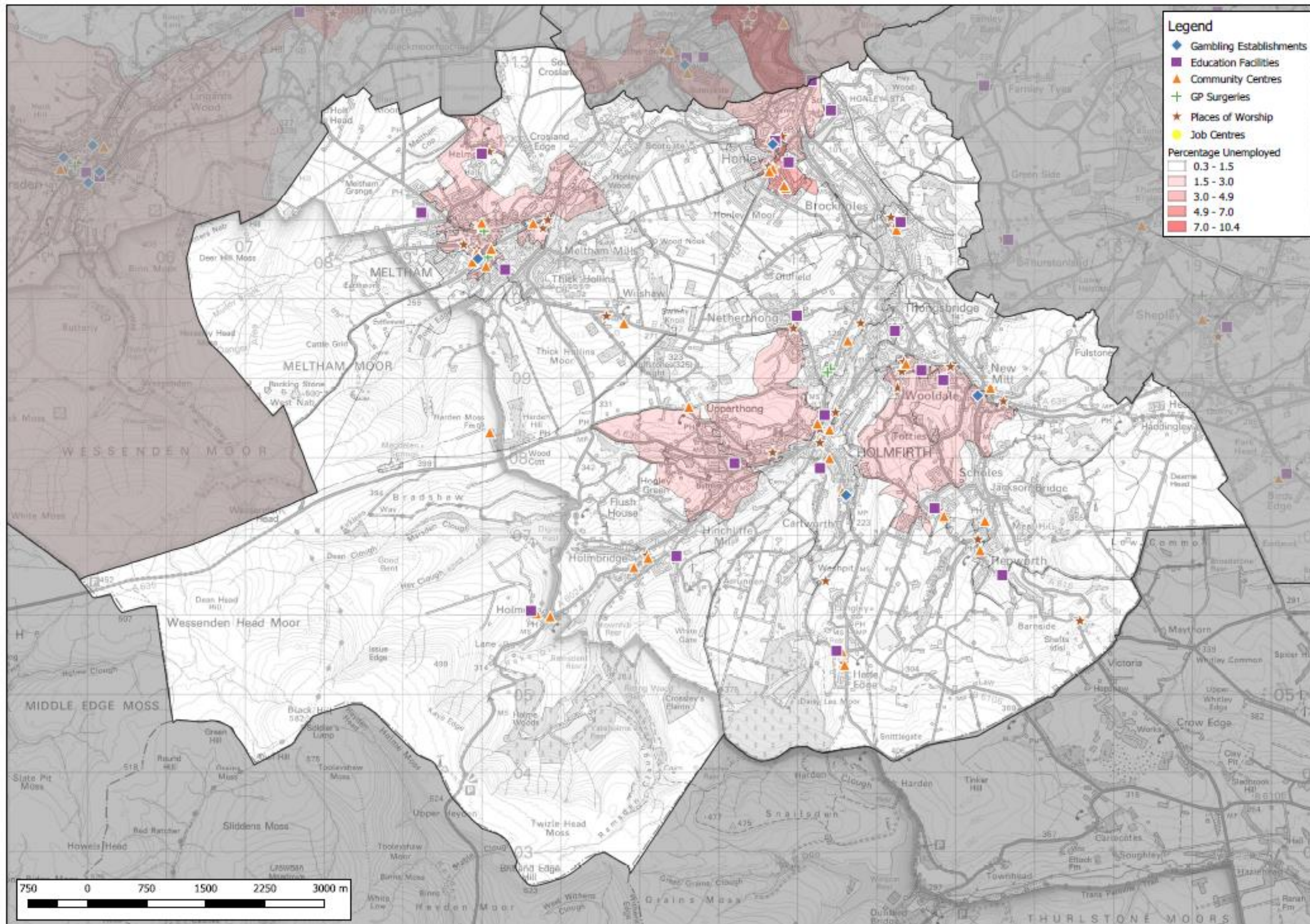
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# Gambling Local Area Profile - Percentage Unemployment - Holme Valley



**Performance and Intelligence**  
**Geographic Research Team**

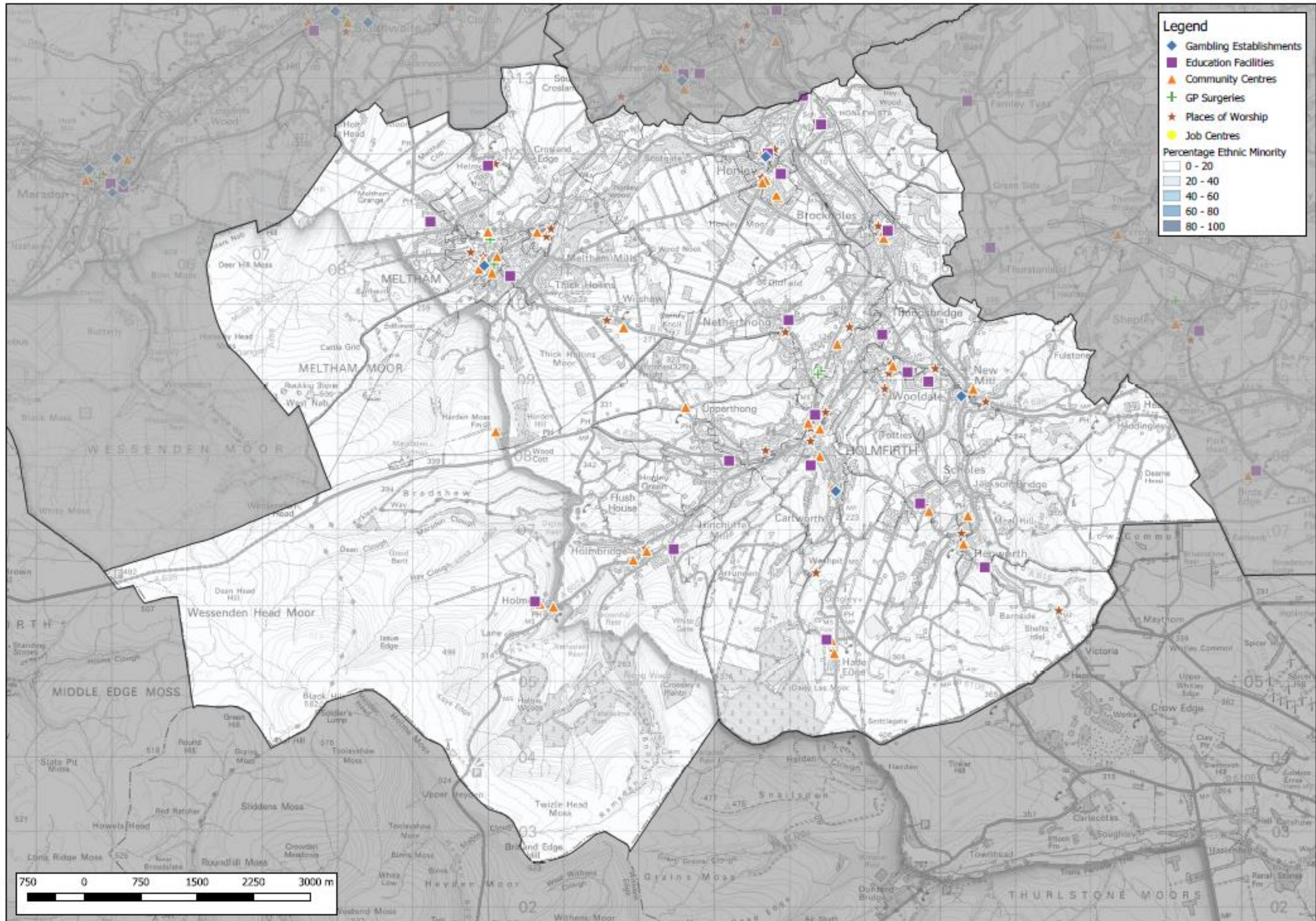
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Filename: Proj 3063 Unemployment Maps.ogs

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# Gambling Local Area Profile - Percentage Ethnic Minorities - Holme Valley



**Legend**

- ◆ Gambling Establishments
- Education Facilities
- ▲ Community Centres
- ✚ GP Surgeries
- ★ Places of Worship
- Job Centres

**Percentage Ethnic Minority**

- 0 - 20
- 20 - 40
- 40 - 60
- 60 - 80
- 80 - 100



**Performance and Intelligence**

**Geographic Research Team**

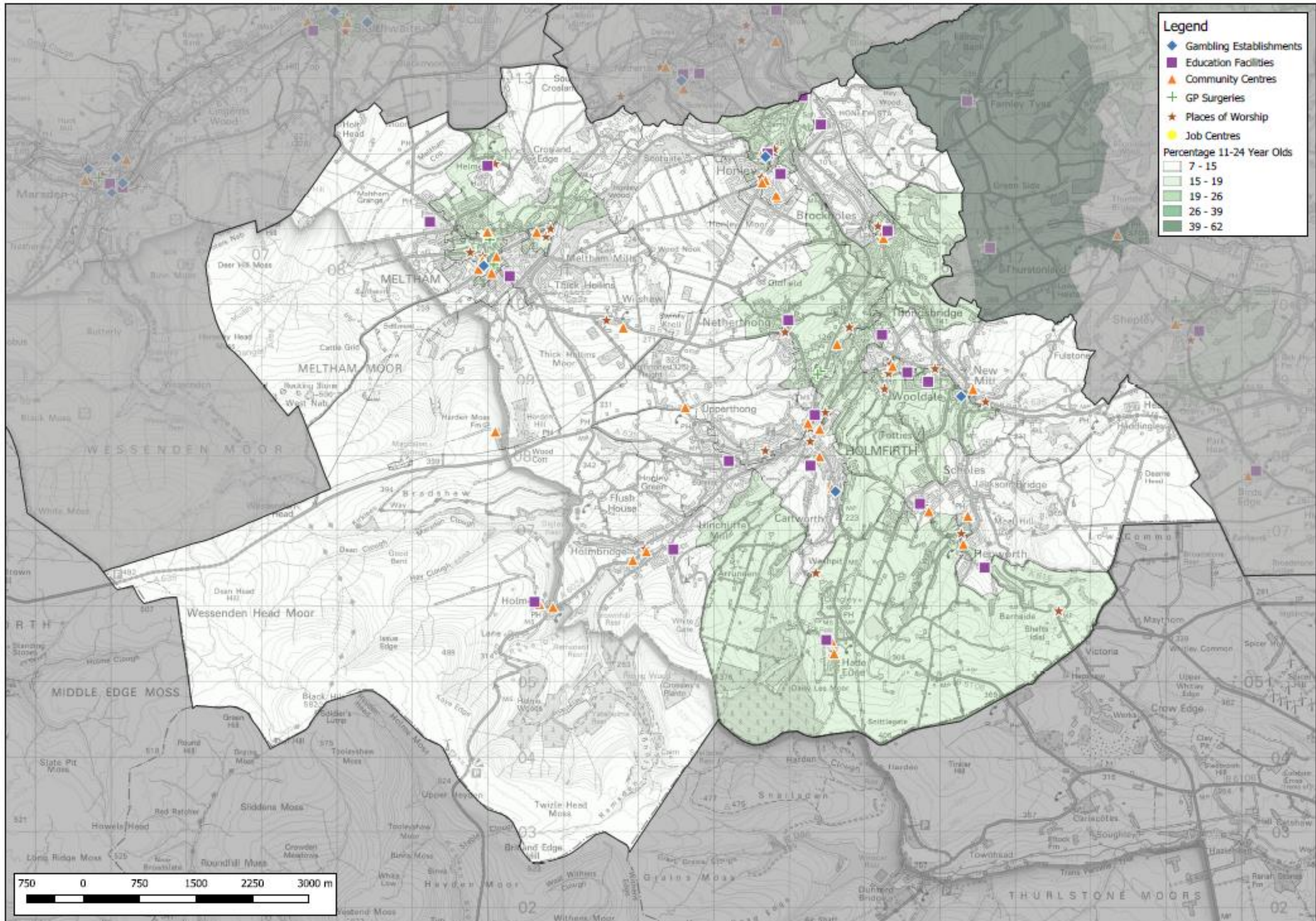
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 Ethnicity Maps.qgs

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# Gambling Local Area Profile - Percentage 11 to 24 Year Olds - Holme Valley



**Legend**

- ◆ Gambling Establishments
- Education Facilities
- ▲ Community Centres
- ✚ GP Surgeries
- ★ Places of Worship
- Job Centres

**Percentage 11-24 Year Olds**

- 7 - 15
- 15 - 19
- 19 - 26
- 26 - 39
- 39 - 62



**Performance and Intelligence**

**Geographic Research Team**

Date: 25/10/18

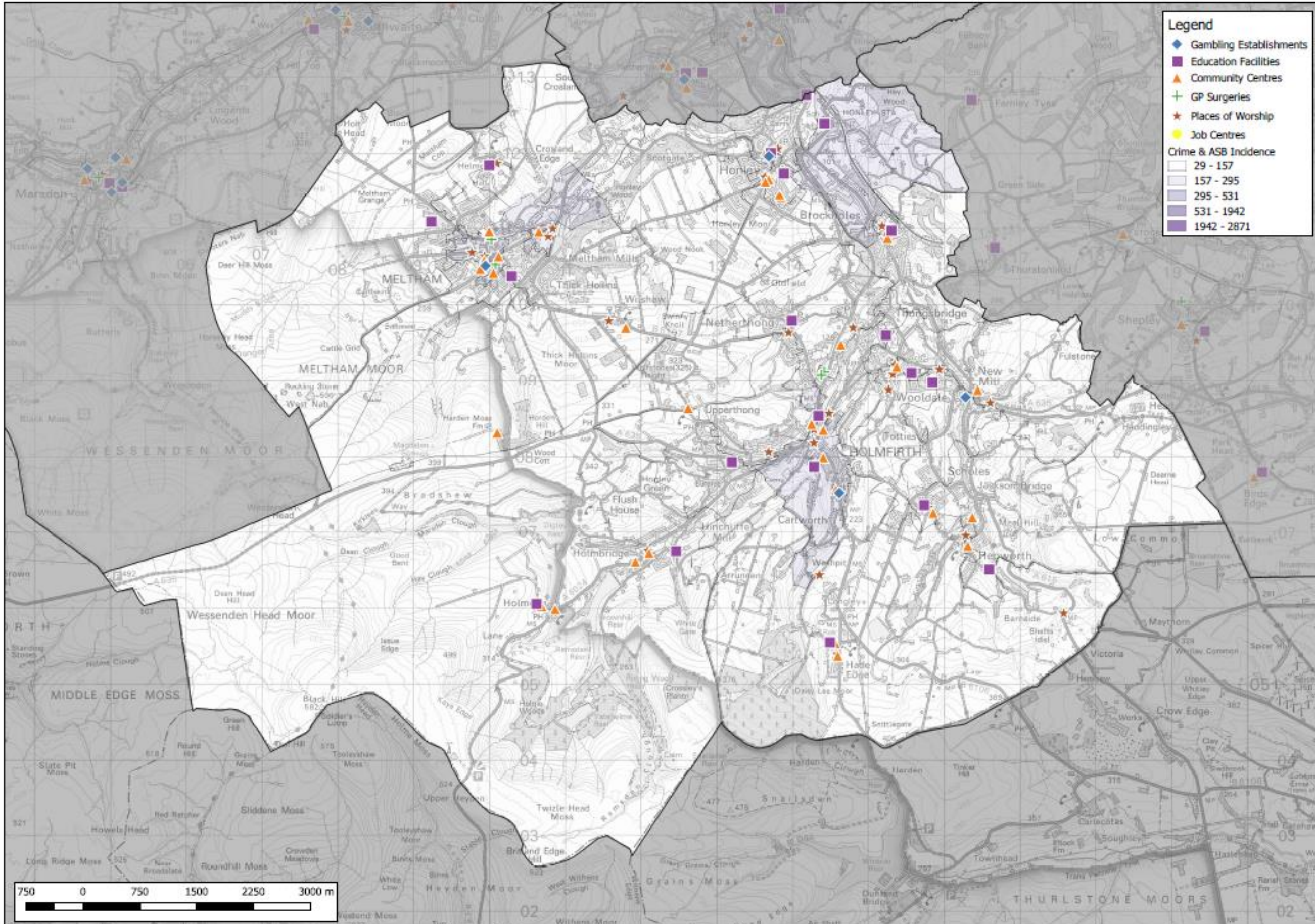
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# Gambling Local Area Profile - Crime & Antisocial Behaviour Incidence - Holme Valley



**Performance and Intelligence**  
**Geographic Research Team**

Date: 25/10/18

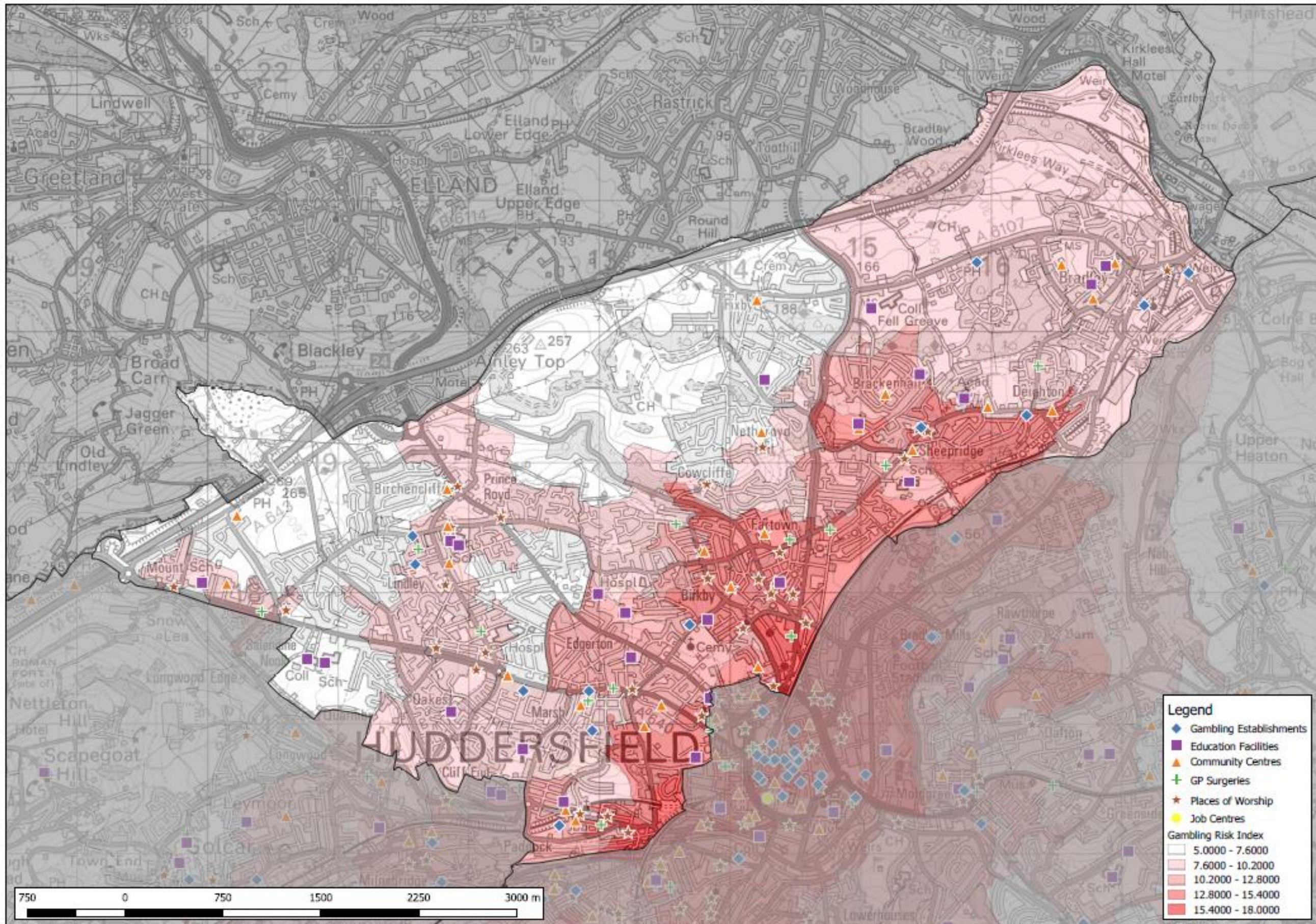
Filename: Proj 3063  
Crime Incidence  
Maps.qgs

