

Licensing Committee

Special Meeting

at 6.30pm on Tuesday, 21st August 2018

in the Belle Vue Suite at the Belle Vue Square Offices, Skipton

Committee Members: The Chairman (Councillor Myers) and Councillors Baxandall, Graham, Heseltine, Ireton, Jaquin, Madeley, Moorby, Mulligan, Solloway, Thompson and Welch.

AGENDA

1. **Apologies for absence**
2. **Confirmation of Minutes** of meeting held on 12th June 2018.
3. **Public Participation** – In the event that any questions/statements are received or members of the public attend, the public participation session will proceed for a period of up to fifteen minutes.
4. **Declarations of Interest** – All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

(Note: Declarations should be in the form of:

a “***disclosable pecuniary interest***” under Appendix A to the Council’s Code of Conduct, or “***other interests***” under Appendix B or under Paragraph 15 where a matter arises at the meeting which relates to a financial interest of a friend, relative or close associate.

A Member of Council who has a disclosable pecuniary interest must leave the room and not take part in the discussion or vote. When declaring interests under Appendix B or Paragraph 15 of the Code, Members must move to the public seating area, not vote, and speak only if members of the public are also allowed to speak at the meeting.)

5. **Taxi Fares : Review** – Further to Minute LIC.200/17-18, report of the Licensing Manager. Attached.

Purpose of Report – To present and seek a decision in respect of representations received in response to consultation on proposed changes to the hackney carriages fares table.

6. **Gambling Act 2005 : Statement of Licensing Principles** – Report of the Licensing Manager. Attached.

Purpose of Report – Every three years the Council is required by the Gambling Act 2005 to review the Gambling Act 2005 Statement of Licensing Principles (Licensing Policy), and to consult upon any changes proposed. The three yearly review is taking place this year and officers have reviewed the current policy and made suggestions in line with changes to Gambling Commissions Licence Conditions and Codes of Practice and drafted a more up to date and comprehensive Policy.

7. **Next Meeting : Licensing Committee and Licensing and Appeals Sub-Committee** – To enable consideration of any representations received in response to consultation on the revised Gambling Policy, and its adoption by Council in December 2018, the Committee is asked to consider postponing its meeting scheduled for Tuesday, 25th September 2018 to the week commencing 12th November, the suggested date being Tuesday 13th November 2018. Postponement would also enable submission of reports in respect of the proposed taxi licensing penalty points system and safety cameras.

A meeting of the Licensing and Appeals Sub-Committee is needed to consider an application for a hackney carriage driver's licence, and potentially two matters involving vehicles. It is suggested that the meeting be held on 25th September 2018.

8. Any other items which the Chairman decides are urgent in accordance with Section 100B(4) of the Local Government Act, 1972.

Agenda Contact Officer:

Chris Waterhouse, Committee Officer

Tel: (01756) 706235

E-mail: committees@cravendc.gov.uk

13th August 2018

Emergency Evacuation Procedure

In case of an emergency or if the alarm sounds, leave the committee room and leave the building using the nearest available door. The assembly point is in the main square at the front entrance. An officer will take a roll call at that point. Please do not leave without telling the Chairman or the Democratic Services Section's representative.

LICENSING COMMITTEE

12th June 2018

Present – Councillors Myers (Chairman), Baxandall, Graham, Heseltine, Ireton, Jaquin, Madeley, Moorby, Solloway and Thompson.

Officers – Solicitor to the Council (Monitoring Officer), Legal Services Manager, Licensing Manager and Committee Administrator.

An apology for absence was received from Councillor Mulligan.

Start: 6.35pm

Finish: 7:50pm

The minutes of the Committee's meeting held on 17th May 2018 were confirmed and signed by the Chairman.

Exclusion of the Public - That, in accordance with the Council's Access to Information Procedure Rules, the public is excluded from the meeting during consideration of Minutes \$LIC.206 below on the grounds that it is not in the public interest to disclose the Category 3 (financial or business affairs of any particular Person (including the Council) exempt information therein.

Minutes for Report

LIC.202

SAFEGUARDING UPDATE

Julie Hague, Licensing Project Manager for Sheffield Safeguarding Children's Board gave a presentation on the model Sheffield had adopted for safeguarding children, young adults and vulnerable persons. She explained that Sheffield's approach was very much a proactive one that involved partnership working with all key agencies such as the police, trading standards and social services. As part of their strategy to protect children and vulnerable people from harm they used regulatory influence in places that were licensed or regulated by the Council and in places that were unlicensed they used good practice methods such as providing safeguarding training, risk management tools and guidance.

The Chairman and members of the Committee thanked Julie Hague for her very informative presentation which highlighted the important role local authorities such as Craven had in supporting the various trades to be safeguarding aware.

LIC.203

NATIONAL LICENSING MATTERS – LEGAL UPDATE

The Legal Services Manager submitted a report providing Members with a general update on national licensing matters.

Resolved – That, the report is noted.

LIC.204

SUB-COMMITTEE HEARINGS - UPDATE

The Licensing Manager gave a verbal update on the number and type of cases that had been dealt with by the Licensing and Appeals Sub-Committee over the last twelve months. She also reported on the Taxi Licensing Policy Working Group that had met over a period of several months to review the draft policy and make recommendations to the Licensing Committee.

Resolved – That, the report is noted.

LIC.205 **LICENSING ENFORCEMENT AND COMPLIANCE MONITORING
ACTIVITY**

The Licensing Manager gave a verbal update on recent licensing enforcement activity and monitoring which included a multi-agency day of action to undertake spot checks on licensed premises and taxis throughout the District.

Resolved – That, the report is noted.

\$LIC.206 **METRO-GO - PRESENTATION OF A BUSINESS CASE FOR TAXI
LICENSING**

The Licensing Manager submitted a report asking Members to consider a request by Transcare Services (UK) Ltd (trading as Metro-Go), Keighley, for an exemption in relation to a Hackney Carriage vehicle condition should they make a licence application to Craven District Council.

As representatives of Metro-Go did not attend the Committee to present their case, it was

Resolved – That, the matter is deferred to the next meeting of this Committee.

Minutes for Decision

- None -

Chairman.

Licensing Committee – 21 August 2018

REVIEW OF TAXI FARES



Report of the Licensing Manager

Ward(s) affected: All

1. **Purpose of Report** – On 17 May 2018 Licensing Committee resolved to approve the consultation on a revised fares table for Hackney Carriages to take into account a ‘distance to pick up point charge’.
 - 1.1 The consultation concluded on 14 June 2018 and five letters have been received proposing alternative charges.
2. **Recommendations** –

Members are asked to consider the letters received

 - 2.1 and determine whether the revised fare table should be adopted as published (or with any amendments) as proposed.
3. **Report**
 - 3.1 On 24 July 2017 a request was received from a taxi proprietor for the fares applicable to Hackney Carriages to be reviewed to include a further charge that could be applied for journeys which were pre booked and where a significant distance had to be travelled before the meter could be activated.
 - 3.2 This was as result of it coming to the attention of the Licensing Manager through complaints from members of the public that Hackney Carriage Drivers and Proprietors had been agreeing fares with customers that were pre booked that were over and above what the metered fare. Following the High Court decision in Stratford on Avon District Council v Dyde (details of which are attached at Appendix A), this is unlawful.
 - 3.3 Members may recall that a report was submitted to Licensing Committee with a proposed fare table on 19 September 2017 (attached at Appendix B) and Officers were asked to seek legal advice on the issue of taxi fares and how a ‘booking charge’ could be accommodated in any future fares table.
 - 3.4 On 17 May 2018 a further report was presented to Members which included the legal advice sought and with a revised fare table to be consulted on. This report is attached at Appendix C. Members determined that the consultation should take place and authorised the Licensing Manager to undertake the consultation.
 - 3.5 The consultation process is laid down under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 and is as follows:-

- (1) A district council may fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table (hereafter in this section referred to as a “table of fares”) made or varied in accordance with the provisions of this section.
- (2)(a) When a district council make or vary a table of fares they shall publish in at least one local newspaper circulating in the district a notice setting out the table of fares or the variation thereof and specifying the period, which shall not be less than fourteen days from the date of the first publication of the notice, within which and the manner in which objections to the table of fares or variation can be made.
- (b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of fourteen days from the date of the first publication thereof be deposited at the offices of the council which published the notice, and shall at all reasonable hours be open to public inspection without payment.
- (3) If no objection to a table of fares or variation is duly made within the period specified in the notice referred to in subsection (2) of this section, or if all objections so made are withdrawn, the table of fares or variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.
- (4) If objection is duly made as aforesaid and is not withdrawn, the district council shall set a further date, not later than two months after the first specified date, on which the table of fares shall come into force with or without modifications as decided by them after consideration of the objections.
- (5) A table of fares made or varied under this section shall have effect for the purposes of the Act of 1847 as if it were included in hackney carriage byelaws made thereunder.
- (6) On the coming into operation of a table of fares made by a council under this section for the district, any hackney carriage byelaws fixing the rates and fares or any table of fares previously made under this section for the district, as the case may be, shall cease to have effect.
- (7) Section 236(8) (except the words “when confirmed”) and section 238 of the Local Government Act 1972 (except paragraphs (c) and (d) of that section) shall extend and apply to a table of fares made or varied under this section as they apply to byelaws made by a district council.