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# Gambling Local Area Profile – All Risk Factors Combined - Huddersfield North



**Performance  
and  
Intelligence**

**Geographic  
Research  
Team**

Date: 25/10/18

Filename: Proj 3063  
Gambling Risk  
Index.ogs

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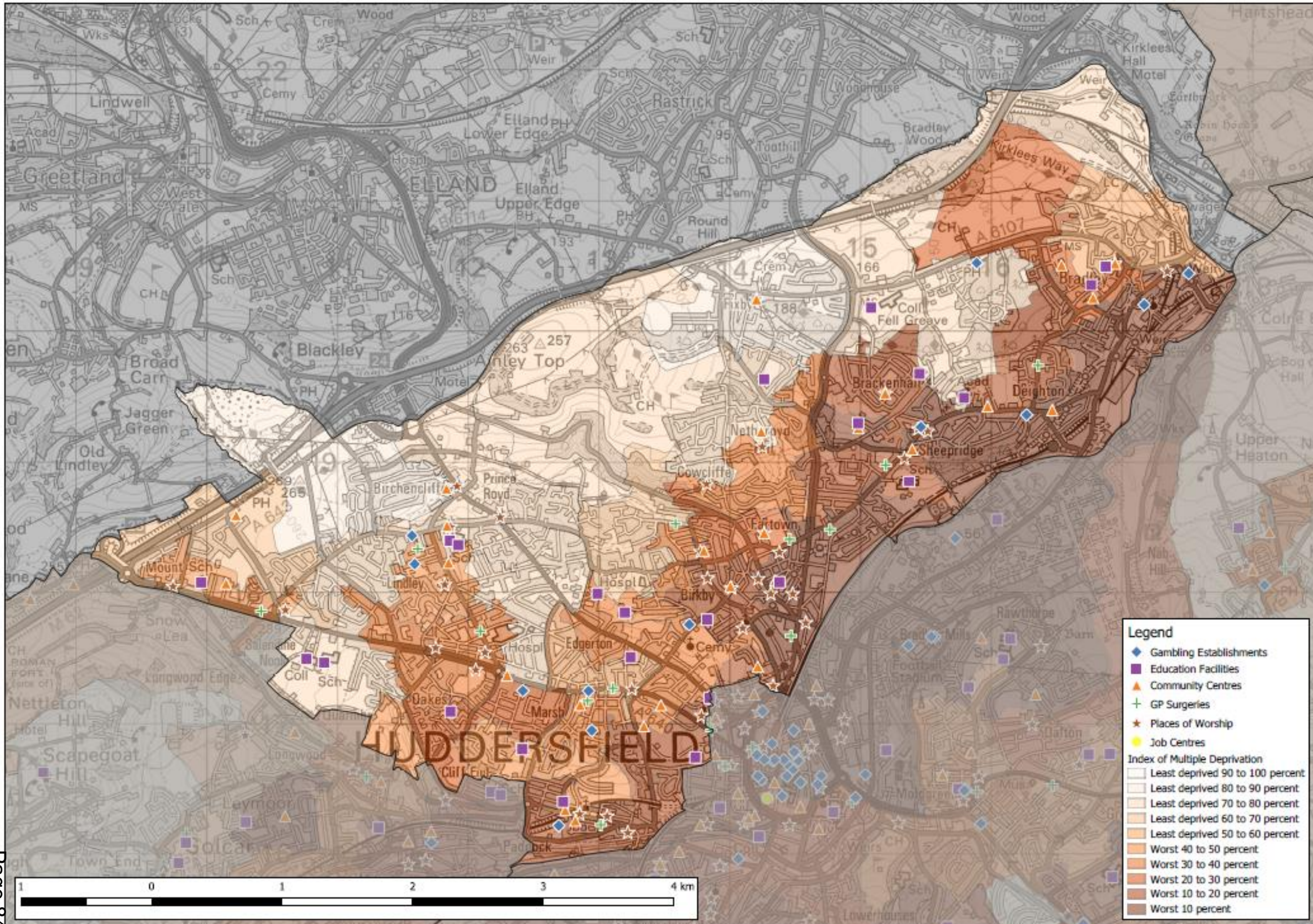
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Performance and Intelligence  
Geographic Research Team

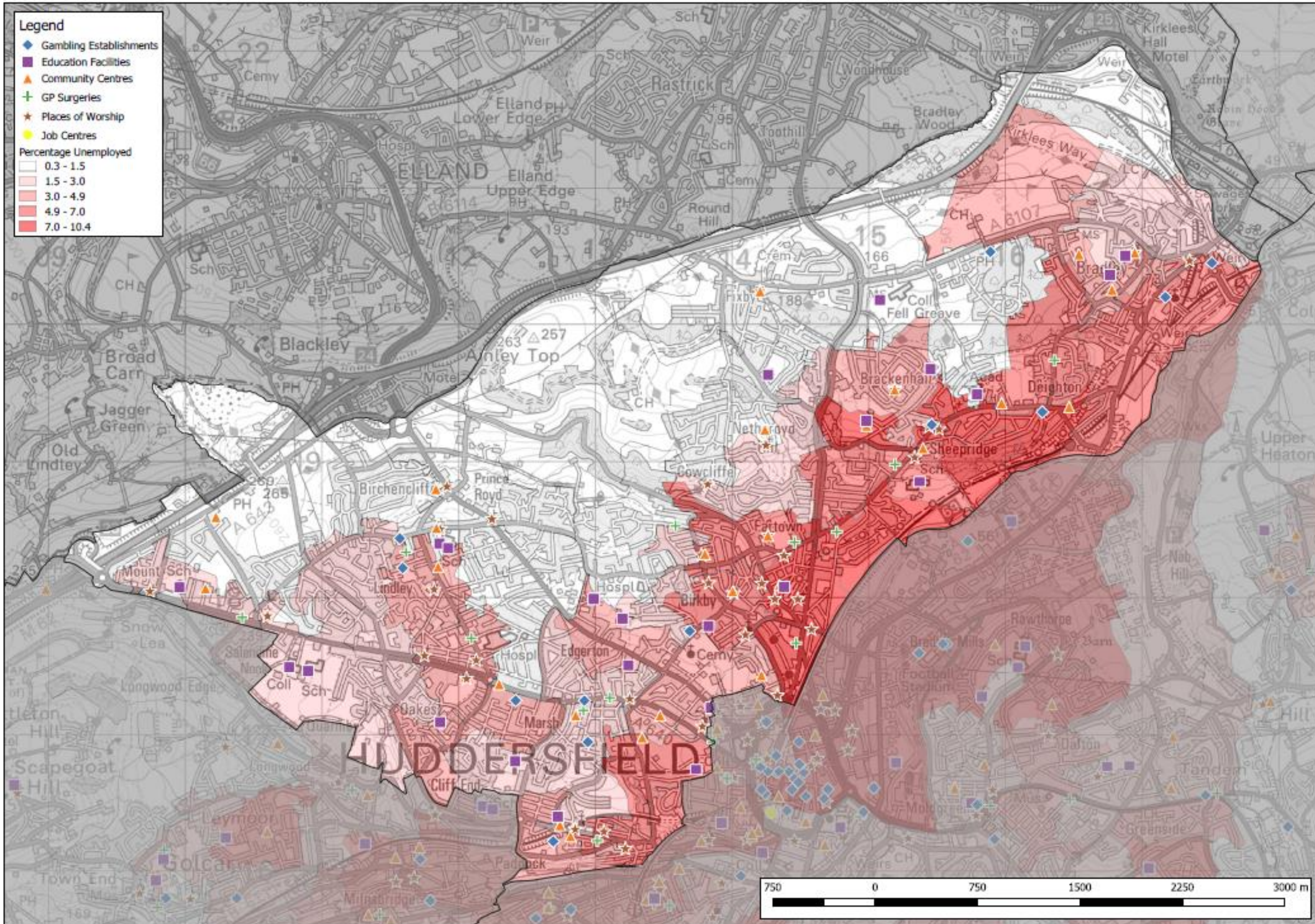
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Filename: Proj 3063  
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# Gambling Local Area Profile - Percentage Unemployment - Huddersfield North



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**Geographic Research Team**

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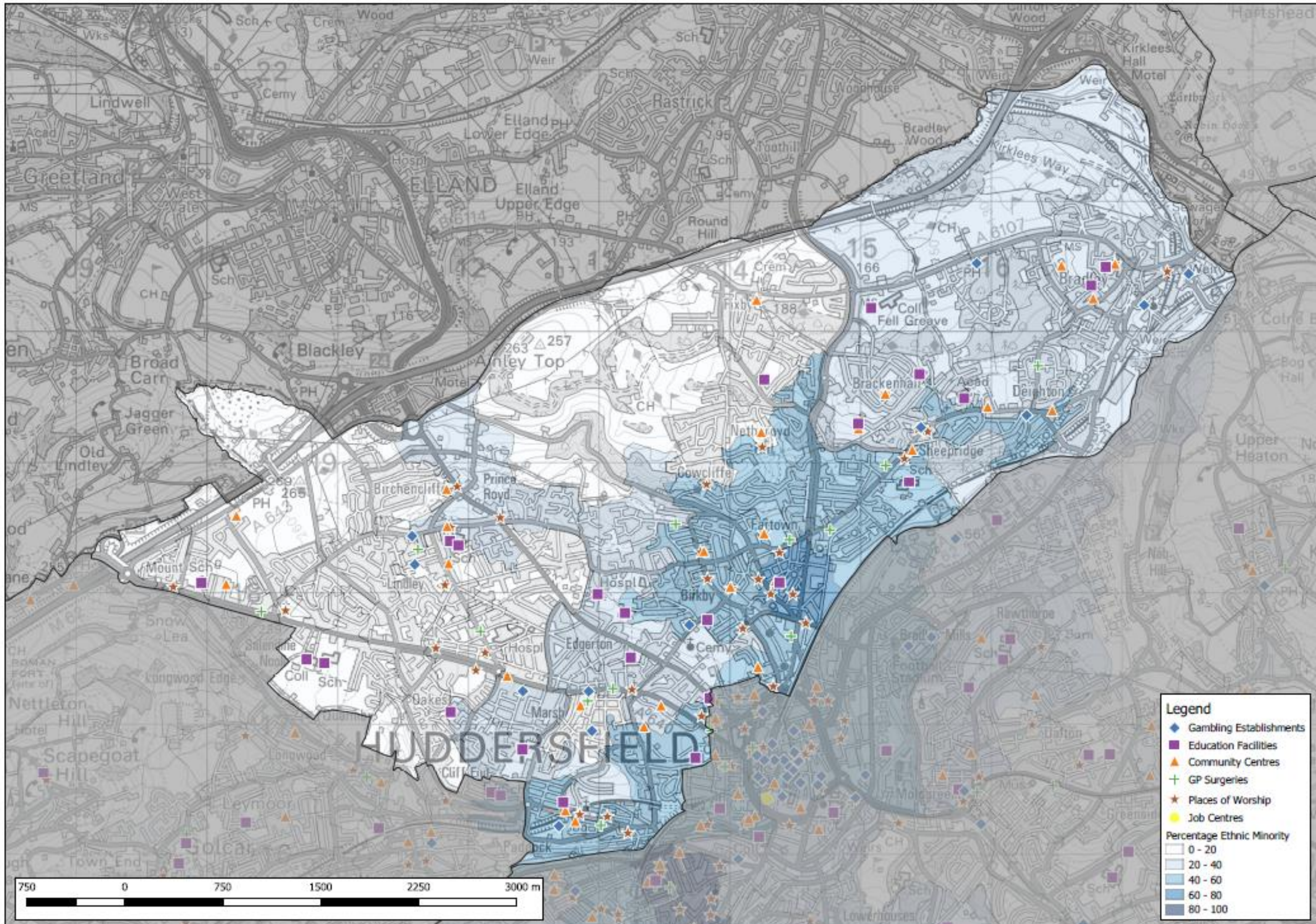




# Gambling Local Area Profile - Percentage Ethnic Minorities - Huddersfield North



Performance and Intelligence  
Geographic Research Team



**Legend**

- ◆ Gambling Establishments
- Education Facilities
- ▲ Community Centres
- ✚ GP Surgeries
- ★ Places of Worship
- Job Centres

Percentage Ethnic Minority

- 0 - 20
- 20 - 40
- 40 - 60
- 60 - 80
- 80 - 100

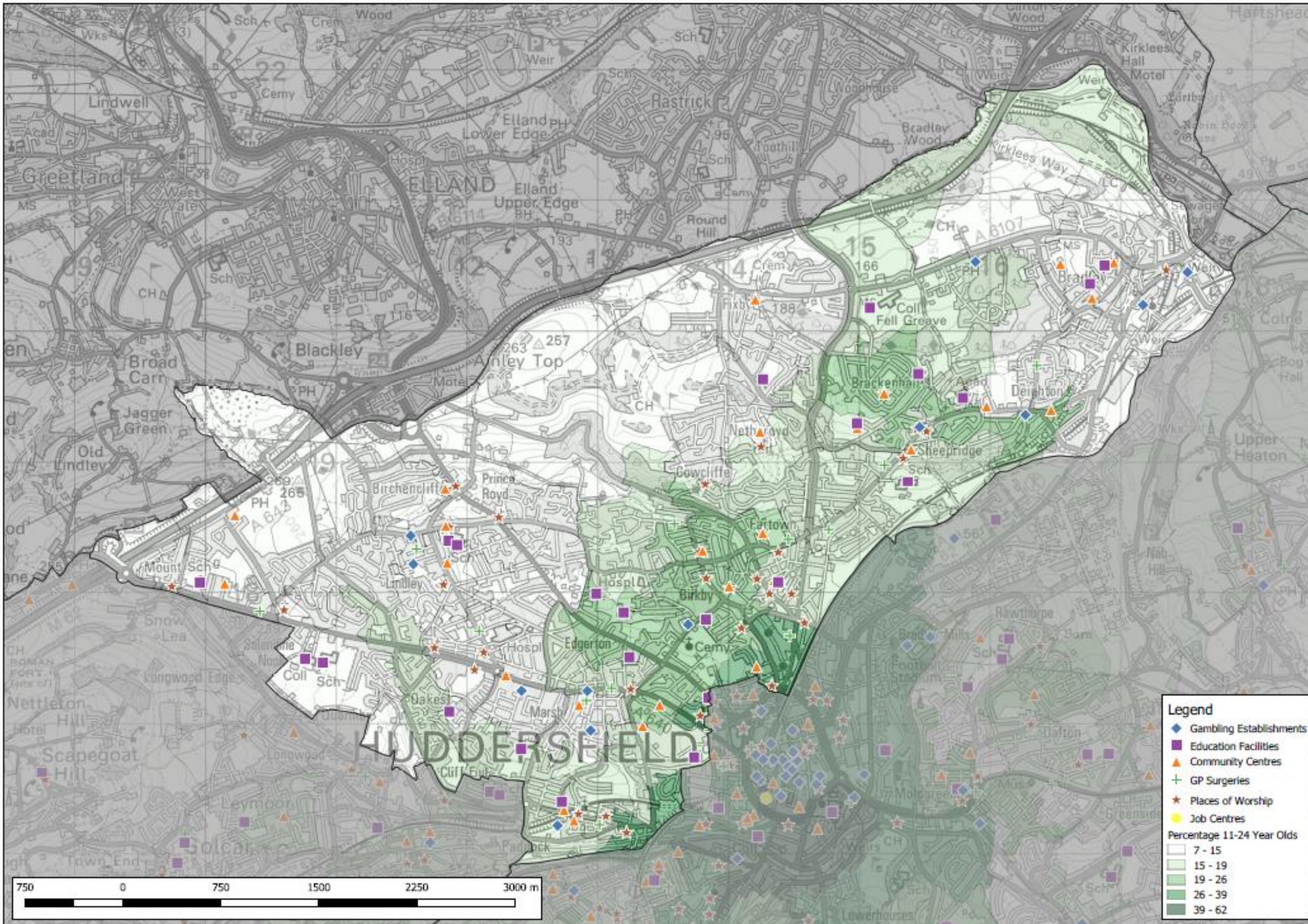
Date: 25/10/18  
Filename: Proj 3063  
Ethnicity Maps.qgs

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# Gambling Local Area Profile - Percentage 11 to 24 Year Olds - Huddersfield North