- 3.6 Attached at Appendix D is the Notice placed in the Craven Herald on 31 May 2018. The notice was also placed at Reception at Belle Vue Square for the prescribed period.
- 3.7 In addition the notice was placed on the Council Website attached at Appendix E and on our Facebook page – evidence at Appendix F.
- 3.8 The Licensing Authority has received five letters from members of the trade and these are attached at Appendix G.
- 3.9 It is unclear from four of the letters exactly what the concern is as they refer to an amount chargeable (£1) which is not mentioned in any of the proposed charges. It is understood from verbal discussions with drivers who have contacted the Licensing Manager that the first additional charge ‘from 2 miles’ is deemed a low mileage and would have a detrimental impact on customers who live in places which are deemed local to the town centre. The charge proposed would be discretionary and if a person pre booked a taxi from one of the areas deemed to be local then the driver would not have to charge the additional charge if he did not wish.
- 3.10 In the advice from James Button (who is a Solicitor and principal of James Button and Co which is a niche licensing, environmental health and public health practice and President of the Institute of Licensing) he states the following in relation to the issue raised in 3.9 as well as the proposed charges:-

“The number of levels and charge, and the amount of the charge will be a matter for your Council to determine. However, for the purposes of public confidence and some degree of certainty, I think a small number would be more satisfactory. I appreciate that Craven is a large district, and however the lines are drawn, there will be degrees of unfairness, with some passengers being charged less for journeys that are only slightly shorter, and some drivers having to drive further for no greater reward. However, short of allowing the meter to be used on the standard charge for all elements of a journey (out and back) that is an inevitable consequence.

As regards the amount of the charge, I feel there should be a tiered approach building up to a maximum charge of £12 on Tariff 1 and £15 on Tariff 2 requested and referred to in the report you supplied me with. This could be based on mileage to pick up, perhaps in 2 mile bands up to a maximum of 12 miles at say £1.00 per mile. That is just a suggestion based on Tariff 1 which currently allows £3.80 for just over a mile (1778.6 yards). That may be reasonable, as the existing tariff will take into account dead mileage.

As these are all prebooked journeys, there will be room for some negotiation, but ultimately, the table of fares must prescribe the maximum charge to protect passengers. The driver or booking agent can be expected to have a reasonable knowledge of the District, and can therefore make a reasonable estimate of the distance from the starting point to the pick up point, and tell the customer which band the cost will fall into. This can be entered onto the meter as an extra charge, and will therefore be displayed to the customer.”

3.11 The tariff card can be amended to reflect the fact that the 'distance to pick up point charge' is discretionary. It already states that it can only be applied if it is agreed with the hirer before the journey is booked and the hirer is aware of the reasons it has been applied.

3.12 The Department for Transport Best Practice Guidance issued in 2010 states the following in relation to taxi fares:-

52 Local licensing authorities have the power to set taxi fares for journeys within their area, and most do so. (There is no power to set PHV fares.) Fare scales should be designed with a view to practicality. The Department sees it as good practice to review the fare scales at regular intervals, including any graduation of the fare scale by time of day or day of the week. Authorities may wish to consider adopting a simple formula for deciding on fare revisions as this will increase understanding and improve the transparency of the process. The Department also suggests that in reviewing fares authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers sufficient incentive to provide a service when it is needed. There may well be a case for higher fares at times of higher demand.

53. Taxi fares are a maximum, and in principle are open to downward negotiation between passenger and driver. It is not good practice to encourage such negotiations at ranks, or for on-street hailings; there would be risks of confusion and security problems. But local licensing authorities can usefully make it clear that published fares are a maximum, especially in the context of telephone bookings, where the customer benefits from competition. There is more likely to be a choice of taxi operators for telephone bookings, and there is scope for differentiation of services to the customer's advantage (for example, lower fares off-peak or for pensioners).

54. There is a case for allowing any taxi operators who wish to do so to make it clear – perhaps by advertising on the vehicle – that they charge less than the maximum fare; publicity such as '5% below the metered fare' might be an example.

3.13 Attached at Appendix H is a map giving an indication of distances (as the crow flies) from Skipton Bus Station Rank as a central point and which is close to the booking offices of most of the taxi firms in Skipton that have been charging customers illegally and who the introduction of a 'distance to pick up point charge' would potentially affect. It has been produced in an effort to try and demonstrate what are potentially short, medium and long distances.

Implications

4.1 **Financial Implications** – The cost of placing the advertisement was £623.20 and is recoverable under the Hackney Carriage Application fees. As stated in Legal Implications if no change to the tariff card are approved then costs could be incurred both to the Council and the Trade should prosecutions be brought against drivers who have been found to be overcharging customers.

Legal Implications –The report sets out the procedure for setting fares for Hackney Carriages in accordance with the Local Government (Miscellaneous Provisions) Act 1976. The Licensing Authority, in specifying fares, sets the maximum. An individual driver can choose to charge a lower amount if they wish.

It is an offence under section 55 of the Town Police Clauses Act 1847, for which the Licensing Authority may prosecute, for a Hackney Carriage Driver to charge a sum higher than the applicable tariff set by the Licensing Authority.

4.2 **Contribution to Corporate Priorities** – Promoting the wellbeing of Craven’s communities

4.4 **Risk Management** – The Licensing Manager has stated in discussions with the trade that Hackney Carriage Drivers charging higher than the applicable tariff is unlawful. If a ‘distance to pick up charge’ is not agreed there is a risk that Hackney Carriage Drivers will not undertake Private Hire work in outlying villages for financial reasons which will result in a lack of service for our rural residents.

4.5 **Equality Impact Assessment** –The Council’s Equality Impact Assessment Procedure **has not been** followed. Therefore neither an Initial Screening or an Equality Impact Assessment has been undertaken on the proposed policy, strategy, procedure or function to identify whether it has/does not have the potential to cause negative impact or discriminate against different groups in the community based on •age • disability •gender • race/ethnicity • religion or religious belief (faith) •sexual orientation, or • rural isolation.

5. **Consultations with Others** – Statutory consultation undertaken as per the legislation.

6. **Access to Information : Background Documents** – Sections 65 and 67 Local Government (Miscellaneous Provisions) Act 1976
Legal Advice sought from James Button & Co Solicitors

7. **Author of the Report** – Deborah Bragg – Licensing Manager 01756 706343

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

Appendices –

Appendix A – Overview of Stratford on Avon District Council v Dyde High Court Case – extract from ‘Button on Taxis Licensing Law and Practice Fourth Edition

Appendix B – Report and Appendices from 19 September 2017

Appendix C – Report and Appendices from 17 May 2018

Appendix D - Notice placed in Craven Herald on 31 May 2018

Appendix E – Evidence of Notice placed on Council Website

Appendix F – Evidence of consultation being put on Craven District Council Facebook page with link to webpage on Council Website

Appendix G – Letters received as part of consultation exercise

Appendix H – Map indicating distances (as the crow flies) to some of the places which would be affected by the amendment to the tariff card

Stratford-on-Avon District Council v Dyde

9.26

Pre-booked hackney carriage for a journey within the district at an agreed price which was significantly higher than the metered fare would have been. Held that an offence was committed under s 67, notwithstanding that the agreement was between the passenger and a taxi company, not the driver.

The case of *Stratford-on-Avon District Council v Dyde*¹ arose from a test purchase undertaken by officers from Stratford-on-Avon District Council. They contacted a local taxi company and booked a journey wholly within the district. A fare of £32 was agreed. When the hackney carriage arrived at the pick-up point, the driver did not turn his meter on. The journey was undertaken and the passengers charged the £32. It was clear from measuring the distance that the fare should have been around £20.10. Dyde was prosecuted for charging more than the metered fare contrary to s 67(1) of the 1976 Act and failing to activate the meter contrary to byelaw 5(b). The case was dismissed by the magistrates on the basis that it amounted to entrapment and the evidence of the undercover officers was excluded under s 78 of the Police and Criminal Evidence Act 1984.

The council appealed by way of case stated. The High Court held that the evidence could be admitted². It further found that³:

'As a licensed hackney carriage driver, the Respondent [Dyde] would have been well aware of two matters in particular:

- (1) that although it was permissible for a taxi to undertake journeys for a fixed price ("a fixed job", as it was put on the Respondent's behalf), it was a criminal offence to do so at a fixed price that was in excess of the metered fare (see s 67(1));
- (2) that a metered fare from Walton Hotel, Wellesbourne to Gaydon would not be nearly as much as £32. The Respondent might not have known that the metered fare would be precisely £20.10, as alleged in the information, but, given the considerable discrepancy between the two figures, he would have been in no doubt that a fare of £32 was significantly in excess of the metered fare and was therefore unlawful.

[25] The magistrates do not appear to have considered the implications of s 67 of the 1976 Act in this respect. Looking at their conclusions in paras 18 and 19 of the case stated, the fact that the Respondent was not a party to the original discussion about the fare, and that he confirmed with the officers that the fare had been negotiated by them with 007 Taxis, and the fact that he was not asked to switch on his taxi meter, are all beside the point if the Respondent knew, as he should have done, as a licensed hackney carriage driver, that any fixed fare agreed by a third party had to be equal to or not greater than the metered fare, and that the metered fare would not be as much as £32.'

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is a criminal matter and the police should take such deliveries of passengers and reports by drivers seriously. It is suggested that this might be more effective than returning them to their pick-up point.

9.35

Although it is possible to understand the provocation which might lead a taxi driver to use intimidatory methods to recover the fare, such action is, of course, completely unacceptable. In some areas, especially on late-night hirings, some drivers ask for either a deposit to be made against the fare before the hiring commences, or full fixed payment in advance (which must not exceed the metered fare). Provided that the balance is returned where the final fare does not exceed the deposit, then this is an acceptable and indeed, reasonable method of operation. Whilst the protection of the travelling public is the paramount aim of the licensing regime, it must always borne in mind that those involved in the trade are trying to earn a living and must be allowed to take all reasonable steps to achieve this.

AGREEMENTS TO PAY MORE THAN THE FARE SHOWN

9.36

TPCA 1847, s 55 outlaws any agreement to pay more than the fare shown on the meter, irrespective of what may have been agreed beforehand. If any overpayment of this nature is made, it can be recovered through the magistrates' courts as a civil debt¹. In addition, the driver who demanded the excess can not only be prosecuted and fined, but also, if the excess demanded has not been repaid, he can be imprisoned for up to one month, unless the excess is repaid during that time. This seems to be an extraordinary provision and one can only think that such agreements were a major problem in the middle of the 19th century. The fine is level 3 on the standard scale and no other legislative provision governing hackney carriages or private hire vehicles carries a risk of imprisonment for breach. No records of any imprisonment for such a transgression have been found and it is difficult to say what view modern magistrates would take of such a situation.

¹ See para 9.32 above.

TIPPING

9.37

This does not, however, prohibit the tipping of a hackney carriage driver at the end of the hiring. This is one area of service where a tip is often given and provided no agreement to tip was made in advance (in which case it would be outlawed by TPCA 1847, s 55)¹, the hirer is at liberty to tip whatever amount they may wish. As this is a gratuity and there is no contractual provision covering it, the driver should not expect this and although he may feel aggrieved if a tip is not forthcoming, no action can be taken against the passenger.

¹ See Appendix I.

Licensing Committee – 19 September 2017



CRAVEN
IN THE YORKSHIRE DALES
D I S T R I C T

REVIEW OF TAXI FARES

Report of the Licensing Manager

Ward(s) affected: All

1. **Purpose of Report** – On 24 July 2017 a request was received from a taxi proprietor for the fares applicable to Hackney Carriages to be reviewed to include a further charge that can be applied to journeys which take place within Craven in certain circumstances.
2. **Recommendations** –
Members are asked to authorise
 - 2.1 the Licensing Manager to consult on the proposed amendment to the fares tariff as set out at Appendix B to include a 'Call Out Charge' and 'Soiling Charge' and
 - 2.2 The proposed fares take effect from 9 October 2017 (provided that no objections to the proposals are received).
3. **Report**
 - 3.1 Section 67 of the Local Government (Miscellaneous Provisions) Act 1976 allows a Hackney Carriage to also be used a Private Hire Vehicle.
 - 3.2 With regards to Private Hire Operators, Drivers and Vehicles - these licence holders are able to set their own fares and charge the customer effectively what they like as long as the fare has been agreed between the driver or operator before the journey commences.
 - 3.3 Hackney Carriage fares on the other hand are set by the Local Authority and are made under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976. It is an offence under Section 58 of the Town Police Clauses Act 1847 to charge more than the fare shown on the meter plus any legitimate extras. A Hackney Carriage Driver must not turn the meter on until such time as the passenger is collected.
 - 3.4 The Table of Fares set by the Local Authority applies to any journey undertaken by a Hackney Carriage regardless of whether the journey is pre booked or hailed in the street or on a Hackney Carriage Rank.
 - 3.4 Under Section 54 of the same Act it is allowable for an agreement to be made in advance of the hiring of a hackney carriage for a sum less than that shown at the end of the hiring to be paid. Section 55 however outlaws any agreement to pay more than the fare shown on the meter, irrespective of what may have been agreed beforehand.

- 3.5 It has come to the attention of the Licensing Manager that it has been custom and practice for many years for companies operating Hackney Carriages to agree fares with passengers which are over and above the metered fare where the driver has to travel a substantial distance to collect the passenger then only take them on a relatively short journey.
- 3.6 Examples of such journeys which have been given in explanation of this practice are picking up in Threshfield to take passenger to Grassington a journey of only a mile or so but the driver has had to come from Skipton Town Centre. Another journey is from Premier Inn at Gargrave to The Coniston Hotel. These journeys if calculated on the meter would be around £3.00 or £4.00 whereas in the case of the latter journey customers are charged between £12.00 and £15.00.
- 3.7 As a result of this unlawful practice coming to light, the Licensing Manager wrote to all drivers and advised the following:-

The Council is in receipt of an increasing number of complaints from the public about the fares being charged, mainly through journeys which are booked over the telephone. You are reminded that you are not able to charge a customer more than what would be on the meter. If you have a Hackney Carriage Drivers Licence you are not able to:

- *agree a fare which would be more than the metered rate (even where you are undertaking private hire work);*
- *charge a customer for the outward journey i.e. for the journey before a passenger gets in the vehicle;*

I am aware that the practice of charging customers through a pre booking more for certain journeys which are deemed to be 'not worth doing' because of the travel time to pick the passenger(s) up or length of journey required has been going on for some time, however this is illegal and the Licensing Authority will be taking action against any driver found to have overcharged customers in this way. This includes prosecution in the Magistrates Court and referral to the Licensing and Appeals Sub Committee which could result in the revocation of your licence.

- 3.4 The legislation is quite clear - Section 67 of the Local Government (Miscellaneous Provisions) Act 1976 states:-

Hackney Carriages used for Private Hire

(1) No hackney carriage shall be used in the district under a contract or purported contract for private hire except at a rate of fares or charges not greater than that fixed by the byelaws or tables mentioned in section 66 of this Act, and, when any such hackney carriage is so used, the fare or charge shall be calculated from the point in the district at which the hirer commences his journey.

(2) Any person who knowingly contravenes this section shall be guilty of an offence.