Performance and Intelligence  
Geographic Research Team

Date: 25/10/18

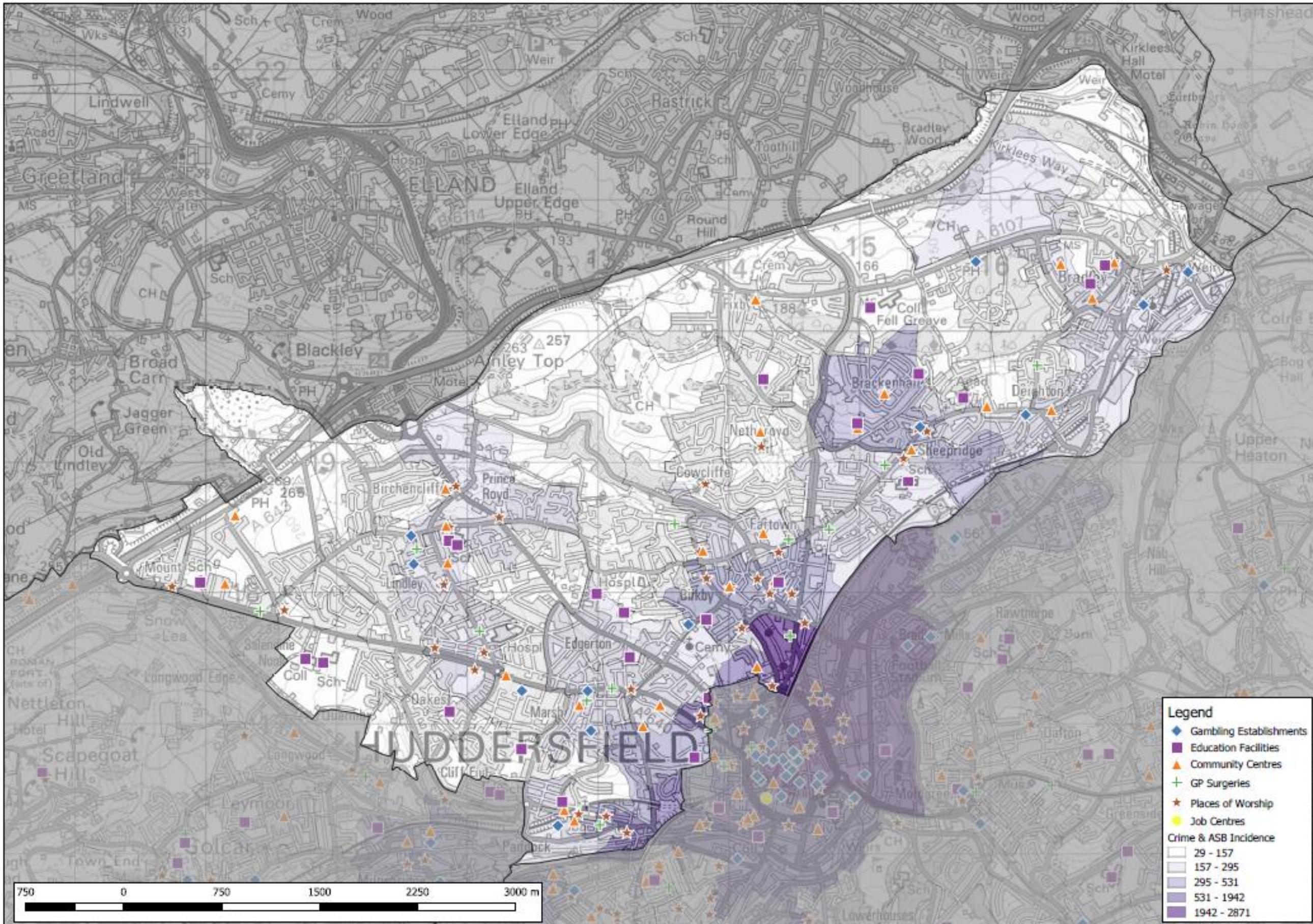
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Young People  
Maps.qgs

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# Gambling Local Area Profile - Crime & Antisocial Behaviour Incidence - Huddersfield North



**Performance and Intelligence**  
**Geographic Research Team**

Date: 25/10/18

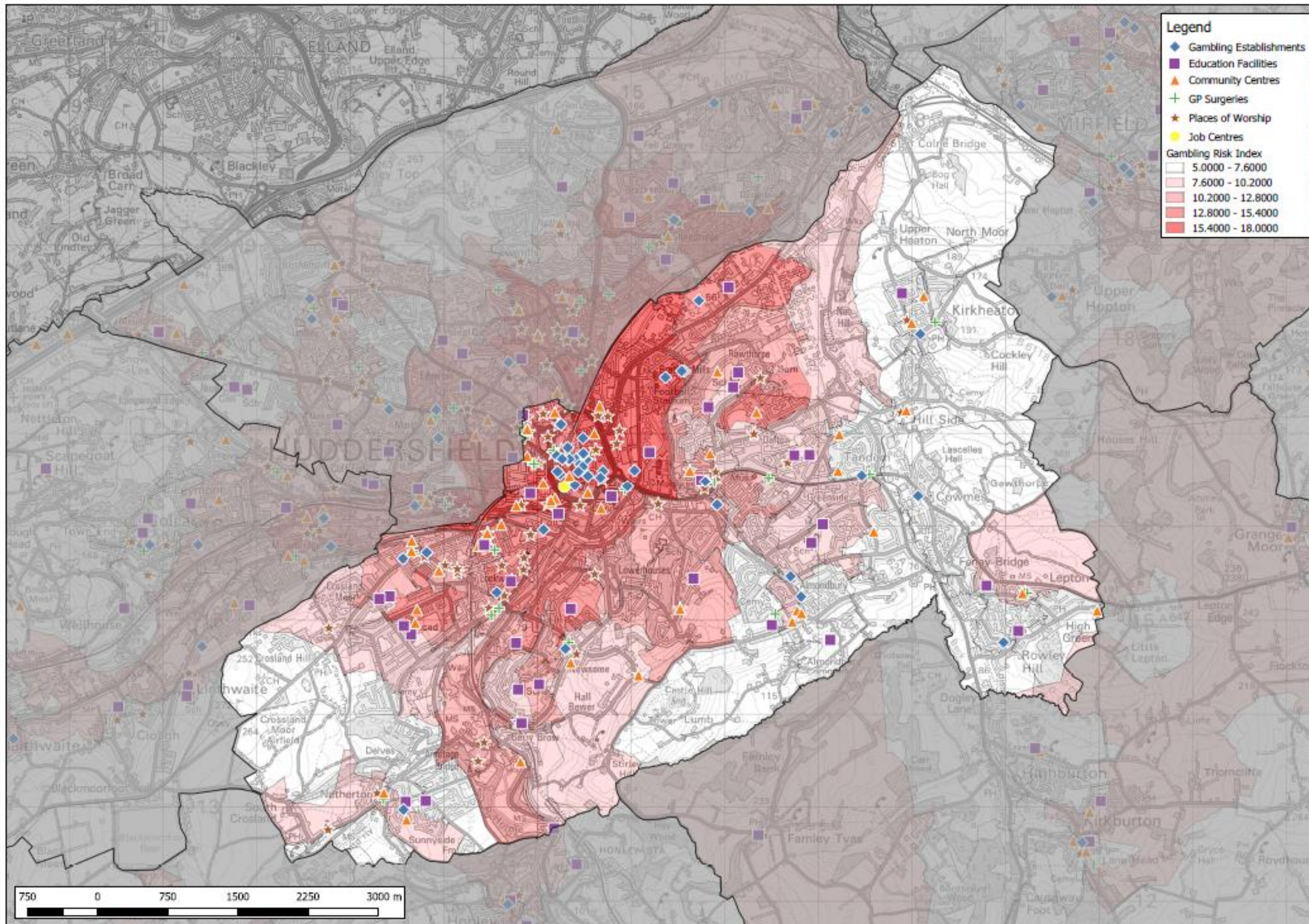
Filename: Proj 3063  
Crime Incidence  
Maps.qgs

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# Gambling Local Area Profile – All Risk Factors Combined - Huddersfield South



**Performance and Intelligence**

**Geographic Research Team**

Date: 25/10/18

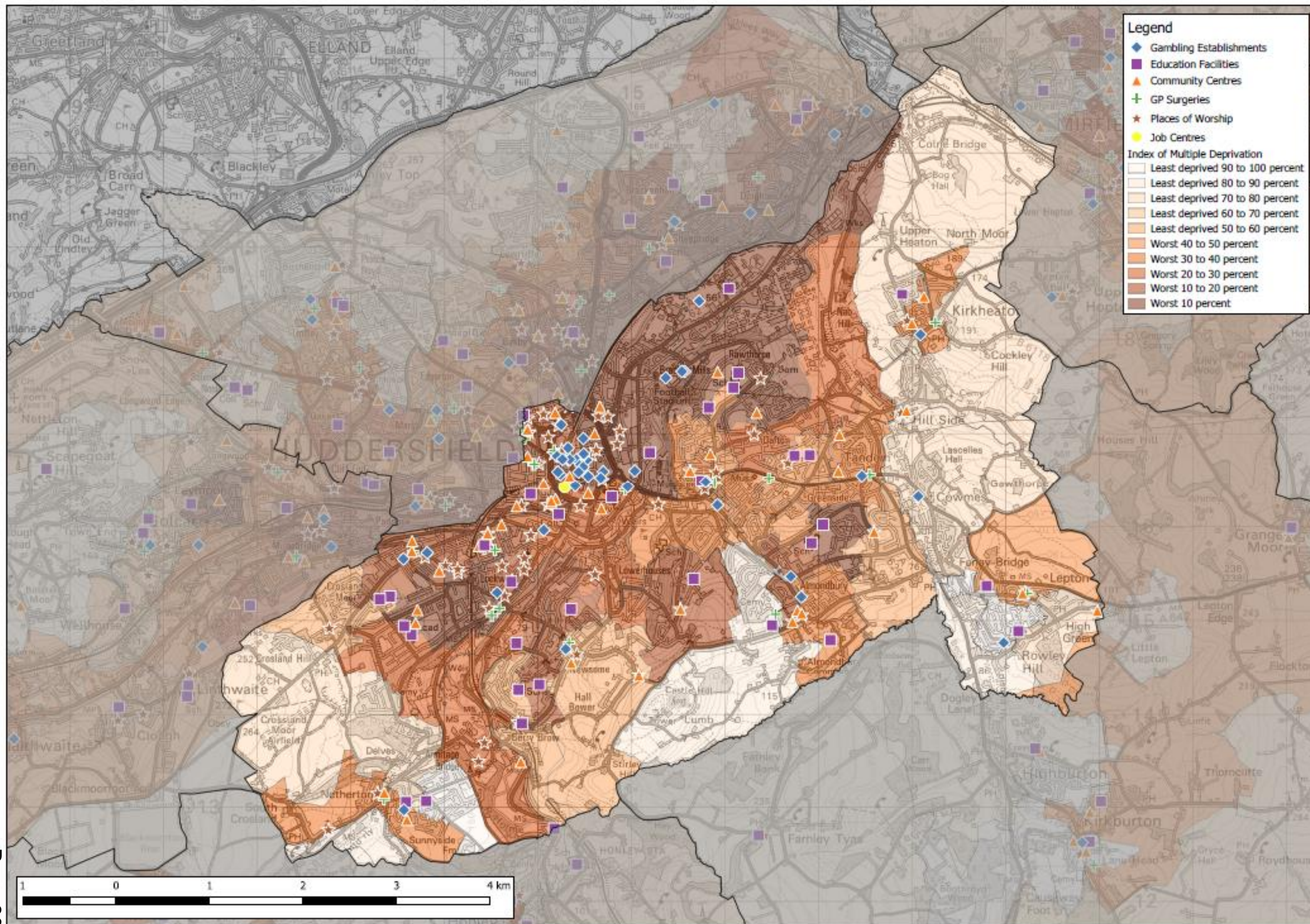
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Gambling Risk Index.ggs

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# Gambling Local Area Profile - Index of Multiple Deprivation (2015) - Huddersfield South



**Legend**

- ◆ Gambling Establishments
- Education Facilities
- ▲ Community Centres
- ✚ GP Surgeries
- ★ Places of Worship
- Job Centres

**Index of Multiple Deprivation**

- Least deprived 90 to 100 percent
- Least deprived 80 to 90 percent
- Least deprived 70 to 80 percent
- Least deprived 60 to 70 percent
- Least deprived 50 to 60 percent
- Worst 40 to 50 percent
- Worst 30 to 40 percent
- Worst 20 to 30 percent
- Worst 10 to 20 percent
- Worst 10 percent



**Performance and Intelligence**

**Geographic Research Team**

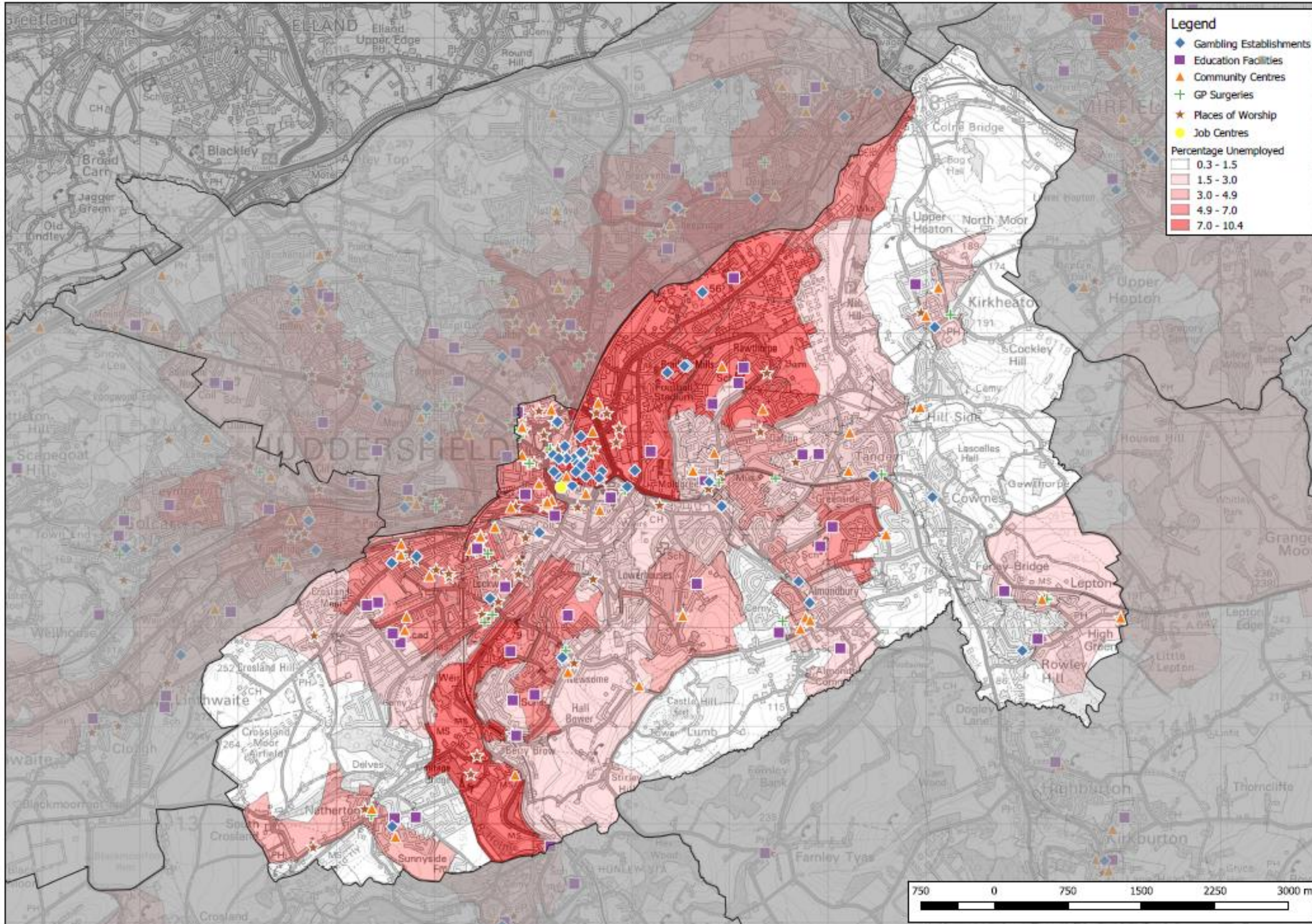
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 Deprivation Maps.qgs

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# Gambling Local Area Profile - Percentage Unemployment - Huddersfield South



**Performance and Intelligence**  
**Geographic Research Team**

Date: 25/10/18

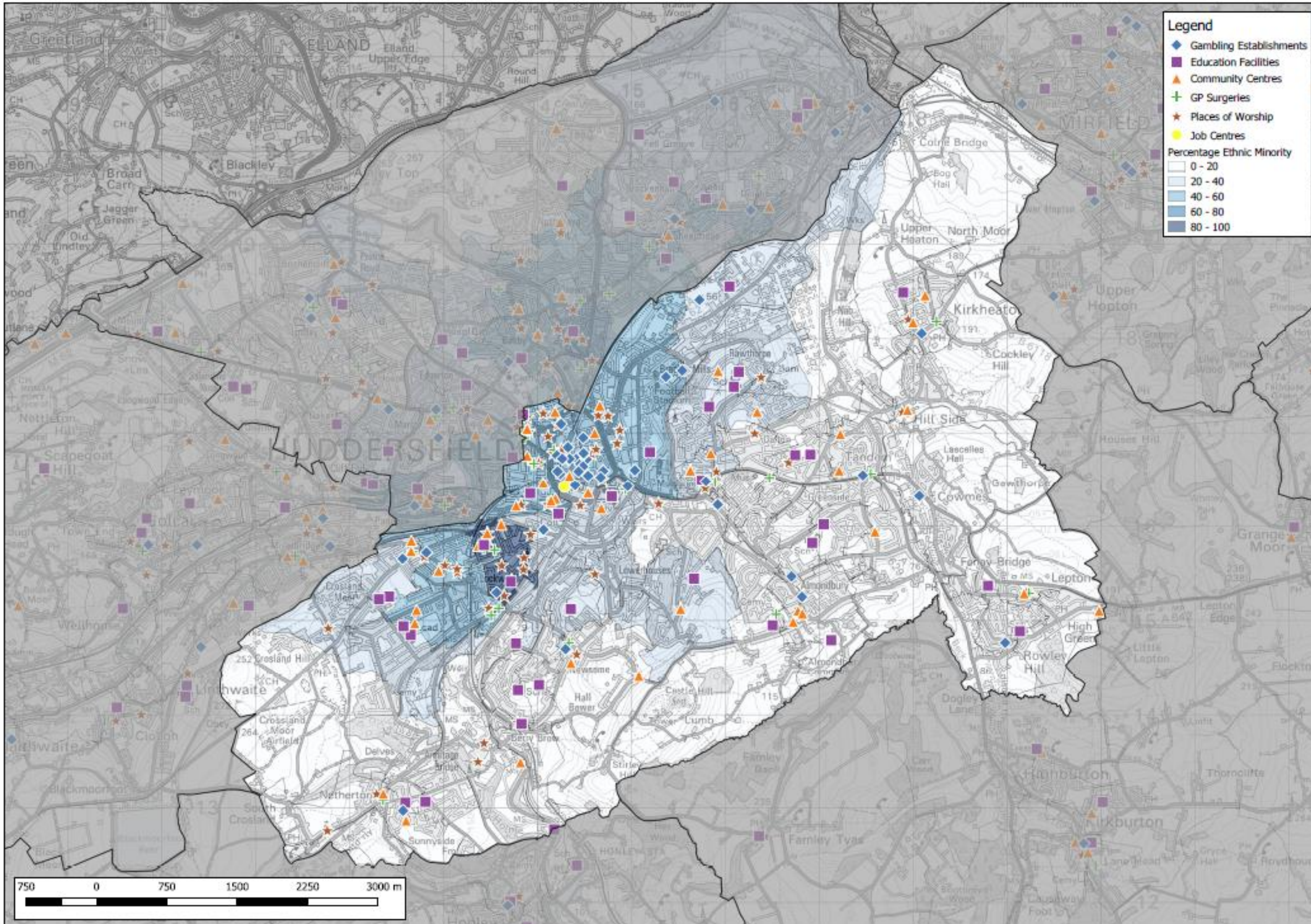
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Maps.qgs