(3) In subsection (1) of this section "contract" means—

(a) a contract made otherwise than while the relevant hackney carriage is plying for hire in the district or waiting at a place in the district which, when the contract is made, is a stand for hackney carriages appointed by the district council under section 63 of this Act; and

(b) a contract made, otherwise than with or through the driver of the relevant hackney carriage, while it is so plying or waiting.

3.5 In addition to the letter, the Licensing Manager has been in dialogue with representatives of the trade in order to understand how and why this practice, in direct contravention of the legislation, has developed. It has become clear the rural nature of the District means that Hackney Carriage Drivers consider that it is not financially viable for them to carry out some journeys, in particular where the travel to pick up the passengers is some distance away (from the main area in which the driver operates – usually Skipton) and take them on the journey they wish to take. During these discussions it has been reiterated what options are available to the trade; in relation to fares.

3.6 These options are: -

- i. ask for a fare review,
- ii. become Private Hire (Driver, Vehicle and Operator Licences required) then they set their own tariff as the Licensing Authority does not set the fares for Private Hire or
- iii. comply with the requirements of the legislation.

3.7 As a result of these discussions a Hackney Carriage Proprietor has formally requested a fare review so that a "call out charge" can be charged in specified circumstances.

3.8 The Licensing Manager has carried out research looking at what fares tariffs are in place in other Local Authority Areas which are predominantly rural and where substantial distances may have to be travelled from a main town in that area to outlying villages in order to fulfil bookings. In some of these areas a 'Call Out Charge' is included on the fare tariff or a 'Booking Fee'.

3.9 Ryedale District Council is a Local Authority area which covers a predominantly rural area similar to Craven. Included in their Hackney Carriage Tariff is a 'call out charge'. This charge is £12.00 on Tariff 1 and £15.00 on Tariff 2.

3.10 Attached at Appendix A is the current fares table for Craven which was last reviewed on 14 June 2012.

3.11 Attached at Appendix B is a revised fares table which would include a 'Call Out Charge' which could be charged in circumstances which fell into the journey categories described. These charges have been applied to all Tariffs with a proposed maximum of £10.00 being applicable to Tariff 1 and a proposed maximum of £12.00 to all other Tariffs. In addition it could only be charged if agreed with the hirer at the time of booking and they are aware of the reasons why it has been applied. In all cases a lower charge can be agreed.

- 3.12 By including a 'call out charge' on the tariff it will encourage a rural taxi service as there are only a handful of Private Hire Operators covering the whole of the Craven District. If Hackney Carriages decline work that they feel is financially unviable for them to undertake then residents who live in rural or remote areas are not being given access to public transport other than buses or trains which only serve these communities on a limited basis and not 24 hours a day. A call out charge is designed to attract a better service for our rural residents.
- 3.10 In addition a 'Soiling Charge' has been included so that drivers and passengers are aware that if a vehicle has to be taken off the road for example because a passenger is sick in the car, then the driver can make a charge for the inconvenience that would be caused to him/her by having to stop working and get the vehicle cleaned before being able to work again. Where a 'Soiling Charge' is not included it can become a contentious subject should an incident occur and a passenger feels that they are being 'ripped off' by a driver – including this would minimise this risk. This charge is also a maximum so a lower charge could be agreed.
- 3.11 The trade have not asked for a revision in any of the other charges.
- 3.12 The consultation process is laid down under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 and is as follows:-
- (1) A district council may fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table (hereafter in this section referred to as a "table of fares") made or varied in accordance with the provisions of this section.
 - (2)(a) When a district council make or vary a table of fares they shall publish in at least one local newspaper circulating in the district a notice setting out the table of fares or the variation thereof and specifying the period, which shall not be less than fourteen days from the date of the first publication of the notice, within which and the manner in which objections to the table of fares or variation can be made.
 - (b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of fourteen days from the date of the first publication thereof be deposited at the offices of the council which published the notice, and shall at all reasonable hours be open to public inspection without payment.
 - (3) If no objection to a table of fares or variation is duly made within the period specified in the notice referred to in subsection (2) of this section, or if all objections so made are withdrawn, the table of fares or variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.

- (4) If objection is duly made as aforesaid and is not withdrawn, the district council shall set a further date, not later than two months after the first specified date, on which the table of fares shall come into force with or without modifications as decided by them after consideration of the objections.
- (5) A table of fares made or varied under this section shall have effect for the purposes of the Act of 1847 as if it were included in hackney carriage byelaws made thereunder.
- (6) On the coming into operation of a table of fares made by a council under this section for the district, any hackney carriage byelaws fixing the rates and fares or any table of fares previously made under this section for the district, as the case may be, shall cease to have effect.
- (7) Section 236(8) (except the words "when confirmed") and section 238 of the Local Government Act 1972 (except paragraphs (c) and (d) of that section) shall extend and apply to a table of fares made or varied under this section as they apply to byelaws made by a district council.

Implications

4.1 **Financial Implications** – The cost of placing the advertisement in the Craven Herald is approximately £623.20. The cost of such a notice is recoverable as part of the Hackney Carriage licence fee.

Legal Implications –The report sets out the procedure for setting fares for Hackney Carriages in accordance with the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Authority, in specifying fares, sets the maximum an individual can chose to charge a lower amount if they wish.

It is an offence, for which the Licensing Authority may prosecute, for a Hackney Carriage Driver to charge a sum higher than the applicable tariff set by the Licensing Authority.

4.2 **Contribution to Corporate Priorities** – Promoting the wellbeing of Craven's communities

4.4 **Risk Management** – The Licensing Manager has stated in discussions with the trade that Hackney Carriage Drivers charging higher than the applicable tariff is unlawful | If a Call Out Charge is not agreed there is a risk that Hackney Carriage Drivers will not undertake Private Hire work in outlying villages for financial reasons which will result in a lack of service for our rural residents.

- 4.5 **Equality Impact Assessment** –The Council’s Equality Impact Assessment Procedure **has not been** followed. Therefore neither an Initial Screening or an Equality Impact Assessment has been undertaken on the proposed policy, strategy, procedure or function to identify whether it has/does not have the potential to cause negative impact or discriminate against different groups in the community based on •age • disability •gender • race/ethnicity • religion or religious belief (faith) •sexual orientation, or • rural isolation.
5. **Consultations with Others** – Enquiries made with local authorities about fare tariffs.
6. **Access to Information : Background Documents** – Sections 65 and 67 Local Government (Miscellaneous Provisions) Act 1976
7. **Author of the Report** – Deborah Bragg – Licensing Manager 01756 706343

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

Appendices – Appendix A – Current Fares Tariff agreed 14 June 2012
 Appendix B – Proposed Fares Tariff

Appendix A

Craven District Council

Hackney Carriages TABLE OF FARES (From 14th June 2012)

Tariff 1 – 0600 hrs to Midnight

Up to 1 st 838 yards	£3.00p
Each subsequent 117.6 yards.....	10p
Waiting time per minute	17p

Tariff 2 – Midnight to 0600 hrs

Up to 1 st 838 yards	£3.30p
Each subsequent 196.6 yards	20p
Waiting time per minute	17p

Tariff 3 – 1800 hrs on Christmas Eve until 0600 hrs on the 27 December and from 1800 hours New Years Eve until Midnight on New Years Day

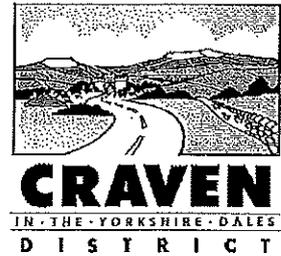
Up to 1 st 838 yards	£4.21p
Each subsequent 143.2 yards	20p
Waiting time per minute	17p

Tariff 4 – Vehicles when carrying 5 or more passengers

Up to 1 st 838 yards	£4.00p
Each subsequent 156.9 yards	20p
Waiting time per minute	24p

The above apply to all journeys within Craven District and to journeys over the District boundary, unless agreed otherwise prior to hiring.