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# Gambling Local Area Profile - Percentage Ethnic Minorities - Huddersfield South



**Performance and Intelligence**

**Geographic Research Team**

Date: 25/10/18

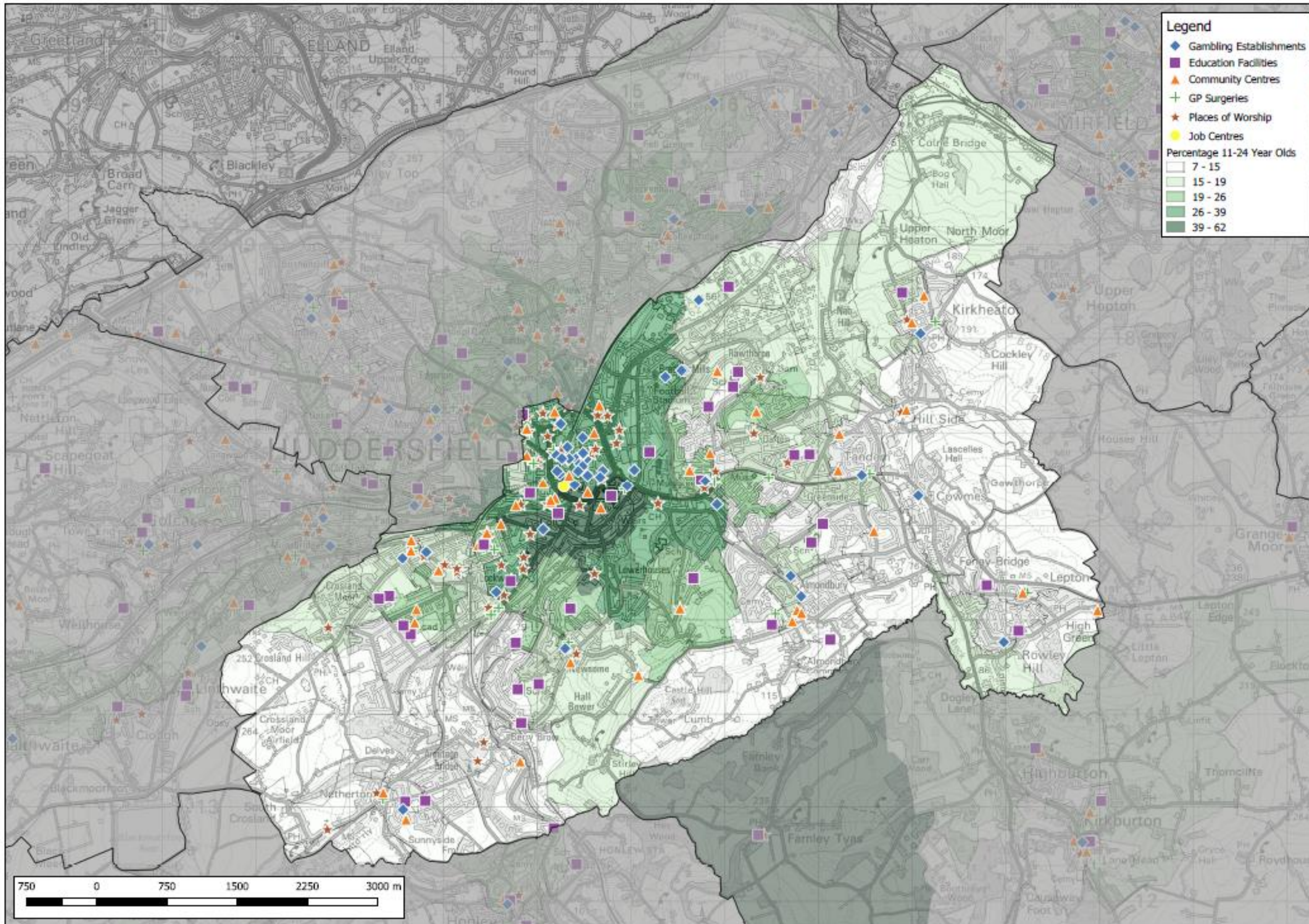
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# Gambling Local Area Profile - Percentage 11 to 24 Year Olds - Huddersfield South



Performance and Intelligence

Geographic Research Team

Date: 25/10/18

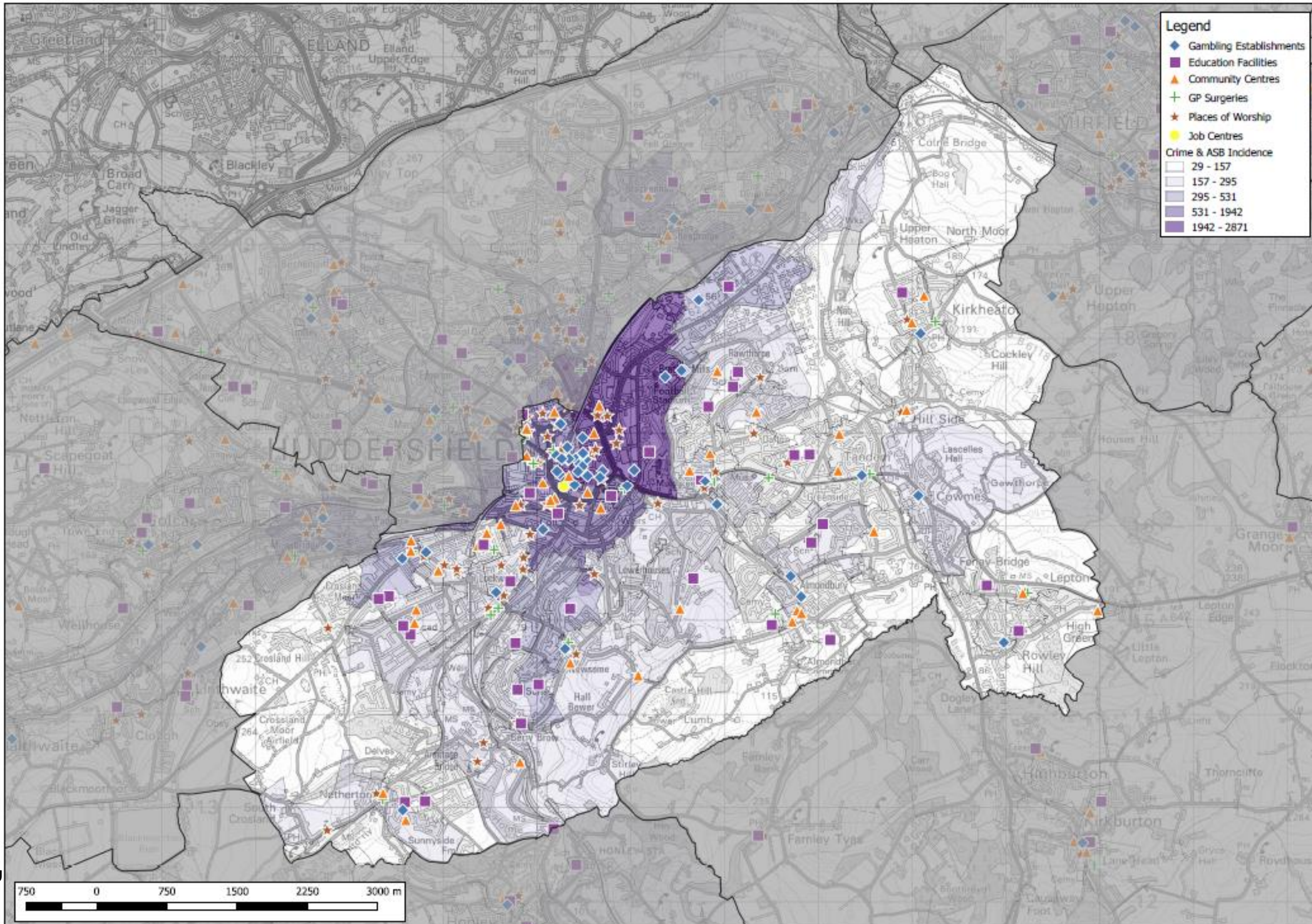
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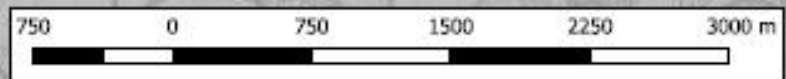
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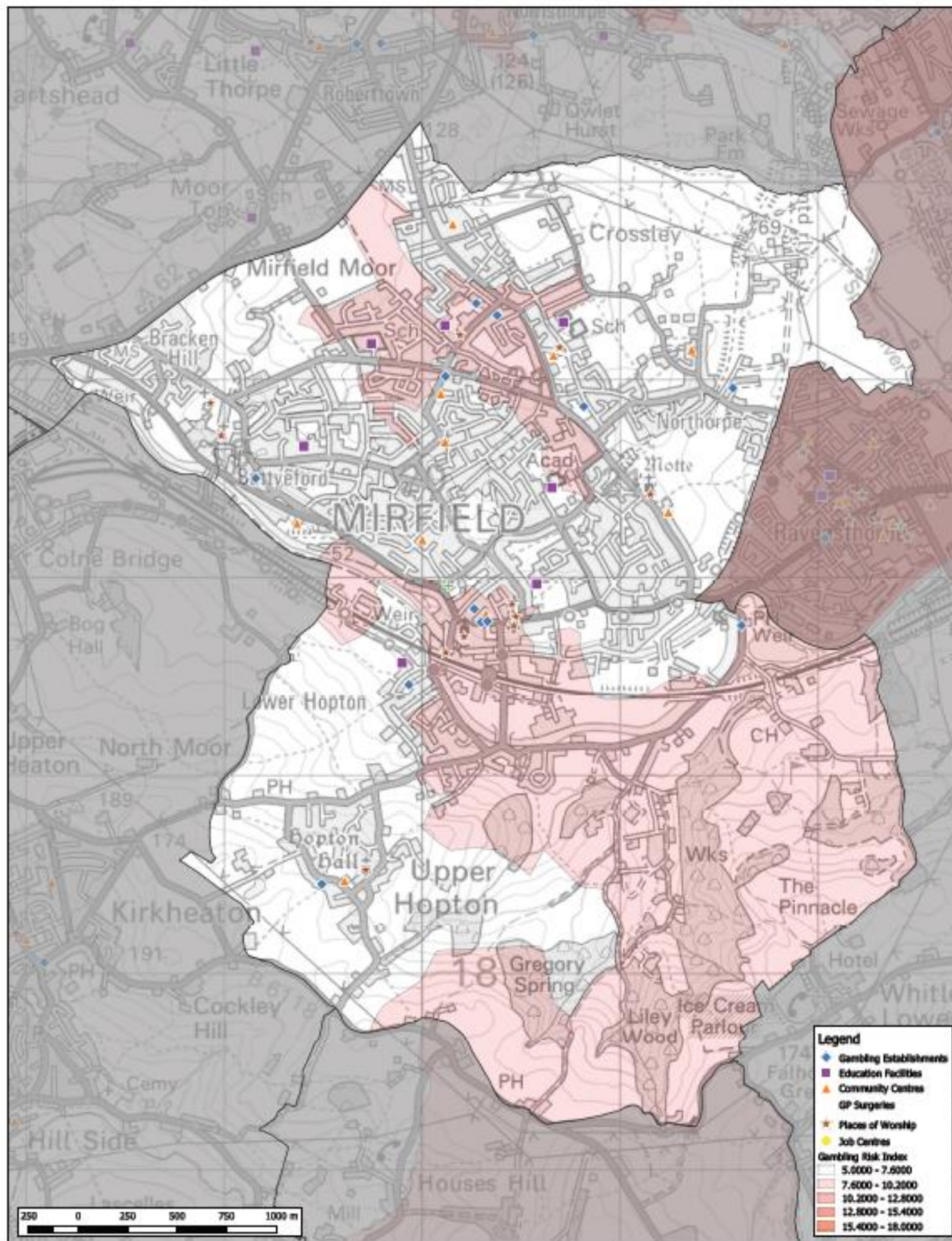
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Filename: Proj 3063  
Crime Incidence  
Maps.qgs

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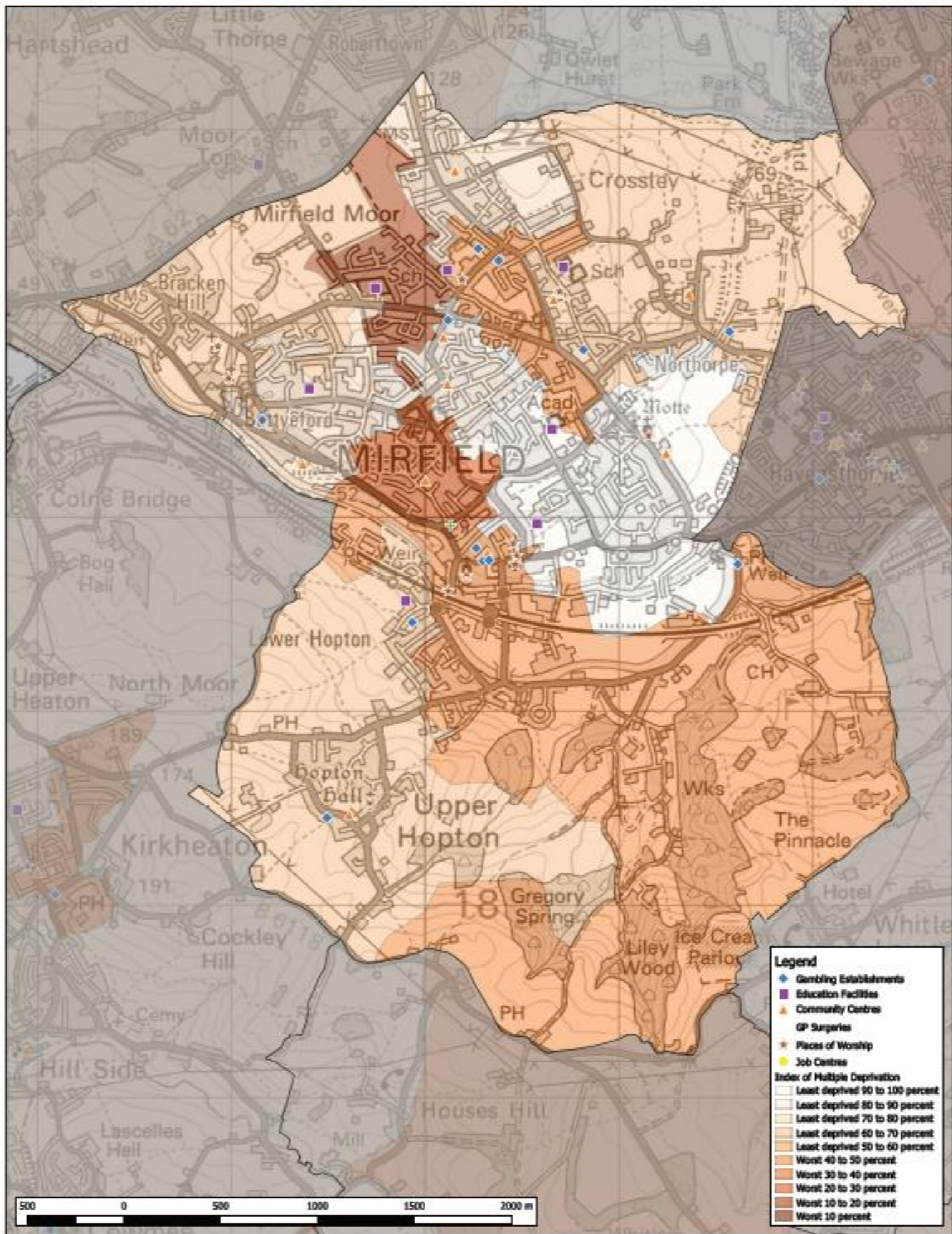