Appendix B



Section 65 Local Government (Miscellaneous Provisions) Act 1976

Notice is hereby given that as a request of the Hackney Carriage Proprietors, Craven District Council are to amend the table of fares for licensed Hackney Carriages as set out below:-

TABLE OF FARES

Tariff 1 – 0600 hrs to Midnight

Up to 1 st 838 yards	£3.00
Each subsequent 117.6 yards.....	10p
Waiting time per minute	17p
Call out charge – Maximum to be added to any one journey at any one time	£10.00

Tariff 2 – Midnight to 0600 hrs

Up to 1 st 838 yards	£3.30
Each subsequent 196.6 yards	20p
Waiting time per minute	17p
Call out charge – Maximum to be added to any one journey at any one time	£12.00

Tariff 3 – 1800 hrs on Christmas Eve until 0600 hrs on the 27 December and from 1800 hours New Years Eve until Midnight on New Years Day

Up to 1 st 838 yards	£4.21
Each subsequent 143.2 yards	20p
Waiting time per minute	17p
Call out charge – Maximum to be added to any one journey at any one time	£12.00

Tariff 4 – Vehicles when carrying 5 or more passengers

Up to 1 st 838 yards	£4.00
Each subsequent 156.9 yards	20p
Waiting time per minute	24p
Call out charge – Maximum to be added to any one journey at any one time	£12.00

Call Out Charge

This charge can only be applied if it is agreed with the hirer before the journey is booked and the hirer is aware of the reasons it has been applied.

Soiling Charge

A maximum soiling charge of £50.00 is payable to cover cleaning the vehicle and loss of earnings when a passenger(s) soils a vehicle by whatever means.

The meter must be engaged for each and every journey, whether the vehicle has been pre-booked or not. The driver cannot charge in excess of this table of fares for any journey with the Craven District.

If the hiring takes the journey outside the District of Craven, the driver cannot charge more than this table of fares allows unless a fare has been agreed with the hirer before the commencement of the journey.

These are maximum charges and drivers are permitted to negotiate a fare provided they do not charge any more than the table of fares allows.

It is proposed that the above fares and charges will take effect from xxxxxx 2017

Should any person wish to make objections to the above fares and charges taking effect, they should put their objections in writing addressed to the person named below, as soon as practicable, and in any case before xxxxx 2017

Ms Deborah Bragg – Licensing Manager
Craven District Council, 1 Belle Vue Square, Broughton Road, Skipton,
North Yorkshire BD23 1FJ

dbragg@cravenc.gov.uk

Licensing Committee – 17 May 2018**REVIEW OF TAXI FARES****Report of the Licensing Manager****Ward(s) affected: All**

1. **Purpose of Report** – On 24 July 2017 a request was received from a taxi proprietor for the fares applicable to Hackney Carriages to be reviewed to include a further charge that can be applied to journeys which take place within Craven in certain circumstances.
 - 1.1 At its meeting on 19 September 2017 members considered the attached report and asked officers to seek further legal advice about the proposal of including a discretionary booking fee in the fares tariff and to seek alternative ways of allowing hackney carriage proprietors to legally charge for journeys which commence a considerable distance away from where the journey was booked.
2. **Recommendations** –

Members are asked to authorise

 - 2.1 the Licensing Manager to consult on the proposed amendment to the fares tariff as set out at Appendix B to include a 'Distance to Pick Up Point Charge' and 'Soiling Charge' and
 - 2.2 The proposed fares take effect from the day after the objection period ends (provided that no objections to the proposals are received).
3. **Report**
 - 3.1 Section 67 of the Local Government (Miscellaneous Provisions) Act 1976 allows a Hackney Carriage to also be used a Private Hire Vehicle.
 - 3.2 With regards to Private Hire Operators, Drivers and Vehicles - these licence holders are able to set their own fares and charge the customer effectively what they like as long as the fare has been agreed between the driver or operator before the journey commences.
 - 3.3 Hackney Carriage fares on the other hand are set by the Local Authority and are made under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976. It is an offence under Section 58 of the Town Police Clauses Act 1847 to charge more than the fare shown on the meter plus any legitimate extras. A Hackney Carriage Driver must not turn the meter on until such time as the passenger is collected.

- 3.4 The Table of Fares set by the Local Authority applies to any journey undertaken by a Hackney Carriage regardless of whether the journey is pre booked or hailed in the street or on a Hackney Carriage Rank.
- 3.4 Under Section 54 of the same Act it is allowable for an agreement to be made in advance of the hiring of a hackney carriage for a sum less than that shown at the end of the hiring to be paid. Section 55 however outlaws any agreement to pay more than the fare shown on the meter, irrespective of what may have been agreed beforehand.
- 3.5 As determined by members at the Licensing Committee on 19 September 2017 advice was sought from James Button & Co Solicitors a leading legal practice that specialises in licensing law. His advice is detailed below:-

“The problem you have identified is that hackney carriage drivers (and by extension, possibly proprietors) are charging a “pick up” or “call out” charge when the journey is commencing outside the town centres, to cover the cost of the vehicle travelling to the pick-up point. Whilst such an arrangement would be lawful for a private hire operator, as there is no control exercised by the Council over private hire fares, it is specifically illegal under hackney carriage law. That is the case however the vehicle was hired, even where the hiring was arranged by a third party “booking agent”. This point was confirmed by the High Court in Stratford-on-Avon District Council v Dyde.

Legally, there is no problem in incorporating a “booking fee” or a “distance to pick up” fee in your table of fares. It falls within the element of the power contained in section 65 that covers ‘and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle’.

A number of local authorities have a booking fee. This can be applied when a hiring has been arranged other than by means of either hailing the vehicle, or approaching it when stationary, either at a hackney carriage stand or elsewhere. Such fees tend to be a flat fee, and will not of themselves cover the full cost of the journey to the collection point.

A “distance to pick up point” fee would aim to cover that such a cost, either in whole or in part. The initial suggestion was for a maximum fee, but concerns have been raised that this would be applied universally, thereby discriminating against some passengers. I agree that some form of graduated fee seems to be the best approach.

I also think that it needs to be made clear that the fee applies from either the registered address of the vehicle proprietor, or where the vehicle is located when the booking is accepted, whichever is nearer the location of the pick-up point.

This is necessary because there is no concept of a hackney carriage operator and therefore no obvious starting point for such a charge. Without this, again, there may be abuse of the system and exploitation of passengers.

A third possibility might be where there is an established hackney carriage booking agent, and evidence to demonstrate that all bookings for a particular vehicle are taken through that agent. In that case, the location of the agent could be the starting point, again unless the vehicle is already closer to the pick-up point.

The number of levels of charge, and the amount of the charge will be a matter for your Council to determine. However, for the purposes of public confidence and some degree of certainty, I think a small number would be more satisfactory. I appreciate that Craven is a large district, and however the lines are drawn, there will be degrees of unfairness, with some passengers being charged less for journeys that are only slightly shorter, and some drivers having to drive further for no greater reward. However, short of allowing the meter to be used on the standard charge for all elements of a journey (out and back) that is an inevitable consequence.

As regards the amount of the charge, I feel there should be a tiered approach, building up to the £12 maximum charge on Tariff 1 and £15.00 on Tariff 2 requested and referred to in your report. This could be based on mileage to pick up, perhaps in 2-mile bands up to a maximum of 12 miles at say £1.00 per mile. That is just a suggestion, based on Tariff 1 which currently allows £3.80 for just over a mile (1778.6yards). That may be reasonable, as the existing tariff will take account of dead mileage, although I am not certain how your existing tariff is calculated. Such an approach would lead to the following:

<i>Mileage up to</i>	<i>Tariff 1 Charge</i>	<i>Tariff 2 Charge</i>
<i>2</i>	<i>£2.00</i>	<i>£2.50</i>
<i>4</i>	<i>£4.00</i>	<i>£5.00</i>
<i>6</i>	<i>£6.00</i>	<i>£7.50</i>
<i>8</i>	<i>£8.00</i>	<i>£10.00</i>
<i>10</i>	<i>£10.00</i>	<i>£12.50</i>
<i>12 or over</i>	<i>£12.00</i>	<i>£15.00</i>

It will then be necessary to determine how such a charge is levied. As these are all pre-booked journeys, there will be room for some negotiation, but ultimately, the table of fares must prescribe the maximum charge, to protect passengers. The driver or booking agent can be expected to have a reasonable knowledge of the district, and can therefore make a reasonable estimate of the distance from the starting point (as detailed above) to the pick-up point, and tell the customer which band the cost will fall into. This can then be entered onto the meter as an extra charge, and will therefore be displayed to the customer.

It may be possible to programme a meter to record the mileage to the pick-up point, and reduce the charge to the lower band if the estimate was wrong. If the estimate was under, there should be no mechanism to increase it.

I do not know whether meter technology will accept this type of approach, but I think it should be possible. It would be sensible to discuss this with your local meter providers before proceeding.

The further problem will be whether the drivers will accept such restrictions on their current (illegal) practices. That will be a matter of enforcement.

I also agree that the soiling charge should be included in the table of fares as well.'

- 3.11 Attached at Appendix B is a revised fares table which would include a 'distance to pick up charge' as suggested which could be charged in circumstances which fell into the journey categories described and would be calculated from the point where the booking is taken – either at the address of the vehicle proprietor, wherever the vehicle is located when the booking is accepted or the address of the booking office used, whichever is nearer the location of the pick-up point.
- 3.12 By including a 'distance to pick up charge' on the tariff it will encourage a rural taxi service as there are only a handful of Private Hire Operators covering the whole of the Craven District. If Hackney Carriages decline work that they feel is financially unviable for them to undertake then residents who live in rural or remote areas are not being given access to public transport other than buses or trains which only serve these communities on a limited basis and not 24 hours a day. A call out charge is designed to attract a better service for our rural residents.
- 3.10 In addition a 'Soiling Charge' has been included so that drivers and passengers are aware that if a vehicle has to be taken off the road for example because a passenger is sick in the car, then the driver can make a charge for the inconvenience that would be caused to him/her by having to stop working and get the vehicle cleaned before being able to work again. Where a 'Soiling Charge' is not included it can become a contentious subject should an incident occur and a passenger feels that they are being 'ripped off' by a driver – including this would minimise this risk. This charge is also a maximum so a lower charge could be agreed.
- 3.11 The trade have not asked for a revision in any of the other charges.
- 3.12 The consultation process is laid down under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 and is as follows:-
- (1) A district council may fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table (hereafter in this section referred to as a "table of fares") made or varied in accordance with the provisions of this section.
 - (2)(a) When a district council make or vary a table of fares they shall publish in at least one local newspaper circulating in the district a notice setting out the table of fares or the variation thereof and specifying the period, which shall not be less than fourteen days from the date of the first publication of the notice, within which and the manner in which objections to the table of fares or variation can be made.
 - (b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of fourteen days from the date of the first publication thereof be deposited at the offices of the council which published the notice, and shall at all reasonable hours be open to public inspection without payment.

- (3) If no objection to a table of fares or variation is duly made within the period specified in the notice referred to in subsection (2) of this section, or if all objections so made are withdrawn, the table of fares or variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.
- (4) If objection is duly made as aforesaid and is not withdrawn, the district council shall set a further date, not later than two months after the first specified date, on which the table of fares shall come into force with or without modifications as decided by them after consideration of the objections.
- (5) A table of fares made or varied under this section shall have effect for the purposes of the Act of 1847 as if it were included in hackney carriage byelaws made thereunder.
- (6) On the coming into operation of a table of fares made by a council under this section for the district, any hackney carriage byelaws fixing the rates and fares or any table of fares previously made under this section for the district, as the case may be, shall cease to have effect.
- (7) Section 236(8) (except the words "when confirmed") and section 238 of the Local Government Act 1972 (except paragraphs (c) and (d) of that section) shall extend and apply to a table of fares made or varied under this section as they apply to byelaws made by a district council.

Implications

4.1 **Financial Implications** – The cost of placing the advertisement in the Craven Herald is approximately £623.20. The cost of such a notice is recoverable as part of the Hackney Carriage licence fee.

Legal Implications –The report sets out the procedure for setting fares for Hackney Carriages in accordance with the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Authority, in specifying fares, sets the maximum. An individual driver can choose to charge a lower amount if they wish.

It is an offence under section 55 of the Town Police Clauses Act 1847, for which the Licensing Authority may prosecute, for a Hackney Carriage Driver to charge a sum higher than the applicable tariff set by the Licensing Authority.

4.2 **Contribution to Corporate Priorities** – Promoting the wellbeing of Craven's communities

4.4 **Risk Management** – The Licensing Manager has stated in discussions with the trade that Hackney Carriage Drivers charging higher than the applicable tariff is unlawful. If a Call Out Charge is not agreed there is a risk that Hackney Carriage Drivers will not

undertake Private Hire work in outlying villages for financial reasons which will result in a lack of service for our rural residents.

- 4.5 **Equality Impact Assessment** –The Council’s Equality Impact Assessment Procedure **has not been** followed. Therefore neither an Initial Screening or an Equality Impact Assessment has been undertaken on the proposed policy, strategy, procedure or function to identify whether it has/does not have the potential to cause negative impact or discriminate against different groups in the community based on •age • disability •gender • race/ethnicity • religion or religious belief (faith) •sexual orientation, or • rural isolation.
- 5. **Consultations with Others** – Enquiries made with local authorities about fare tariffs.
- 6. **Access to Information : Background Documents** – Sections 65 and 67 Local Government (Miscellaneous Provisions) Act 1976
Legal Advice sought from James Button & Co Solicitors
- 7. **Author of the Report** – Deborah Bragg – Licensing Manager 01756 706343

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

Appendices – Appendix A – Report to Licensing Committee on 19 September 2017

Appendix B - Current Fares Tariff agreed 14 June 2012

Appendix C – Proposed Fares Tariff

Craven District Council

Hackney Carriages
TABLE OF FARES (From 14th June 2012)

Tariff 1 – 0600 hrs to Midnight

Up to 1 st 838 yards	£3.00p
Each subsequent 117.6 yards.....	10p
Waiting time per minute	17p

Tariff 2 – Midnight to 0600 hrs

Up to 1 st 838 yards	£3.30p
Each subsequent 196.6 yards	20p
Waiting time per minute	17p

Tariff 3 – 1800 hrs on Christmas Eve until 0600 hrs on the 27 December and from 1800 hours New Years Eve until Midnight on New Years Day

Up to 1 st 838 yards	£4.21p
Each subsequent 143.2 yards	20p
Waiting time per minute	17p

Tariff 4 – Vehicles when carrying 5 or more passengers

Up to 1 st 838 yards	£4.00p
Each subsequent 156.9 yards	20p
Waiting time per minute	24p

The above apply to all journeys within Craven District and to journeys over the District boundary, unless agreed otherwise prior to hiring.

Appendix



Section 65 Local Government (Miscellaneous Provisions) Act 1976

Notice is hereby given that as a request of the Hackney Carriage Proprietors, Craven District Council are to amend the table of fares for licensed Hackney Carriages as set out below:-

TABLE OF FARES

Tariff 1 – 0600 hrs to Midnight

Up to 1st 838 yards£3.00
 Each subsequent 117.6 yards.....10p
 Waiting time per minute17p
 Distance to pick up point charge – see table below

Tariff 2 – Midnight to 0600 hrs

Up to 1st 838 yards £3.30
 Each subsequent 196.6 yards20p
 Waiting time per minute17p
 Distance to pick up point charge – see table below

Tariff 3 – 1800 hrs on Christmas Eve until 0600 hrs on the 27 December and from 1800 hours New Years Eve until Midnight on New Years Day

Up to 1st 838 yards £4.21
 Each subsequent 143.2 yards20p
 Waiting time per minute 17p
 Distance to pick up point charge – see table below

Tariff 4 – Vehicles when carrying 5 or more passengers

Up to 1st 838 yards£4.00
 Each subsequent 156.9 yards 20p
 Waiting time per minute24p
 Distance to pick up point charge – see table below

Distance to Pick Up Point Charge

This charge can only be applied if it is agreed with the hirer before the journey is booked and the hirer is aware of the reasons it has been applied.

The amount applied should be calculated from one of the following points (whichever is the nearer to the pick-up point):-

- Registered address of the vehicle proprietor;
- The point where the vehicle is parked when taking the booking (e.g. rank);
- The address of the booking office that the journey was booked through.