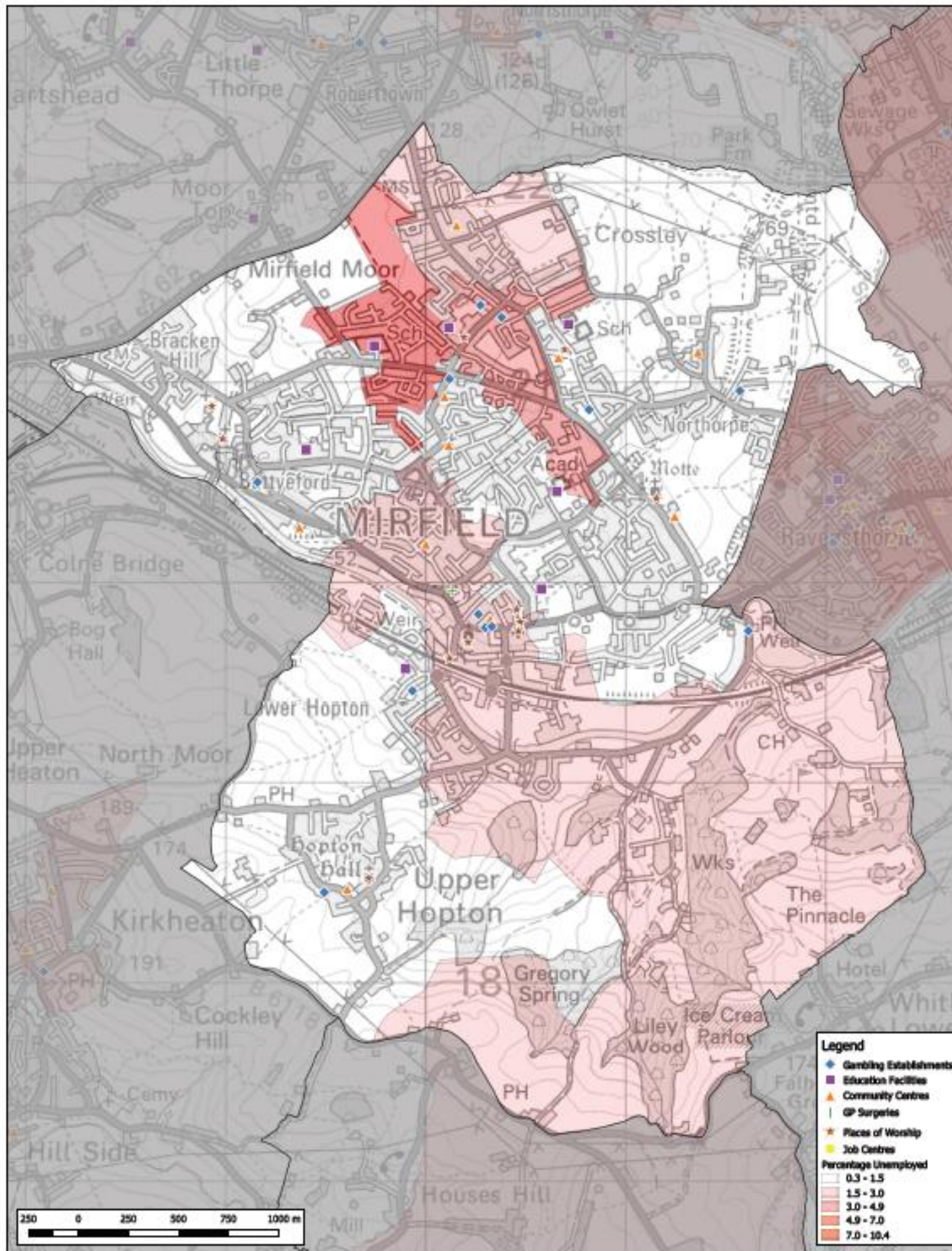


	<b>Performance and Intelligence</b> <b>Geographic Research Team</b>	<b>Gambling Local Area Profile – All Risk Factors Combined - Mirfield</b> Date: 26/10/18 Filename: Proj 3062 Gambling Risk Index.apx	
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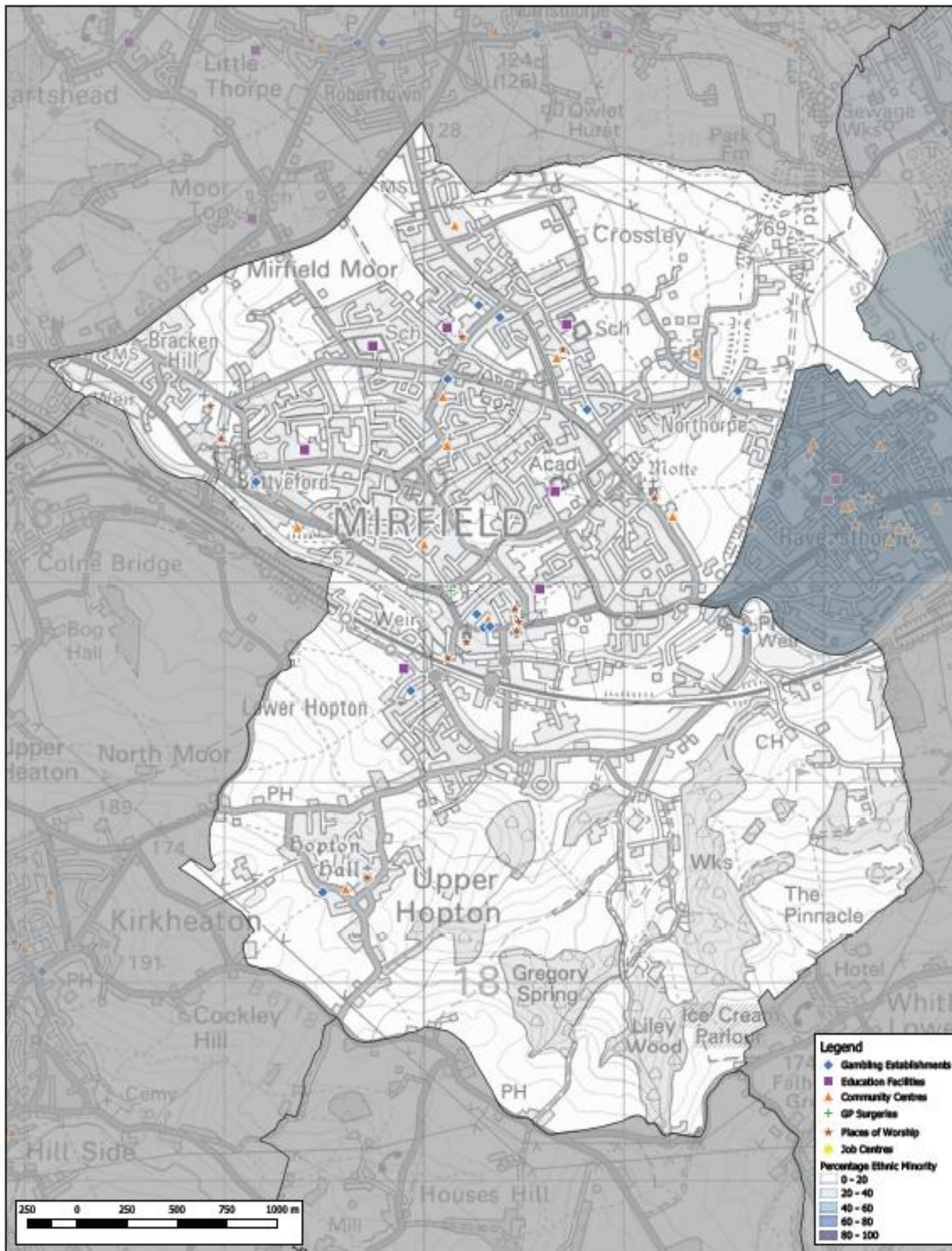






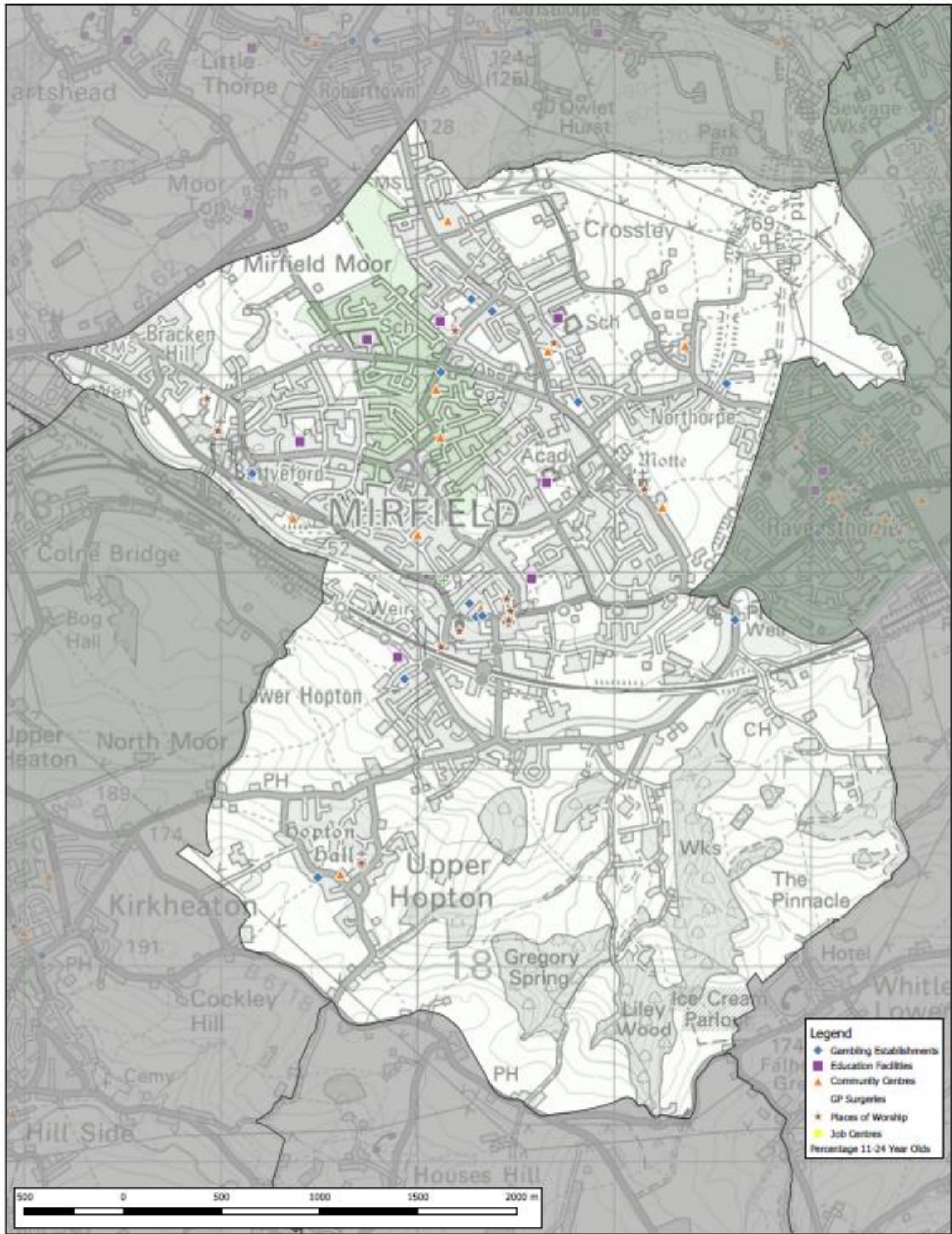




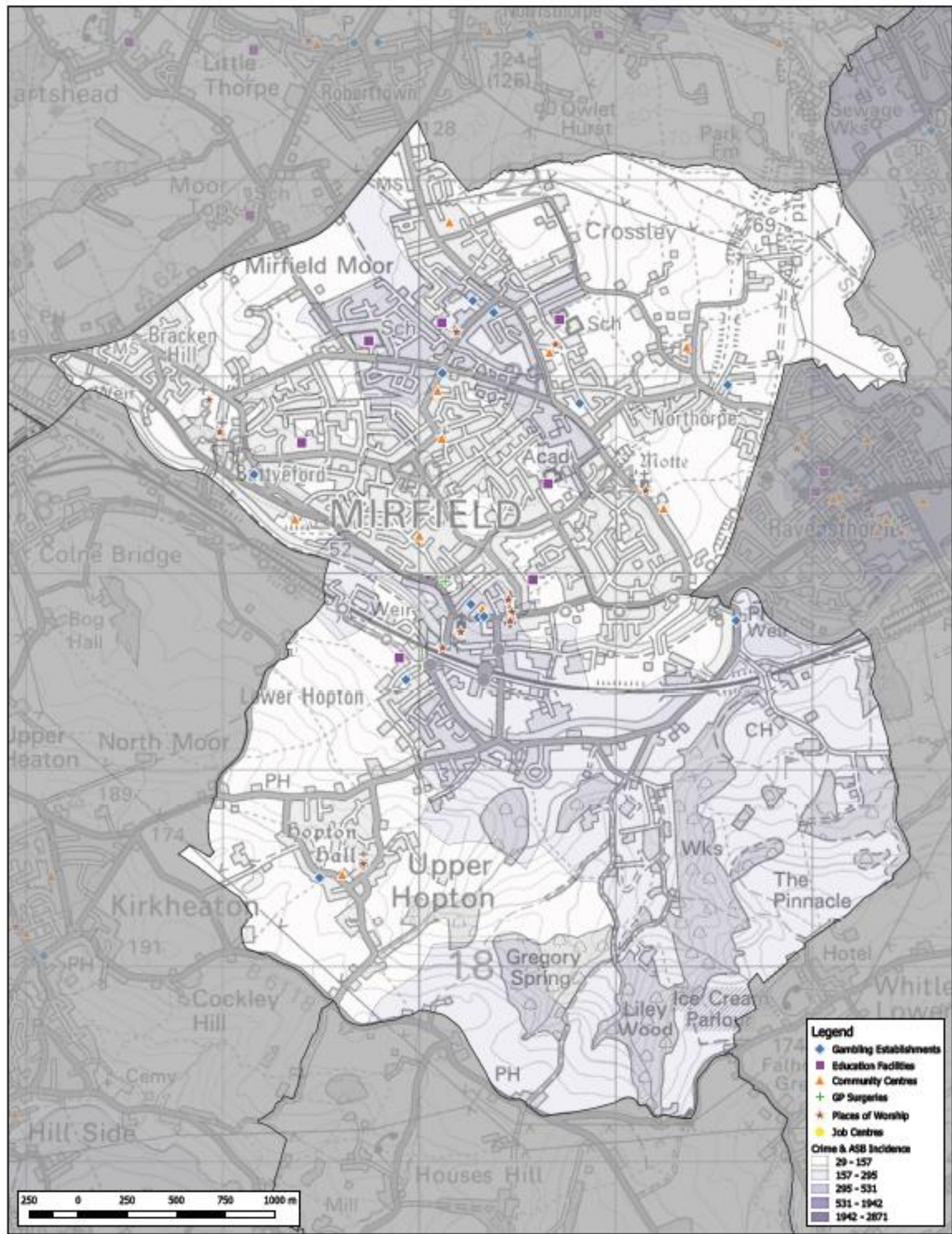


	<p><b>Performance and Intelligence</b></p> <p><b>Geographic Research Team</b></p>	<p>Gambling Local Area Profile - Percentage Ethnic Minorities - Mirfield</p> <p>Date: 28/10/18</p> <p>Filename: Proj 303 Ethnicity Map.apr</p>	
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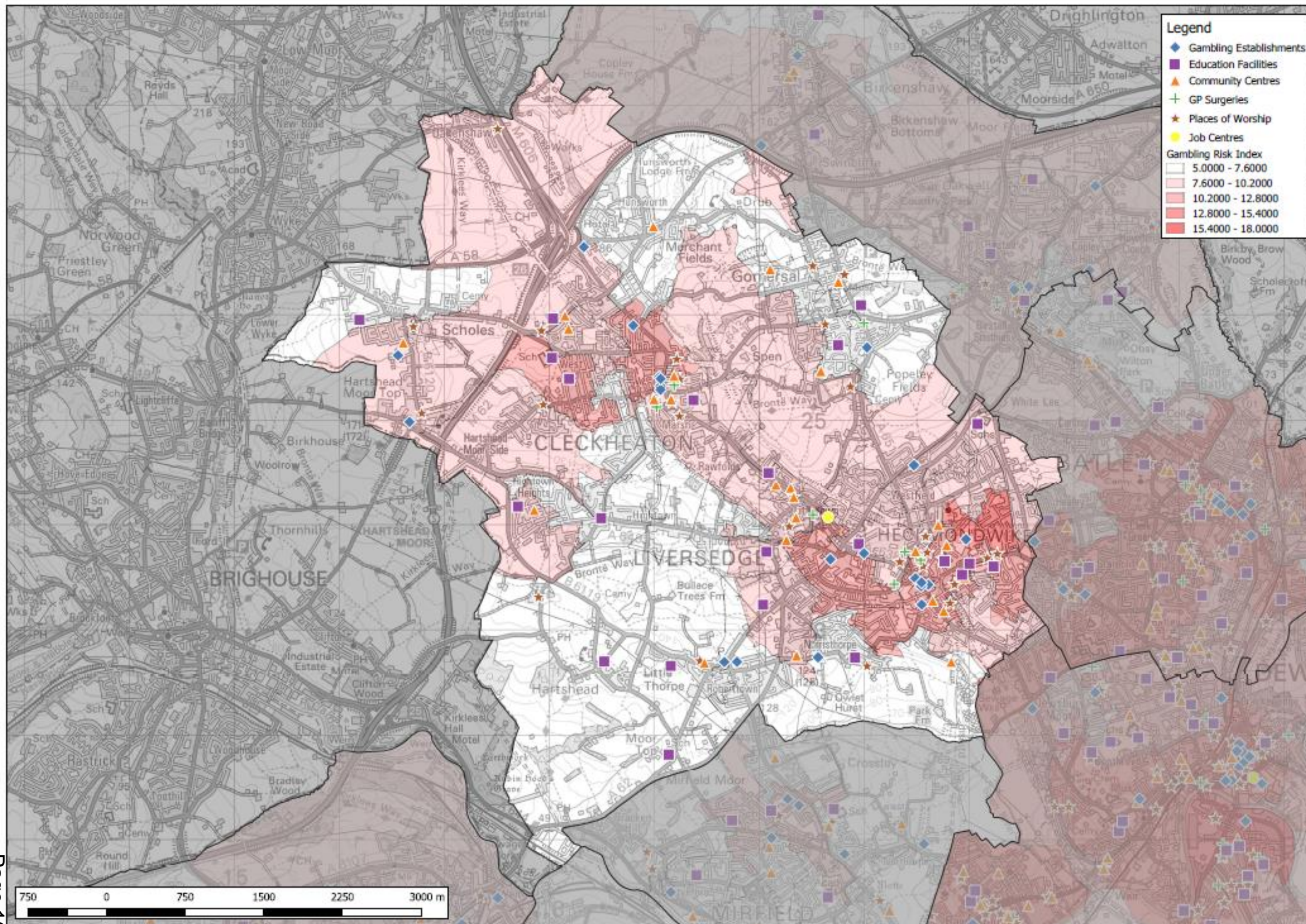








# Gambling Local Area Profile – All Risk Factors Combined - Spen



**Legend**

- ◆ Gambling Establishments
- Education Facilities
- ▲ Community Centres
- ✚ GP Surgeries
- ★ Places of Worship
- Job Centres

**Gambling Risk Index**

- 5.0000 - 7.6000
- 7.6000 - 10.2000
- 10.2000 - 12.8000
- 12.8000 - 15.4000
- 15.4000 - 18.0000