Mileage Up to	Tariff 1	Tariff 2	Tariff 3	Tariff 4
2	£2.00	£2.50	£2.50	£2.50
4	£4.00	£5.00	£5.00	£5.00
6	£6.00	£7.50	£7.50	£7.50
8	£8.00	£10.00	£10.00	£10.00
10	£10.00	£12.50	£12.50	£12.50
12 or over	£12.00	£15.00	£15.00	£15.00

Soiling Charge

A maximum soiling charge of £50.00 is payable to cover cleaning the vehicle and loss of earnings when a passenger(s) soils a vehicle by whatever means.

The meter must be engaged for each and every journey, whether the vehicle has been pre-booked or not. The driver cannot charge in excess of this table of fares for any journey with the Craven District.

If the hiring takes the journey outside the District of Craven, the driver cannot charge more than this table of fares allows unless a fare has been agreed with the hirer before the commencement of the journey.

These are maximum charges and drivers are permitted to negotiate a fare provided they do not charge any more than the table of fares allows.

It is proposed that the above fares and charges will take effect from xxxxxx 2018

Should any person wish to make objections to the above fares and charges taking effect, they should put their objections in writing addressed to the person named below, as soon as practicable, and in any case before xxxxx 2018

Ms Deborah Bragg – Licensing Manager
Craven District Council, 1 Belle Vue Square, Broughton Road, Skipton,
North Yorkshire BD23 1FJ

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Public Notices

Public Notices

Section 65 Local Government (Miscellaneous Provisions) Act 1975
 Notice is hereby given that as a result of the Highway Carriage Provisions, Craven District Council are to amend the table of fares for licensed Hackney Carriages as set out below:

TABLE OF FARES

Tariff 1 - 0500 hrs to Midnight
 Up to 1st 889 yards £3.00
 Each subsequent 117.6 yards 1.00
 Waiting time per minute 1.70
 Distance to pick up point charge - see table below

Tariff 2 - Midnight to 0600 hrs
 Up to 1st 889 yards £3.30
 Each subsequent 136.2 yards 2.00
 Waiting time per minute 1.70
 Distance to pick up point charge - see table below

Tariff 3 - 1600 hrs on Christmas Eve until 0600 hrs on the 27 December and from 1600 hours New Years Eve until Midnight on New Years Day
 Up to 1st 889 yards £4.21
 Each subsequent 143.2 yards 2.00
 Waiting time per minute 1.70
 Distance to pick up point charge - see table below

Tariff 4 - Vehicles when carrying 6 or more passengers
 Up to 1st 889 yards £4.00
 Each subsequent 165.9 yards 2.00
 Waiting time per minute 2.00
 Distance to pick up point charge - see table below

Distance to Pick Up Point Charge
 This charge can only be applied if it is agreed with the driver before the journey is booked and the driver is aware of the reasons it has been applied.
 The amount applied should be calculated from one of the following points (whichever is the nearest to the pick up point):
 Registered address of the vehicle proprietor.
 The point where the vehicle is parked when taking the booking (e.g. rank).
 The address of the booking office that the journey was booked through.

Mileage	Tariff 1	Tariff 2	Tariff 3	Tariff 4
From 0 miles	£2.00	£2.50	£2.50	£2.50
Up to 4 miles	£4.00	£5.00	£5.00	£5.00
Up to 8 miles	£6.00	£7.50	£7.50	£7.50
Up to 12 miles	£8.00	£10.00	£10.00	£10.00
Up to 16 miles	£10.00	£12.50	£12.50	£12.50
Up to 12 miles and over	£12.00	£15.00	£15.00	£15.00

Stuing Charge
 A maximum stuing charge of £50.00 is payable to cover cleaning the vehicle and loss of earnings when a passenger(s) soils a vehicle by whatever means.
 The meter must be engaged for each and every journey, whether the vehicle has been pre-booked or not. The driver cannot charge in excess of this table of fares for any journey with the Craven District Council. If the driver takes the journey outside the District of Craven, the driver cannot charge more than the table of fares allows unless a fare has been agreed with the driver before the commencement of the journey.
 These are maximum charges and drivers are permitted to negotiate a fare provided they do not charge any more than the table of fares allows.
 It is proposed that the above fares and charges will take effect from 15 June 2018.
 Should any person wish to make objections to the above fares and charges being effect, they should put their objection in writing addressed to the person named below, as soon as practicable, and in any case before 14 June 2018.

Ms Deborah Briggs - Licensing Manager
 Craven District Council, 1 Bela Vue Square, Broughdon Road, Skipton, North Yorkshire BD23 1FJ

Public Notices

Notice under Article 13 of the Town & Country Planning (Development Management Procedure) Order 2015, Section 67 & 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Regulation 6 & 6A of the Planning (Listed Buildings and Conservation Areas) Regulations 1999.

Craven District Council has received the following applications that are required to be advertised under the above legislation for the reasons stated:

Application No: 2018/1925/FUL. Proposed Application for reserved matters for the approval of landscaping as reserved by condition in outline consent reference APP/C2/05/01/16/0227 (appeal reference) for 6 dwellings for 14-15 houses. Location: Land North of the Top Lane (adjacent to 18-24 Reasoning) Does not accord with the wishes of the developer's plan in force in the area in which the land to which the application relates is situated.

Application No: 2018/1925/FUL. Proposed retrospective application for the proposed change of use of agricultural land to extend domestic outbuildings and erection of side extension for 14 & 15 The Farm. Location: 18 Skipton Gables Cross Street, Craven, BD23 2NQ. Reason(s): Alter the character and appearance of a Conservation Area.

Application No: 2018/1925/CPE. Proposed Certificate of Lawful Development for an existing use of land for plant repairs, crane repairs, wagon repairs, mechanical and electrical repairs, agricultural repairs, farming for 1/7 The Wares. Location: Skipton Farm Cottages Road, Craven, BD23 2LJ. Reason(s): Alter the sitting of a listed building.

The applications are available to view and for comment on at: <https://planning.craven.gov.uk/onlineapplications> or electronically at 1 Bela Vue Square, Broughdon Road, Skipton, BD23 1FJ.

Representations can also be sent in writing to Development Management, 1 Bela Vue Square, Broughdon Road, Skipton, BD23 1FJ so as to arrive no later than 21st June 2018. All comments received will be available for public inspection and will be available on the internet along with the application details. However, we will endeavour to prevent signatures, telephone numbers and email addresses from appearing on the comments published on the internet.

In the event of an appeal against a refusal of planning permission for a householder's application, that is considered on the basis of representations in writing, any representations made will be available on the internet along with the application details. However, we will endeavour to prevent signatures, telephone numbers and email addresses from appearing on the comments published on the internet.

Decisions are normally made within eight weeks (11 to 13 weeks for major planning applications). Details of the decision will not automatically be sent to those that have made comments. The application progress can be tracked at <https://planning.craven.gov.uk/onlineapplications>.

David Swain, Planning Strategy Manager,
 Planning and Registration | Dated 31st May 2018

NORTH YORKSHIRE COUNTY COUNCIL

Temporary Prohibition of Traffic and Temporary 40 MPH Speed Restriction, Various Roads in the District of Craven, Order 2018, No. 214

We have made an Order to prohibit any vehicle from using the following roads for varying periods of between 1 & 5 days due to works.

This Order will also prohibit any vehicle from proceeding in excess of 40mph to be applied when necessary - the restriction will be put into effect by notices and signs:

1. A608 Skipton Road, Glusburn
2. B6265 New Road to divisional boundary
3. B6479 Horton-in-Ribblesdale to Ribbleshead
4. C383 Haybridge Lane, Gargrave to Kirkby Malham
5. C236, Beamsley
6. C272 Buresall Village to Stings Lane
7. C395 Conistone Back Lane, Grassington
8. C396 Conistone Village to B6160
9. C390 Settle to Kirkby Malham
10. C244 Hillfield to Alton
11. U1908 Skirfare Bridge to Amcliffe
12. Brockton Lane, Embsay
13. U2242 Skirrethorne Lane to Bordley, Threshfield
14. Grysedale Lane, Threshfield
15. Park Lane, Carleton-in-Craven
16. West Lane, Settle-in-Craven
17. Harold Road, Sleightholme
18. Jackson Lane, Bradley
19. High Bradley Lane, Bradley
20. Greengate Lane, Long Preston
21. A65 - B6480 to Newby
22. A65 - Skirbeck Farm to Wearbeck Farm, Settle
23. A65 - A687 to Ingleton
24. A56 - Thornton in Craven

The maximum duration of the Order will be from 04/06/18 until 31/12/18 inclusive. The closures will be put into effect by notices & signs and a local alternative route will be signed on site. Pedestrian access to premises will be maintained at all times & vehicular access to premises will be maintained whenever possible.