**Performance and Intelligence**

**Geographic Research Team**

Date: 25/10/18

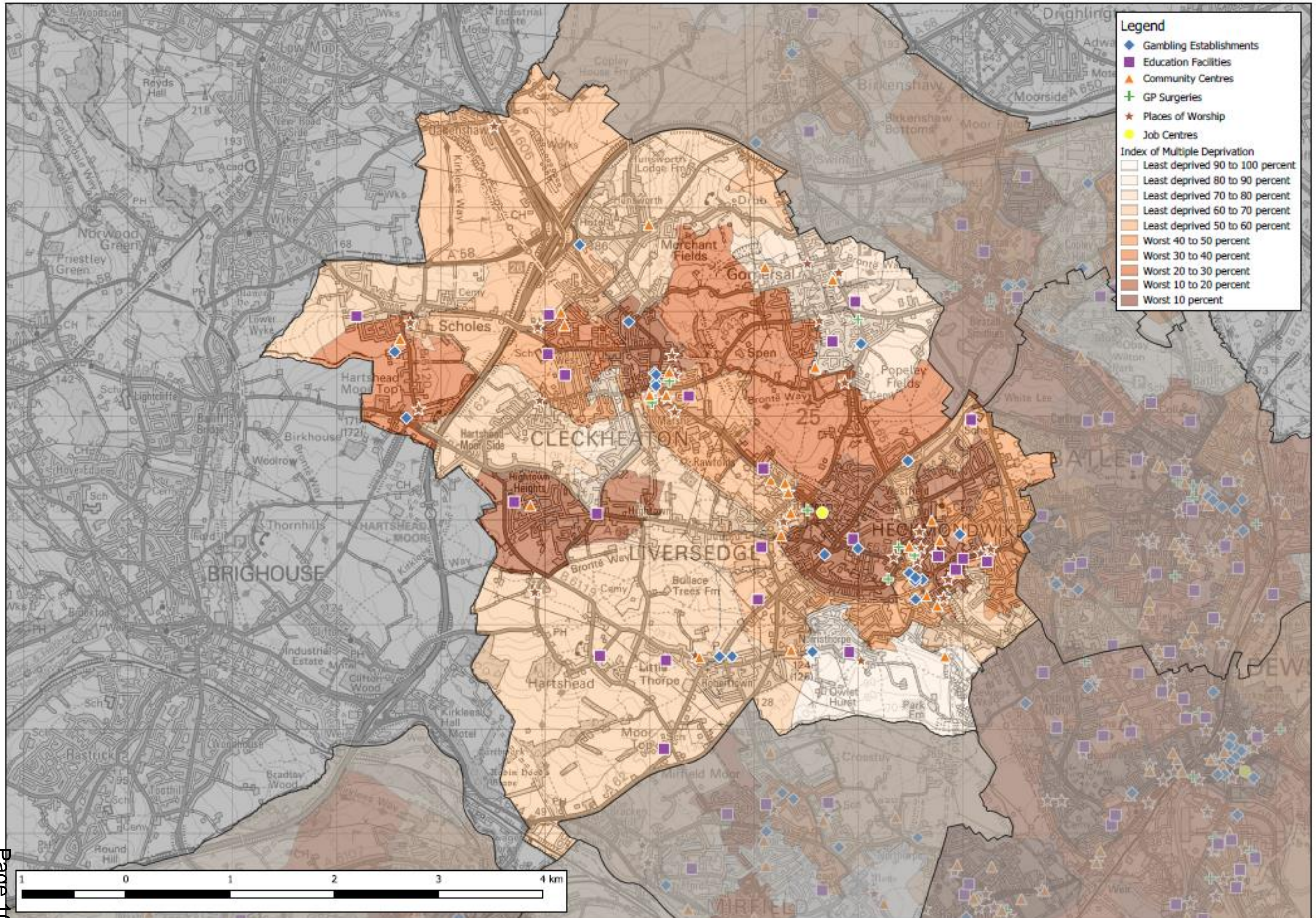
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# Gambling Local Area Profile - Index of Multiple Deprivation (2015) - Spen



**Performance and Intelligence**

**Geographic Research Team**

Date: 25/10/18

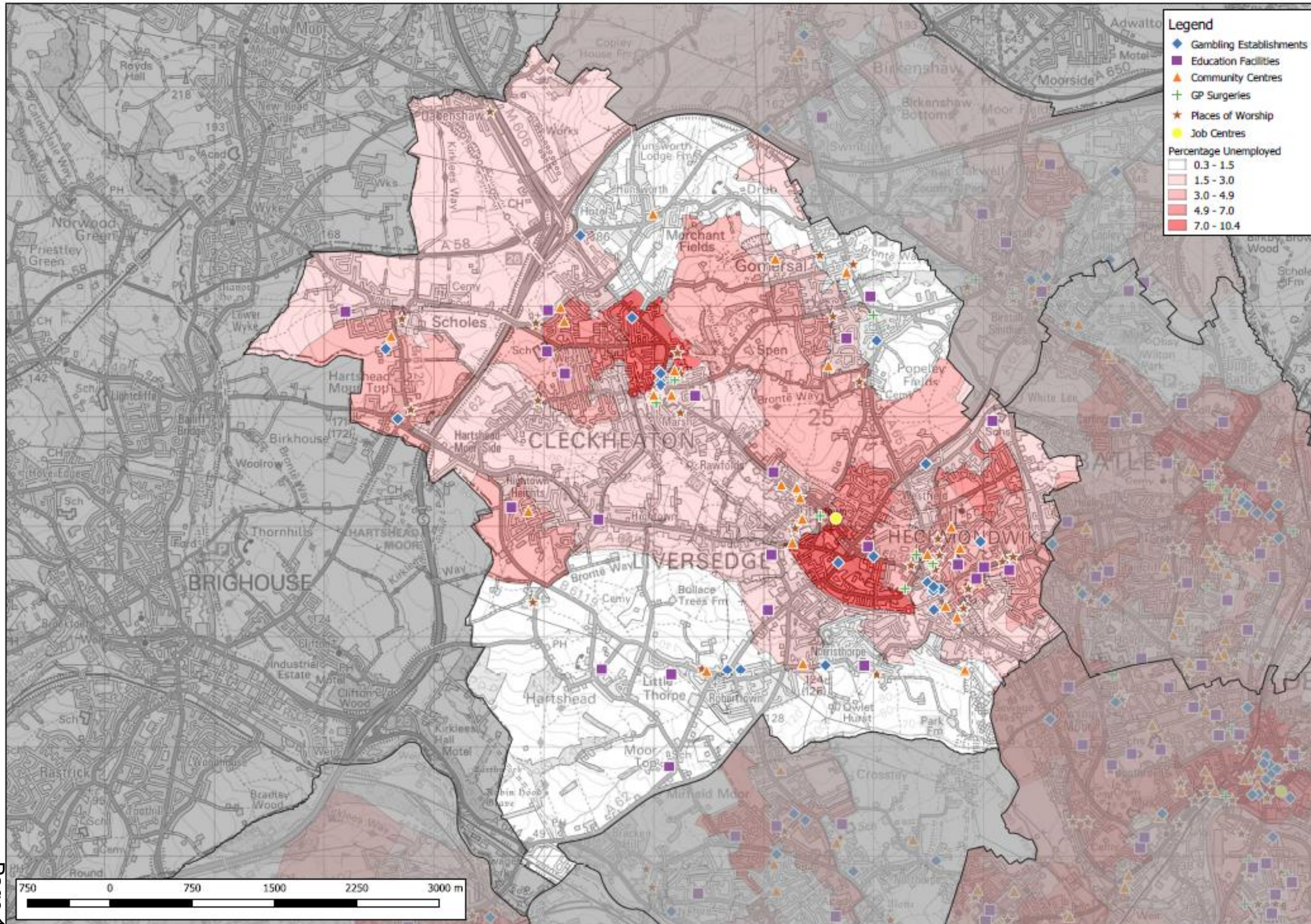
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Deprivation Maps.qgs

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# Gambling Local Area Profile - Percentage Unemployment - Spen



**Performance and Intelligence**

**Geographic Research Team**

Date: 25/10/18

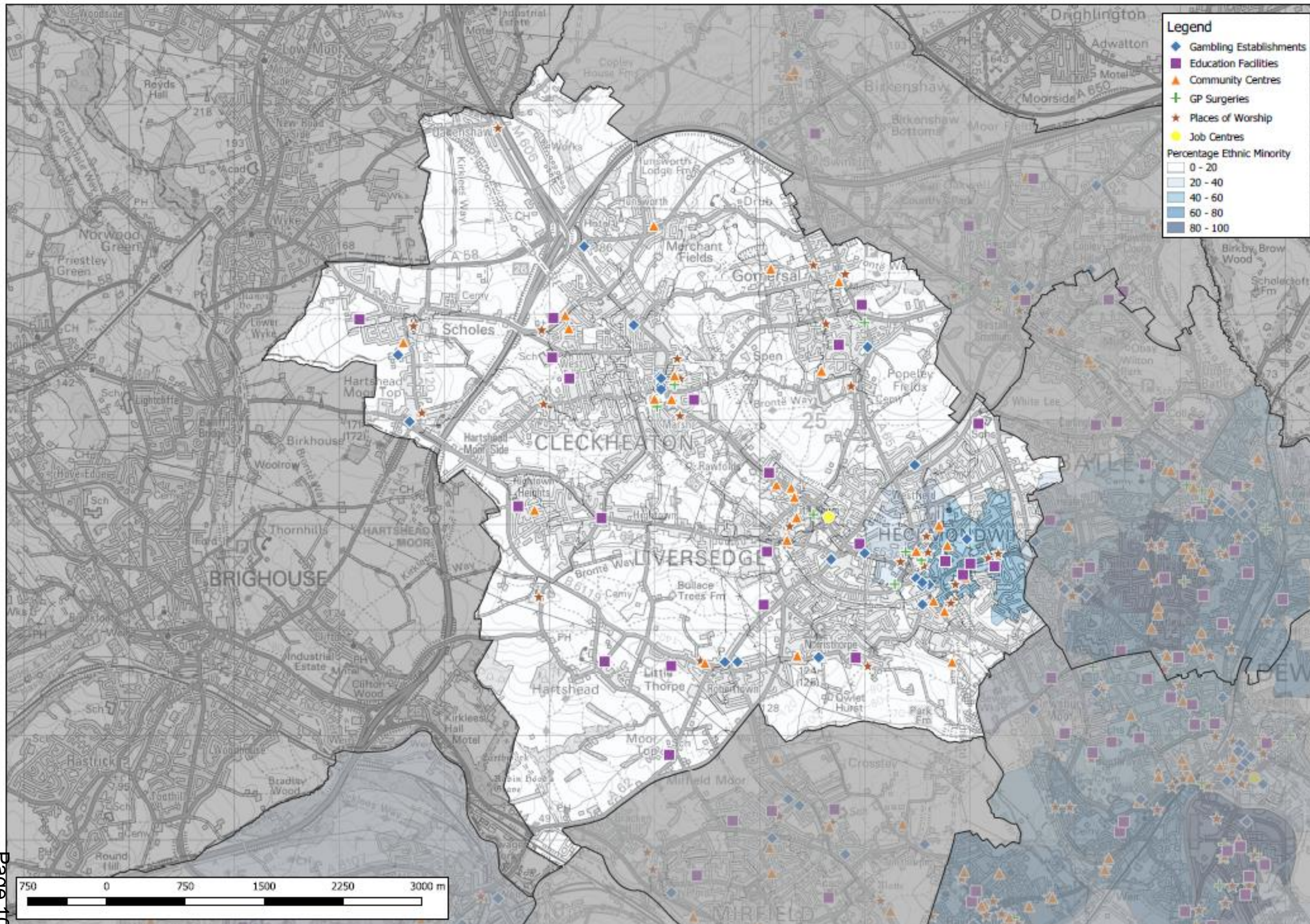
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# Gambling Local Area Profile - Percentage Ethnic Minorities - Spen

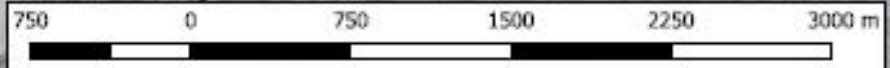


**Performance and Intelligence**

**Geographic Research Team**

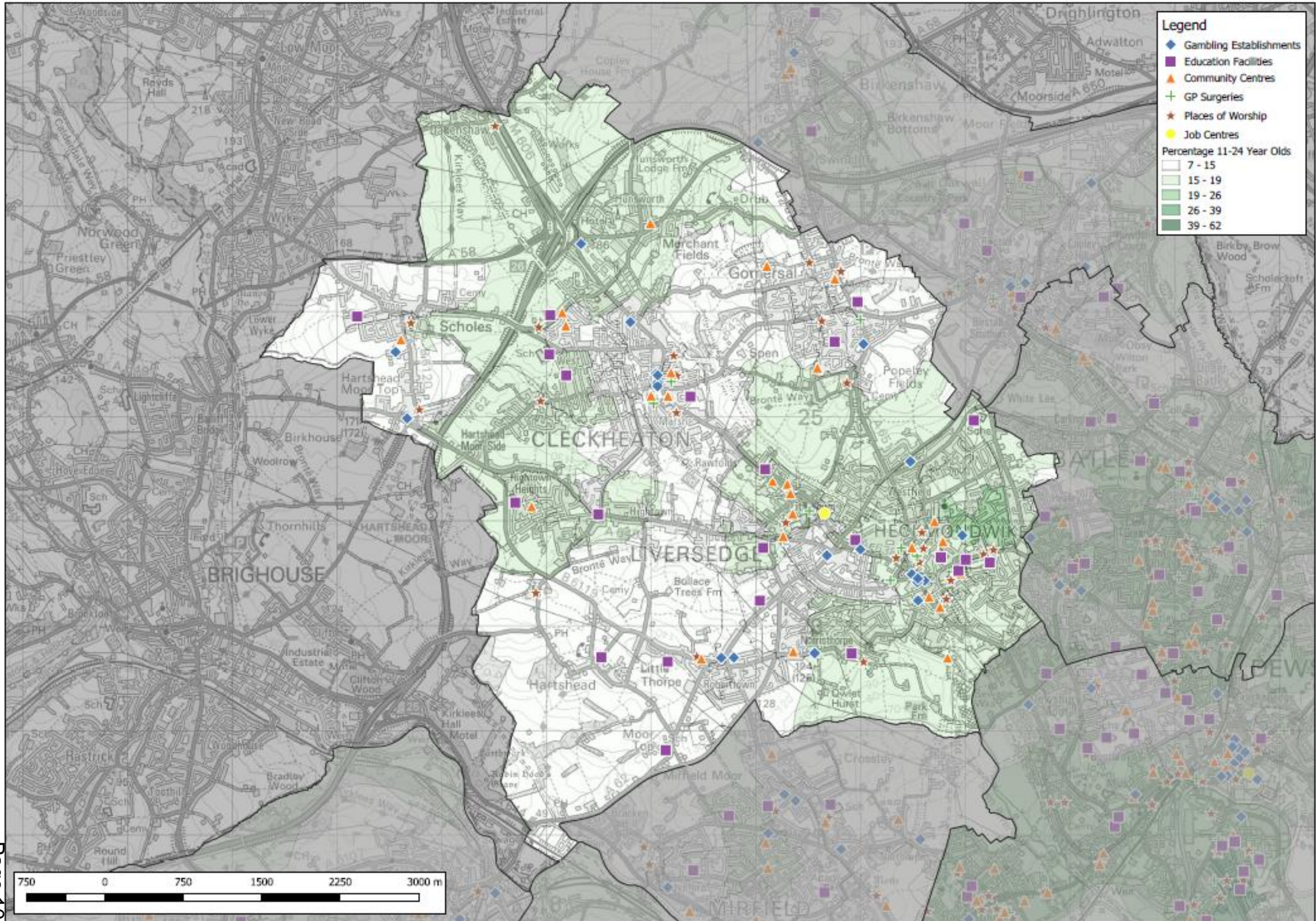
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 Filename: Proj 3063  
 Ethnicity Maps.qgs

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# Gambling Local Area Profile - Percentage 11 to 24 Year Olds - Spen



**Performance  
and  
Intelligence**

**Geographic  
Research  
Team**

Date: 25/10/18

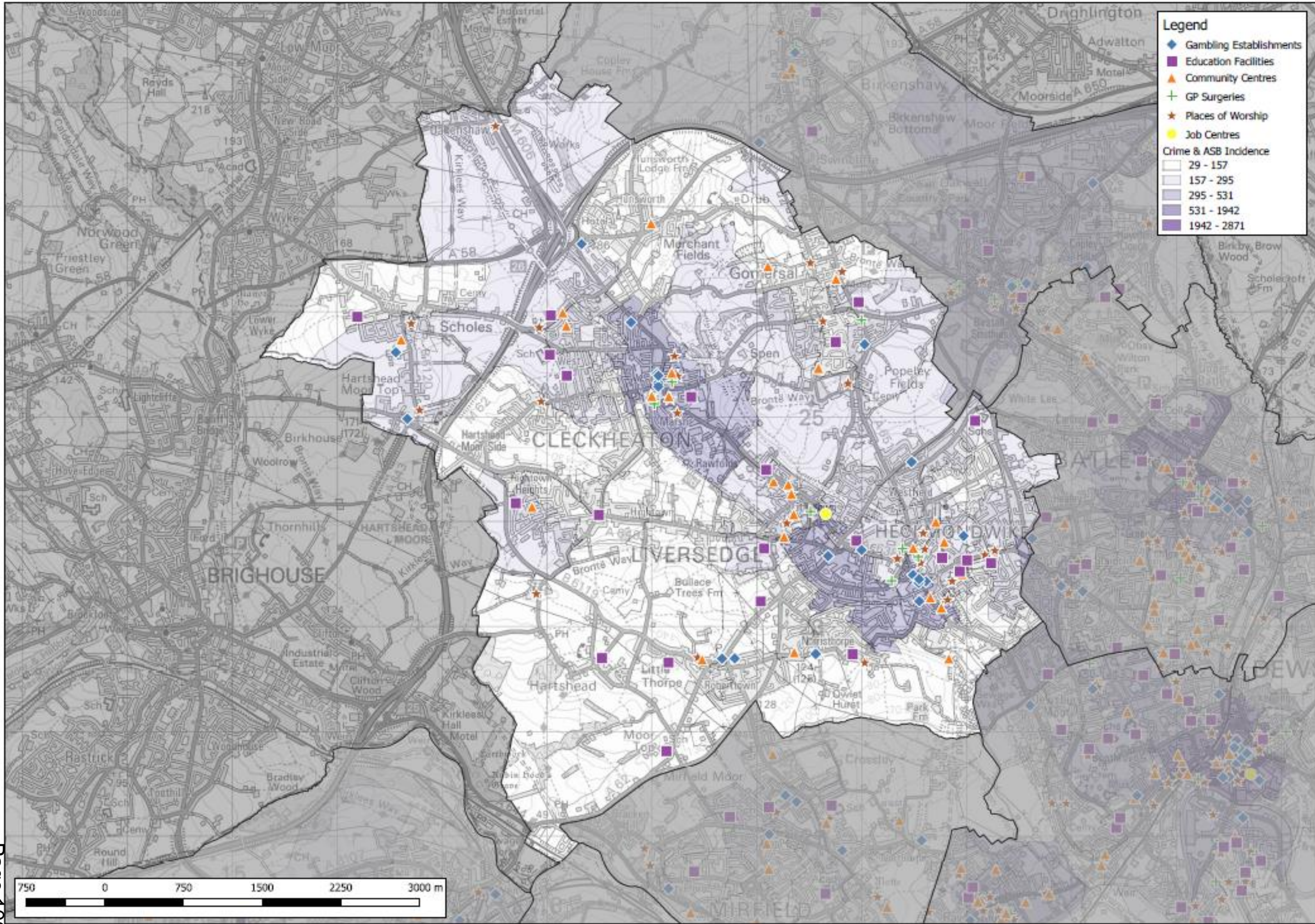
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Young People  
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# Gambling Local Area Profile - Crime & Antisocial Behaviour Incidence - Spen



**Legend**

- ◆ Gambling Establishments
- Education Facilities
- ▲ Community Centres
- ✚ GP Surgeries
- ★ Places of Worship
- Job Centres

**Crime & ASB Incidence**

- 29 - 157
- 157 - 295
- 295 - 531
- 531 - 1942
- 1942 - 2871



**Performance and Intelligence**

**Geographic Research Team**

Date: 25/10/18  
 Filename: Proj 3063  
 Crime Incidence  
 Maps.qgs

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Gambling Act 2005  
Statement of Principles  
2019 – 2021

DRAFT



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<b>Part C</b>	<b>Permits / Temporary &amp; Occasional Use Notices</b>	
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## PART A – The Gambling Act 2005

### 1. The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

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

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

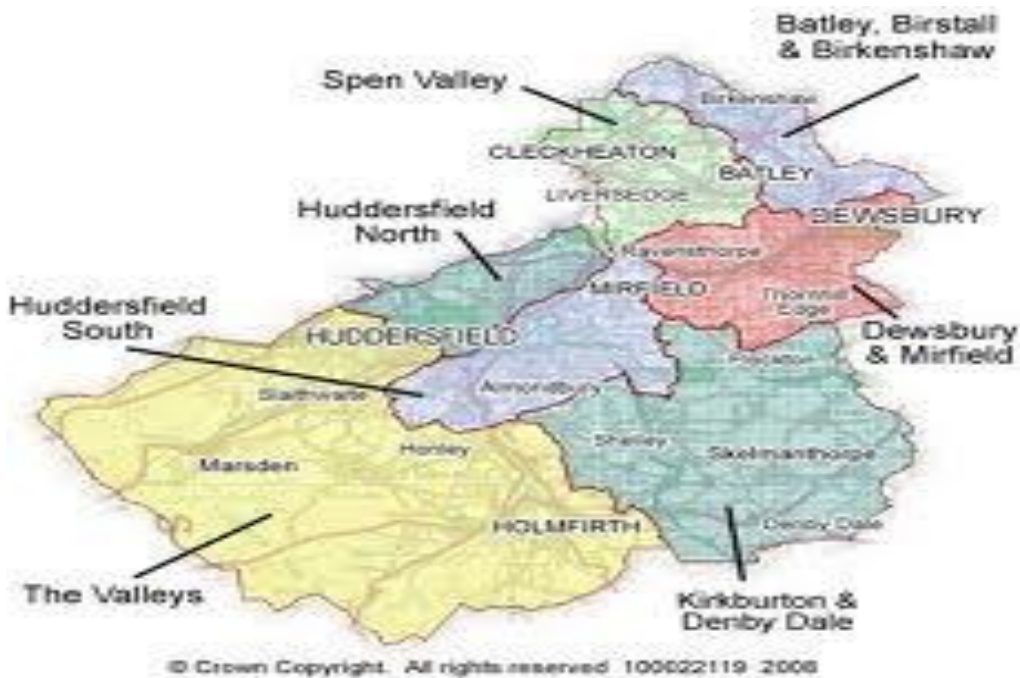
The council is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- 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

### 2. Introduction

Kirklees Council is situated in West Yorkshire, which contains 5 metropolitan councils in total. The council area has a population of approximately 440,000<sup>1</sup> making it the largest metropolitan district not based on a city in terms of population. In terms of area it is the third largest in West Yorkshire, covering 157 square miles. The council area is mainly rural in the south with a central urban area around large towns. The area also comprises of several smaller towns of varying sizes. These areas are shown on the map below.





Kirklees has a varied population – many ethnicities are represented, speaking a range of languages and bringing a cultural diversity to the region. A thriving student community based around the University of Huddersfield attracts students from around the world. Life expectancy and healthy life expectancy (the number of years lived in good health) are increasing across Kirklees.

Kirklees Council has issued a Corporate Plan which outlines the Council's vision for 'We're Kirklees'. The priorities throughout the transformation programme to 'We're Kirklees Will remain focused on achieving the best for Kirklees, its communities, businesses and residents.

Integration with other guidance, policies, objectives and strategies

The Gambling Policy aims to promote the licensing objectives within the overall context of the Corporate Plan 2018-2020.

The vision for Kirklees is to be a district which combines a strong, sustainable economy with a great quality of life – leading to thriving communities, growing businesses, high prosperity and low inequality where people enjoy better health throughout their lives

The Corporate Plan sets out the council's outcomes, what it is trying to achieve, key actions underway and planned, and the measures it will use to check whether it has been successful. Supporting vulnerable people and promoting inclusion and diversity is woven throughout the plan and shared outcomes.

The key outcomes that underpin this policy are set out below:

- **Best Start** - Children have the best start in life
- **Well** – People in Kirklees area as well as possible for as long as possible



- **Independent** – People in Kirklees live independently and have control over their lives
- **Sustainable Economy** – Kirklees has sustainable economic growth and provides good employment for and with communities and businesses
- **Safe and Cohesive** – People in Kirklees live in cohesive communities, feel safe and are safe/protected from harm

#### Purpose of Statement of Licensing Policy

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

#### Consultation

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.

#### List of persons this authority consulted:

- West Yorkshire Police
- The Local Safeguarding Children Board
- Representatives of local businesses
- Local Chambers of Commerce
- Town Centre Associations
- Residents of Kirklees and their representatives
- Kirklees Federation of Tenants & Residents Association
- Town Councils in the district
- Parish Councils in the district
- Local Members of Parliament
- Ward Councilors
- Area Committees
- Sister Services
- National bodies representing the gambling trade
- National charities concerned with the social impact of gambling
- Representatives of existing license holders
- Yorkshire Forward
- Yorkshire Culture
- West Fire and Rescue
- Community Safety Partnership
- Huddersfield University



- Local financial/debt management agencies
- Holders of Club Premise Certificates
- Holders of Lottery Permits
- Holders of Permits for Amusement Arcades

Consultation for this proposed policy commenced on [17 September 2018](#) and ended on [26 October 2018](#).

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

Group Leader – Licensing  
Licensing Service  
Flint Street  
Fartown  
Huddersfield  
HD1 6LG

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

### 3. Declaration

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

In producing the final statement, 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 statement.

### 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 will also offer advice and guidance to applicants.

Responsible Authorities are generally public bodies that must be notified of all applications, they are entitled to make representations about licence applications, or apply for a review of an existing licence, providing representations and / or a review are relevant to the licensing objectives. They have no obligation to respond to applications for premises licences if they wish not to do so.

Section 157(h) of the Act defines Responsible Authorities as:

- The Gambling Commission



- The Police
- The Fire Service
- The Local Safeguarding Children Board
- The Local Planning Authority
- Environmental Health
- HM Revenue and Customs
- The licensing authority (the council)

Each representation will be assessed with regard to the licensing objectives and be taken on its own individual merits.

The Licensing Authority will also consult with the Director of Public Health on all premises licence application.

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

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

In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Local Safeguarding Children Board for this purpose. The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at: [www.kirklees.gov.uk](http://www.kirklees.gov.uk)

## 5. Interested parties

Interested parties are certain types of people or organisations who 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 be likely to be affected by the authorised activities,
- has business interests that might be affected by the authorised activities, or
- represents persons who satisfy paragraph (a) or (b)"

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

Each case will be decided upon its merits. The council will not apply a rigid rule to its decision



making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to local authorities. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

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

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

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact

Licensing Service, Flint Street, Fartown, Huddersfield, HD1 6LG  
Email: [licensing@kirklees.gov.uk](mailto:licensing@kirklees.gov.uk)  
Tel 01484 221 000

## 6. Exchange of Information

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

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 provision that the Data Protection and Freedom of Information Acts will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005. Should any protocols be established as regards information exchange with other bodies then they will be made available.

## 7. Enforcement



The council will work closely with responsible authorities in undertaking its enforcement duties under the Gambling Act 2005, be guided by the Gambling Commission's Guidance for local authorities and will endeavor 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 endeavor to avoid duplication with other regulatory regimes so far as possible. The main enforcement and compliance role for the council in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.

This 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:

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



- Maintaining 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 operating licences.

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## PART B - PREMISES LICENCES

### 1. General Principles

The council will issue premises licences to allow premises to be used for certain types of gambling. The types of premises to which licences will be issued include amusement arcades, bingo halls, bookmakers and casinos.

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

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.

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

#### Definition of "premises"

Premises is defined in the Act as "any place". Different premises licences cannot apply in respect of a single premise 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 particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.

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). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an important consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise may compromise the licensing objectives.



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

Where premises are not yet built or are about to be altered for the purpose of gambling and ultimately a premises licence will be required, the applicant should first consider making an application for a provisional statement (see section 9).

### Local Risk Assessment

The council is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as health information and data related to gambling related harm as well as issues of crime and disorder. The term "vulnerable persons" includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

The LCCP, at Section 10 go on to say licensees must review (and update as necessary) their local risk assessments:

- a) to take account of significant changes in local circumstance, including those identified in this 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 a new premises licence.

In undertaking a local risk assessment the Council will expect the operator, as a minimum to take into account:



- 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
- health information and data relating to gambling related harm

The Council's local area profile should be the starting point for operators when developing their local risk assessments as many of the concerns listed above form part of the local area profile.

The local risk assessment should also show how vulnerable people, including people with gambling dependencies, are protected.

The Council also consider the following matters are of importance for operators to consider in developing their local risk assessments:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information be 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 about 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 the concerns can be overcome



## Local Area Profile

Each locality within Kirklees has its own character and challenges. In order to assist applicants in completing their local risk assessments, the Council may, where relevant information exists, publish a local area profile. Any local area profile will be published on the Council's website, and applicants should refer to the Council's website for this information.

If published the local area profile should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the profiles, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The local area profile will be presented to any subsequent licensing sub-committee when they determine an application that has received representations.

The Council recognises that it cannot insist on applicants using the local area profile when completing their risk assessments. However, an applicant who decides to disregard the profile may face additional representations and the expense of a hearing as a result.

## 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 it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

## Licensing objectives

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

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

The Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime the council will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. The council is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behavior was, to those who could see it, so as to make that distinction.

### **Ensuring that gambling is conducted in a fair and open way**

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



section.

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

### Protection of children

The Kirklees Safeguarding Children Board has a webpage dedicated to providing local information about child safety, child sexual exploitation, policies and procedures including risk factors and signs and symptoms: <http://www.kirkleessafeguardingchildren.co.uk/>

The council is aware that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). 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"

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

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

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

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

### Protection of vulnerable people

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

Problem gambling can affect anyone at any time and there are some groups who are more likely to experience problems. Operators, [using the information available in the Council's Local Area Profile.](#) -should consider these groups in their Local Risk Assessments, especially in relation to identifying people in these groups and mitigating harm experienced by them. Examples of vulnerable groups include, the unemployed and those living within deprived areas, children / young adults, those with drug / alcohol issues and those with mental illness.



## Conditions

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

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

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

The council will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

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

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

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

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

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



## Door Supervisors

The Gambling Commission advises in its Guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objective 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.

Where operators and the council decide that supervision of entrances / machines is appropriate for particular cases, it will need to be decided whether these need to be Security Industry Authority (SIA) licensed or not. It will not be automatically assumed that they need to be.

## 2. Adult Gaming Centres

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

The council may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Documented procedures on how employees will monitor the licensed area to ensure they are not being used by persons under the age of 18
- Occasional spot checks for children / young persons in adult only areas
- This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

## 3. (Licensed) Family Entertainment Centres:

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

The council may consider measures to meet the licensing objectives such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas



- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises
- Documented procedures on how employees will monitor the licensed area to ensure they are not being used by persons under the age of 18
- Occasional spot checks for children / young persons in adult only areas

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

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

Changes on the numbers of machines permitted came into force in 2011. Please see appendix one for limits on numbers of machines at the above type of premises.

#### 4. Casinos

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

##### Casinos and competitive bidding

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

##### Licence considerations/conditions

The Gambling Commission has stated that "further guidance will be issued in due course about the particular issues that licensing authorities should take into account in relation to the suitability and layout of casino premises". This guidance will be considered by the council when it is made available.

##### Betting machines

The council will take into account the size of the premises, the number of counter positions



available for person-to-person transactions, and the ability of staff to monitor the use of betting machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

## 5. Bingo premises

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

This council is also aware that the Gambling Commission has stated that it is going to issue further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. This guidance will be considered by the council once it is made available.

## 6. Betting premises

Betting premises are premises such as bookmakers and betting offices where various types of gambling are authorised to take place. Children and young persons will not be able to enter such premises.

Betting premises will be able to provide a limited number of betting machines. The council will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

## 7. Tracks

Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place. There are currently no tracks within this council area.

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

The council will therefore expect the premises licence applicant to demonstrate suitable



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

The council may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes

Provision of information leaflets / helpline numbers for organisations such as GamCare. This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

#### Gaming machines

The council will consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines at a track.

The council is aware that the Gambling Commission is preparing guidance as regards where gaming machines may be located at tracks and any special considerations that should apply in relation, for example, to the supervision of the machines and preventing children from playing them.

#### Betting machines

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

#### Conditions on rules being displayed

In line with guidance from the Gambling Commission the council will consider attaching a condition to track premises licences requiring the track operator to ensure that the rules are



prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office."

## 8. Travelling Fairs

Travelling fairs have traditionally been able to provide various low stakes gambling without the need for a licence or permit provided that certain conditions are met. This provision continues in a similar fashion in the new Act.

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

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

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

## 9. Provisional Statements

A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which has yet to be constructed or altered for the purpose of gambling, would be granted a premises licence when the building work is complete. It is not a licence and merely gives the holder some form of assurance that a premises licence would be granted. Once works are complete a full premises licence would still be required.

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

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

The council will not take into account irrelevant matters e.g. the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal."

## 10. Reviews

Requests for a review of a premises licence can be made by interested parties or responsible



authorities; however, it is for the council to decide whether the review is to be carried-out. This will be on the basis of whether the request 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 the authority's statement of licensing policy.

Consideration will also be given as to whether 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.

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## PART C – Permits / Temporary & Occasional Use Notice

### 1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits)

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

The Gambling Act 2005 contains a provision for local authorities to prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit. Schedule 10, Para 7 of the Act states, "in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25."

In accordance with Gambling Commission guidance the council will give weight to child protection issues when considering applications for permits.

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 council will assess these policies and procedures on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised children being on the premises, or children causing problems on or around the premises. The council will also expect applicants to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs, that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

The council is aware that an application for a permit may only be granted if the chief officer of police has been consulted on the application.

In line with the Act the council cannot attach conditions to this type of permit and the "Statement of principles" only applies to initial applications and not to renewals

### 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 council can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;



- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (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 harm or being exploited by gambling and will expect the applicant to satisfy the council that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

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

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

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

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

### 3. Prize Gaming Permits - (Statement of Principles on Permits)

The council will expect the applicant to set out the types of gaming that he or she is intending to offer and be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- and that the gaming offered is within the law.

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

There are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:



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

#### 4. Club Gaming and Club Machines Permits

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

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

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

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

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. 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 an authority can refuse a permit are reduced. The grounds on which an application under the process may be refused are:

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



years has been cancelled."

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

## 5. Temporary Use Notices

Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be useful for a temporary use notice would include hotels, conference centres and sporting venues.

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 be a question of fact 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 ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

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

More information relating to this can be found in the Guidance to licensing authorities 4th edition at <http://www.gamblingcommission.gov.uk>



**Name of meeting: Licensing and Safety Committee**

**Date: 23<sup>rd</sup> November 2018**

**Title of report: Designated List of Wheelchair Accessible Vehicles**

**Purpose of report**

To consider the publishing of a designated list of wheelchair accessible hackney carriage, private hire vehicles and commercial vehicles available for hire.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports)?</a>	No
The Decision - Is it eligible for "call in" by Scrutiny?	No
Date signed off by Director & name	
Is it also signed off by the Assistant Director for Financial Management, IT, Risk and Performance?	Eamonn Croston 15.11.18  Julie Muscroft 15.11.18
Is it also signed off by the Service Director - Legal Governance and Commissioning?	
Cabinet member portfolio	Cllr Naheed Mather

**Electoral wards affected: All**

**Ward councillors consulted: N/A**

**Public or private: Public**

**1. Summary**

1.1 The Equality Act 2010 introduced new measures on employers, regulators and transport providers in relation to ensuring that there is no discrimination. Sections 165 and 167 of the Act enable the Council to deem particular vehicles as wheelchair accessible. This would place particular duties on the drivers of such vehicles, requiring them to provide the assistance outlined for no extra cost.

**2. Information required to take a decision**

2.1 Sections 165-167 of the Equality Act 2010 came into force in April 2017. Section 167 of the Act provides the Council as a licensing authority with the power to make a list of wheelchair accessible vehicles (designated vehicles). The owner of the vehicle has a right of



appeal to a magistrates' court if he or she believes that they should not be included in the list.

2.2 Once the list is published, this places duties on drivers under section 165 of the Act. Drivers of designated wheelchair accessible cars have a duty to:

- carry the passenger while in the wheelchair;
- not make any additional charge;
- carry the wheelchair if the passenger chooses to sit in a passenger seat;
- take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- give the passenger such mobility assistance as is reasonably required to:
  - enable the passenger to get into or out of the vehicle, including in the wheelchair if they wish to remain in it;
  - load the passenger's luggage into or out of the vehicle;
  - load the wheelchair into or out of the vehicle if the passenger does not wish to remain in the wheelchair.

2.3 The requirements of section 165 of the Act do not apply to drivers who have a valid exemption certificate and are displaying a valid exemption notice in the prescribed manner. Section 166 of the Act allows the Council to exempt drivers on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply with the duties outlined in paragraph 2.2. Unless a driver is exempt, it is a criminal offence not to carry out these duties and the Council will follow up any complaints in relation to this. If justified and the complaint can be proven, the Council will take appropriate action.

2.4 The purpose of the legislation is to ensure that disabled people have equal access to services including public transport provision. Owners of assistance dogs are already protected by the Equality Act 2010 which makes it unlawful to charge extra or refuse to take them. The implementation of sections 165-167 of the Act will offer wheelchair users similar protection.

2.5 A document 'Access for wheelchair users to Taxis and Private Hire Vehicles: Statutory Guidance: Moving Britain Ahead' has been published by the Department for Transport. This constitutes the Secretary of State's formal guidance to licensing authorities and they must have regard to it. This is attached at Appendix A

2.6 The publication of a designated list is discretionary but if introduced ensures that wheelchair passengers, carers and friends and family are better informed about the accessibility of taxis and private hire vehicles in the Kirklees district. It will also mean that they can be confident of receiving the assistance they need to travel in safety and reasonable comfort.



- 2.7 If the Committee agrees to creating and publishing a designated list of wheelchair accessible vehicles, the service will put in place the necessary procedures. It will also make sure that owners of wheelchair accessible vehicles and drivers are aware of these new requirements by writing directly to them.

## **CONCLUSION**

- 2.8 The publication of a designated list of wheelchair accessible taxis and private hire vehicles will provide sufficient information to wheelchair passengers to make informed choices about public transport provision.
- 2.9 If the Council agrees to introduce the list the duties placed on drivers of vehicles on the designated list will ensure that passengers in wheelchairs will get appropriate assistance. This will mean that they can travel in safety and reasonable comfort, giving them confidence to use this mode of public transport provision
- 2.10 Implementation of sections 165-167 of the Equalities Act 2010 promotes equality for disabled people.

### **3. Implications for the Council**

**3.1 Early Intervention and Prevention (EIP)**  
N/A

**3.2 Economic Resilience (ER)**  
N/A

**3.3 Improving Outcomes for Children**  
N/A

**3.4 Reducing demand of services**  
N/A

**3.5 Other Implications (e.g. legal, financial etc )**

- 3.6 The licensing function plays a key role in delivering the corporate outcome of people in Kirklees living in a cohesive community, feel safe and are protected from harm. By implementing sections 165-167 of the Equality Act 2010, the Council will be able to provide information on wheelchair accessible vehicles. The duty this then places on drivers will help ensure that passengers are able to travel safely and remain active by having access to transport provision.
- 3.7 The introduction of the list will assist passengers in wheelchairs who wish to travel by taxi or private hire vehicle and this promotes equality for wheelchair passengers.
- 3.8 There may be some reputational damage by not publishing such a list and promoting equality for disabled passengers. In terms of resources once the scheme is implemented, it will have very little impact on human resources, other than maintaining the list.



#### **4. Consultees and their opinions**

There is no statutory requirement to consult on the proposal to publish a list of wheelchair accessible vehicles.

#### **5. Next steps**

5.1 The Council will engage with trade representatives and draft guidance and begin contacting vehicle owners. If a driver indicates their intention to apply for an exemption a reasonable time will be given them to obtain medical certification.

5.2 If agreed by the committee, it is proposed the publication of the designated list will take place on or around 31 March 2019. Following this date, it will become an offence for a driver to fail to give reasonable assistance to a wheelchair passenger.

#### **6. Officer recommendations and reasons**

6.1 It is recommended that members agree that :

- (i) the Council produces a list of designated wheelchair accessible vehicles pursuant to sections 165-167 of the Equality Act 2010; and
- (ii) the licensing authority produces guidance in relation to this, including the exemption of drivers from their duties based on medical grounds.

#### **7. Cabinet portfolio holder recommendation**

CLlr Naheed Mather supports the policy review and development of a stronger and more robust policy.

#### **8. Contact officer**

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#### **9. Background Papers and History of Decisions**

Access for Wheelchair users to Taxis and Private Hire Vehicles



(Statutory Guidance)

**10. Service Director responsible**

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Department  
for Transport

# Access for wheelchair users to Taxis and Private Hire Vehicles

## Statutory Guidance

**Moving Britain Ahead**



The Department for Transport has actively considered the needs of blind and partially sighted people in accessing this document. The text will be made available in full on the Department's website. The text may be freely downloaded and translated by individuals or organisations for conversion into other accessible formats. If you have other needs in this regard please contact the Department.

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# Ministerial Foreword



This Government is committed to ensuring that transport works for everyone, including disabled people. Since joining the Department for Transport in 2015, and taking on Ministerial responsibility for transport accessibility, I have made it my mission to challenge the status quo and encourage innovative thinking to improve access to transport across the modes.

I know however, that despite the real improvements which have taken place in recent years, some disabled passengers still face discrimination when attempting to travel. I am clear that this is unacceptable.

Owners of assistance dogs are already protected by provisions in the Equality Act 2010 which make it unlawful to refuse or charge them extra. I want similar protections to apply to wheelchair users, which is why I am delighted that we have commenced the remaining parts of sections 165 and 167 of the Equality Act 2010, making it a criminal offence for drivers of designated taxi and private hire vehicles to refuse to carry passengers in wheelchairs, to fail to provide them with appropriate assistance, or to charge them extra. I hope that in so doing we will send a clear signal to the minority of drivers who think it acceptable to discriminate on grounds of disability that such behaviour will not be tolerated – and, more importantly, to enable wheelchair users to travel with confidence.

A handwritten signature in blue ink that reads "Andrew Jones". The signature is written in a cursive, flowing style.

**Andrew Jones MP,  
Parliamentary Under Secretary of State, Department for Transport**



# 1. Introduction

## Status of guidance

- 1.1 This guidance document has been issued in order to assist local licensing authorities (LAs) in the implementation of legal provisions intended to assist passengers in wheelchairs in their use of designated taxi and private hire vehicle (PHV) services. It provides advice on designating vehicles as being wheelchair accessible so that the new protections can apply, communicating with drivers regarding their new responsibilities and handling requests from drivers for exemptions from the requirements.
- 1.2 This is a statutory guidance document, issued under section 167(6) of the Equality Act 2010 and constitutes the Secretary of State's formal guidance to LAs in England, Wales and Scotland on the application of sections 165 to 167 of the Equality Act 2010. LAs must have regard to this guidance document.



## 2. Putting the law into practice

### Background

- 2.1 We have commenced sections 165 and 167 of the [Equality Act 2010](#) (“the Act”), in so far as they were not already in force. Section 167 of the Act provides LAs with the powers to make lists of wheelchair accessible vehicles (i.e. “designated vehicles”), and section 165 of the Act then requires the drivers of those vehicles to carry passengers in wheelchairs, provide assistance to those passengers and prohibits them from charging extra.
- 2.2 The requirements of section 165 do not apply to drivers who have a valid exemption certificate and are displaying a valid exemption notice in the prescribed manner. An exemption certificate can be issued under section 166 of the Act, which is already in force. This allows LAs to exempt drivers from the duties under section 165 where it is appropriate to do so, on medical grounds or because the driver’s physical condition makes it impossible or unreasonably difficult for them to comply with those duties.
- 2.3 On 15<sup>th</sup> September 2010, the Department for Transport issued guidance on the Act which stated, in relation to section 167, *“although the list of designated vehicles will have no actual effect in law until the duties are commenced, we would urge licensing authorities to start maintaining a list as soon as possible for the purpose of liaising with the trade and issuing exemption certificates”*.
- 2.4 We therefore recognise that many LAs have already implemented some of these provisions, including publishing lists of wheelchair accessible vehicles and exempting drivers. Therefore, there are likely to be a range of approaches being used in practice by LAs across England, Wales and Scotland.

### Transitional arrangements

- 2.5 We want to ensure that the commencement of sections 165 and 167 of the Act has a positive impact for passengers in wheelchairs, ensures they are better informed about the accessibility of designated taxis and PHVs in their area, and confident of receiving the assistance they need to travel safely.
- 2.6 But we recognise that LAs will need time to put in place the necessary procedures to exempt drivers with certain medical conditions from providing assistance where there is good reason to do so, and to make drivers aware of these new requirements. In addition, LAs will need to ensure that their new procedures comply with this guidance, and that exemption notices are issued in accordance with Government regulations. This will ensure that we get a consistent approach and the best outcomes for passengers in wheelchairs.
- 2.7 As such, we would encourage LAs to put in place sensible and manageable transition procedures to ensure smooth and effective implementation of this new law. LAs should only publish lists of wheelchair accessible vehicles for the purposes of



section 165 of the Act when they are confident that those procedures have been put in place, drivers and owners notified of the new requirements and given time to apply for exemptions where appropriate. We would expect these arrangements to take no more than a maximum of six months to put in place, following the commencement of these provisions, but this will of course be dependent on individual circumstances.

2.8 A flowchart setting out the sorts of processes that a LA could follow is set out below. This is an indicative illustration, and it will be down to each LA to determine the actions they need to take to ensure this new law is implemented effectively in their area.





# 3. Vehicles

## Overview

- 3.1 Section 167 of the Act permits, but does not require, LAs to maintain a designated list of wheelchair accessible taxis and PHVs.
- 3.2 Whilst LAs are under no specific legal obligation to maintain a list under section 167, the Government recommends strongly that they do so. Without such a list the requirements of section 165 of the Act do not apply, and drivers may continue to refuse the carriage of wheelchair users, fail to provide them with assistance, or to charge them extra.

## Vehicles that can be designated

- 3.3 We want to ensure that passengers in wheelchairs are better informed about the accessibility of the taxi and PHV fleet in their area, confident of receiving the assistance they need to travel safely, and not charged more than a non-wheelchair user for the same journey.
- 3.4 The Act states that a vehicle can be included on a licensing authority's list of designated vehicles if it conforms to such accessibility requirements as the licensing authority thinks fit. However, it also goes on to explain that vehicles placed on the designated list should be able to carry passengers in their wheelchairs should they prefer.
- 3.5 This means that to be placed on a licensing authority's list a vehicle must be capable of carrying some – but not necessarily all – types of occupied wheelchairs. The Government therefore recommends that a vehicle should only be included in the authority's list if it would be possible for the user of a "reference wheelchair"<sup>1</sup> to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.
- 3.6 Taking this approach allows the provisions of section 165 of the Act apply to a wider range of vehicles and more drivers than if LAs only included on the list vehicles capable of taking a larger type of wheelchair.
- 3.7 The Government recognises that this approach will mean that some types of wheelchair, particularly some powered wheelchairs, may be unable to access some of the vehicles included in the LA's list. The Act recognises this possibility, and section 165(9) provides a defence for the driver if it would not have been possible for the wheelchair to be carried safely in the vehicle. Paragraph 3.10 of this guidance below aims to ensure that users of larger wheelchairs have sufficient information about the vehicles that will be available to them to make informed choices about their journeys.

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<sup>1</sup> As defined in Schedule 1 of the [Public Service Vehicle Accessibility Regulations 2000](#)



## Preparing and publishing lists of designated vehicles

- 3.8 We want to ensure that passengers in wheelchairs have the information they need to make informed travel choices, and also that drivers and vehicle owners are clear about the duties and responsibilities placed on them.
- 3.9 Before drivers can be subject to the duties under section 165 of the Act, the LA must first publish their list of designated vehicles, and clearly mark it as 'designated for the purposes of section 165 of the Act'.
- 3.10 LAs should ensure that their designated lists are made easily available to passengers, and that vehicle owners and drivers are made aware. Lists should set out the details of the make and model of the vehicle, together with specifying whether the vehicle is a taxi or private hire vehicle, and stating the name of operator. Where possible it would also be helpful to include information about the size and weight of wheelchair that can be accommodated, and whether wheelchairs that are larger than a "reference wheelchair" can be accommodated.
- 3.11 However, we recognise that some passengers in wheelchairs may prefer to transfer from their wheelchair into the vehicle and stow their wheelchair in the boot. Although the legal requirement for drivers to provide assistance does not extend to the drivers of vehicles that cannot accommodate a passenger seated in their wheelchair, we want to ensure that these passengers are provided with as much information as possible about the accessibility of the taxi and PHV fleet in their area.
- 3.12 We would therefore recommend that LAs also publish a list of vehicles that are accessible to passengers in wheelchairs who are able to transfer from their wheelchair into a seat within the vehicle. It should be made clear however that this list of vehicles has not been published for the purposes of section 165 of the Act and drivers of those vehicles are therefore not subject to the legal duties to provide assistance. Authorities may however wish to use existing licensing powers to require such drivers to provide assistance, and impose licensing sanctions where this does not occur.

## Appeals

- 3.13 Section 172 of the Act enables vehicle owners to appeal against the decision of a LA to include their vehicles on the designated list. That appeal should be made to the Magistrate's Court, or in Scotland the sheriff, and must be made within 28 days of the vehicle in question being included on the LA's published list.

# 4. Drivers

## Driver responsibilities

- 4.1 Section 165 of the Act sets out the duties placed on drivers of designated wheelchair accessible taxis and PHVs.
- 4.2 The duties are:
- to carry the passenger while in the wheelchair;
  - not to make any additional charge for doing so;
  - if the passenger chooses to sit in a passenger seat to carry the wheelchair;
  - to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
  - to give the passenger such mobility assistance as is reasonably required.
- 4.3 The Act then goes on to define mobility assistance as assistance:
- To enable the passenger to get into or out of the vehicle;
  - If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
  - To load the passenger's luggage into or out of the vehicle;
  - If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.
- 4.4 Once the duties are commenced, it will be an offence for the driver (unless exempt) of a taxi or PHV which is on the licensing authority's designated list to fail to comply with them. We encourage LAs to provide drivers of taxis and PHVs who are not exempt from the duties with clear guidance on their duties with respect to the carriage of passengers in wheelchairs, either as part of existing driver-facing guidance, or as supplementary communication. The Disabled Persons Transport Advisory Committee's Disability Equality and Awareness Training Framework for Transport Staff<sup>2</sup> may provide a useful resource.
- 4.5 Although each situation will be different, we take the view that reasonable mobility assistance will be subject to other applicable law, including health and safety legislation. However, we would always expect drivers to provide assistance such as folding manual wheelchairs and placing them in the luggage compartment, installing the boarding ramp, or securing a wheelchair within the passenger compartment.
- 4.6 Depending on the weight of the wheelchair and the capability of the driver, reasonable mobility assistance could also include pushing a manual wheelchair or

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<sup>2</sup>

<http://webarchive.nationalarchives.gov.uk/20080804135759/http://www.dptac.gov.uk/education/stafftraining/pdf/trainingframework-nontabular.pdf>



light electric wheelchair up a ramp, or stowing a light electric wheelchair in the luggage compartment.

- 4.7 It is our view that the requirement not to charge a wheelchair user extra means that, in practice, a meter should not be left running whilst the driver performs duties required by the Act, or the passenger enters, leaves or secures their wheelchair within the passenger compartment. We recommend that licensing authority rules for drivers are updated to make clear when a meter can and cannot be left running.

## Applying for and issuing exemptions

- 4.8 Some drivers may have a medical condition or a disability or physical condition which makes it impossible or unreasonably difficult for them to provide the sort of physical assistance which these duties require. That is why the Act allows LAs to grant exemptions from the duties to individual drivers. These provisions are contained in section 166, and were commenced on 1<sup>st</sup> October 2010.
- 4.9 Section 166 allows LAs to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical or physical grounds. The exemption can be valid for as short or long a time period as the LA thinks appropriate, bearing in mind the nature of the medical issue. If exempt, the driver will not be required to perform any of the duties. Since October 2010, taxi and PHV drivers who drive wheelchair accessible taxis or PHVs have therefore been able to apply for exemptions. If they do not do so already, LAs should put in place a system for assessing drivers and a system for granting exemption certificates for those drivers who they consider should be exempt.
- 4.10 We suggest that authorities produce application forms which can be submitted by applicants along with evidence supporting their claim. We understand that some licensing authorities have already put in place procedures for accessing and exempting drivers, and as an absolute minimum, we think that the evidence provided should be in the form of a letter or report from a general practitioner.
- 4.11 However, the Government's view is that decisions on exemptions will be fairer and more objective if medical assessments are undertaken by professionals who have been specifically trained and who are independent of the applicant. We would recommend that independent medical assessors are used where a long-term exemption is to be issued, and that LAs use assessors who hold appropriate professional qualifications and who are not open to bias because of a personal or commercial connection to the applicant. LAs may already have arrangements with such assessors, for example in relation to the Blue Badge Scheme.
- 4.12 If the exemption application is successful then the LA should issue an exemption certificate and provide an exemption notice for the driver to display in their vehicle. As section 166 has been in force since 2010, many LAs will already have processes in place for issuing exemption certificates, and as such we do not intend to prescribe the form that those certificates should take. We are however keen to ensure that passengers in wheelchairs are able to clearly discern whether or not a driver has been exempted from the duties to provide assistance, and as such will prescribe the form of and manner of exhibiting a notice of exemption.
- 4.13 If the exemption application is unsuccessful we recommend that the applicant is informed in writing within a reasonable timescale and with a clear explanation of the reasons for the decision.

## Demonstrating exemptions

- 4.14 In addition to the exemption certificate, exempt drivers need to be issued with a notice of exemption for display in their vehicle.
- 4.15 The Department will soon make regulations which will prescribe the form of and manner of exhibiting a notice of exemption. Where a driver has been exempted from the duties under section 165 of the Act, they must display an exemption notice in the vehicle they are driving in the form and manner prescribed by the regulations. If the notice is not displayed then the driver could be prosecuted if they do not comply with the duties under section 165 of the Act.
- 4.16 The Department aims to distribute copies of the notice of exemption to LAs, but they are of course free to produce their own in accordance with the regulations.
- 4.17 Only one exemption notice should be displayed in a vehicle at any one time.

## Appeals

- 4.18 Section 172 of the Act enables drivers to appeal against the decision of a LA not to issue an exemption certificate. That appeal should be made to the Magistrate's Court, or a sheriff in Scotland, and must be made within 28 days beginning with the date of the refusal.
- 4.19 LAs may choose to establish their own appeal process in addition to the statutory process but this would need to be undertaken rapidly in order to allow any formal appeal to the Magistrate's Court to be made within the 28 day period.



# 5. Enforcement

## Licensing measures and prosecution

- 5.1 It is important to note that a driver will be subject to the duties set out in section 165 of the Equality Act 2010 if the vehicle they are driving appears on the designated list of the LA that licensed them, and the LA has not provided them with an exemption certificate, regardless of where the journey starts or ends.
- 5.2 The Government expects LAs to take tough action where drivers breach their duties under section 165 of the Act.
- 5.3 LAs have wide-ranging powers to determine the rules by which taxis and private hire vehicles within their respective areas may operate. We recommend that they use these powers to ensure that drivers who discriminate against disabled passengers are held accountable.
- 5.4 If a driver receives a conviction for breaching their duties under section 165 of the Act, it would be appropriate for the authority to review whether or not they remained a fit and proper person to hold a taxi or PHV drivers' licence. The Government's presumption is that a driver who wilfully failed to comply with section 165 would be unlikely to remain a "fit and proper person".
- 5.5 Authorities might also apply conditions which enable them to investigate cases of alleged discrimination and take appropriate action, even where prosecution did not proceed.

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