All enquiries to: Customer Resolution Centre 01609 760780 or see <https://www.northyorks.gov.uk/roadworks-map>

TEMPORARY PROHIBITION OF TRAFFIC
 Canal Street & Victoria Street, Skipton, Order 2018, no. 230

We intend to make this Order to prohibit any vehicle from using Canal Street & Victoria Street, Skipton for a temporary period of 3 weeks at each location (subject to access to premises), between 18/06/18 & 18/12/18, due to works. The closure period will be indicated by traffic signs & a local alternative route will be signed on site where appropriate.

All enquiries to Northern Gas Networks 0800 0407766 or see <https://www.northyorks.gov.uk/roadworks-map>

RE GEORGE MALCOLM SCOTT DECEASED PURSUANT TO THE TRUSTEE ACT 1925

Notice is hereby given that any person having a claim against or an interest in the Estate of George Malcolm Scott late of 18 Upper Union Street, Skipton BD23 2NN, who died on the 12th day of February 2018 and whose Will was proved in the Leeds District Probate Registry on the 14th day of May 2018, by Christopher Charles Jackson one of the Executors named in the said Will is hereby required to send particulars in writing of his claim or interest to the undersigned Solicitors for the said Executor on or before the 1st day of August 2018 after which date Executor will proceed to distribute the assets of the said Deceased amongst the persons entitled thereto having regard only to the claims and interests of which he shall then have had notice.

Dated 31st May 2018
 Mewless Solicitors Limited
 Clifford House, Kettlewell Road,
 Skipton BD23 2NB
 DX 21754 Skipton

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Local newspapers are the most relevant for knowing about products and services in an area, ranking higher than commercial radio and magazines.*

Place your products and services in our newspaper to reach and responsive audience, contact us to find out how.

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 Monday-Friday 9.00am-5.30pm
classifiedservices@nqnyne.co.uk

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Early Season Bargains

EARLY SEASON BARGAINS
 Bridlington
Two Modern Cottages
 x two bedrooms in a central location
Three Chalets
 x three bedrooms
 at Southshore Holiday Village
 Self Catering - 07714 154 450

We are... effective

80% of people have acted on advertising in local newspapers, with 51% of people visiting a shop due to an advert.*

Take advantage of these impressive statistics by promoting your business in the Craven Herald, contact us to find out how.

*Loving Local

01756 792577
 Monday-Friday 9.00am-5.30pm
classifiedservices@nqnyne.co.uk

Jobs.com The new home for jobs in Yorkshire

<https://www.cravenc.gov.uk/licensing/taxi-and-hackney-carriages/taxi-fares-consultation/>

Audit Trail

- ▶ Gambling
- ▶ Gaming Machines
- House to House Collections
- Sex Establishments
- Street Collections
- ▶ Taxi and Hackney Carriages
 - Hackney Carriage Drivers Licence
 - Hackney Carriage Vehicle - Taxi Lice
 - Taxi Fares Consultation

Action	User	Date	Comment
Publish	Jenny Cornish	04 June 2018 11:13:06	Save and Publish performed by user

Taxi Fares Consultation

We are proposing that taxi fares in Craven be set as below. To object please write to us as soon as practicable, and in any case before 14 June 2018.

Section 65 Local Government (Miscellaneous Provisions) Act 1976

Notice is hereby given that as a request of the Hackney Carriage Proprietors, Craven District Council are to amend the table of fares for licensed Hackney Carriages as set out below:-

TABLE OF FARES

Tariff 1 – 0600 hrs to Midnight

Up to 1st 838 yards£3.00

Each subsequent 117.6 yards.....10p

Waiting time per minute.....17p

Distance to pick up point charge – see table below

Tariff 2 – Midnight to 0600 hrs

Up to 1st 838 yards.....£3.30

Each subsequent 196.6 yards..... 20p

Waiting time per minute..... 17p

Distance to pick up point charge – see table below

Tariff 3 – 1800 hrs on Christmas Eve until 0600 hrs on the 27 December and from 1800 hours New Years Eve until Midnight on New Years Day

Up to 1st 838 yards £4.21

Each subsequent 143.2 yards20p

Waiting time per minute..... 17p

Distance to pick up point charge – see table below

Tariff 4 – Vehicles when carrying 5 or more passengers

Up to 1st 838 yards£4.00

Each subsequent 156.9 yards 20p

Waiting time per minute.....24p

Distance to pick up point charge – see table below

Distance to Pick Up Point Charge

This charge can only be applied if it is agreed with the hirer before the journey is booked and the hirer is aware of the reasons it has been applied.

The amount applied should be calculated from one of the following points (whichever is the nearer to the pick-up point):-

Registered address of the vehicle proprietor;

The point where the vehicle is parked when taking the booking (e.g. rank);

The address of the booking office that the journey was booked through.

Mileage	Tariff 1	Tariff 2	Tariff 3	Tariff 4
From 2 miles	£2.00	£2.50	£2.50	£2.50
Up to 4 miles	£4.00	£5.00	£5.00	£5.00
Up to 6 miles	£6.00	£7.50	£7.50	£7.50
Up to 8 miles	£8.00	£10.00	£10.00	£10.00
Up to 10 miles	£10.00	£12.50	£12.50	£12.50
Up to 12 miles and over	£12.00	£15.00	£15.00	£15.00

Soiling Charge

A maximum soiling charge of £50.00 is payable to cover cleaning the vehicle and loss of earnings when a passenger(s) soils a vehicle by whatever means.

The meter must be engaged for each and every journey, whether the vehicle has been pre-booked or not. The driver cannot charge in excess of this table of fares for any journey with the Craven District.

If the hiring takes the journey outside the District of Craven, the driver cannot charge more than this table of fares allows unless a fare has been agreed with the hirer before the commencement of the journey.

These are maximum charges and drivers are permitted to negotiate a fare provided they do not charge any more than the table of fares allows.

It is proposed that the above fares and charges will take effect from 15 June 2018

Should any person wish to make objections to the above fares and charges taking effect, they should put their objections in writing addressed to the person named below, as soon as practicable, and in any case before 14 June 2018.



Ms Deborah Bragg – Licensing Manager

Craven District Council, 1 Belle Vue Square, Broughton Road, Skipton,

North Yorkshire BD23 1FJ

		Audit Trail			
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		Action	User	Date	Comment
		Publish	Jenny Cornish	04 June 2018 11:13:06	Save and Publish performed by user

Craven Dis

This was published by someone using Hootsuite.

Published by Hootsuite [?] · 4 June · 🌐

Approx F

consulting on changes to taxi fares in Craven - if you have any
ons to the proposals please let us know by June 14th.

www.cravencdc.gov.uk/.../taxi.../taxi-fares-consultation/



17 people reached

Boost Unavailable

Jim Pickering

7 Comments 14 St

6 60718 1655752850521AE/1406660750007075



at ▼

Sheena Ford Some drivers will take you long way round and charge more than needs to be charged. I can understand if there are lights holding them up. But to get to pinhaw Road via new market Street up to Greatwood Estate then try to take you down a side street to make it longer when they all ready on the bus route to go along western road. This was from a pick up point by sports direct in Skipton

Like · Reply · Message · 7w



Craven District Council Hi Sheena, if you do have a specific complaint then please do email us at licensing@cravenc.gov.uk with as much detail as you can, including if possible vehicle/driver information so that we can identify the driver concerned and investigate the complaints.

Like · Reply · Commented on by Jenny Cornish (?) · 7w



Sheena Ford I will next time, no details at this time.

Like · Reply · Message · 7w



Write a reply...



Rod Robinson a lot of years ago on leave they told us they would do that in London then the rate from Euston to kings cross to go south was £1 (lot of money then) so if one gave you the runaround and asked for £3 you just gave them £1 they used to take it and storm off knowing they had been rumbled ,it was one of the good taxi drivers told us to do it



Write a reply...



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Like · Reply · Message · 7w

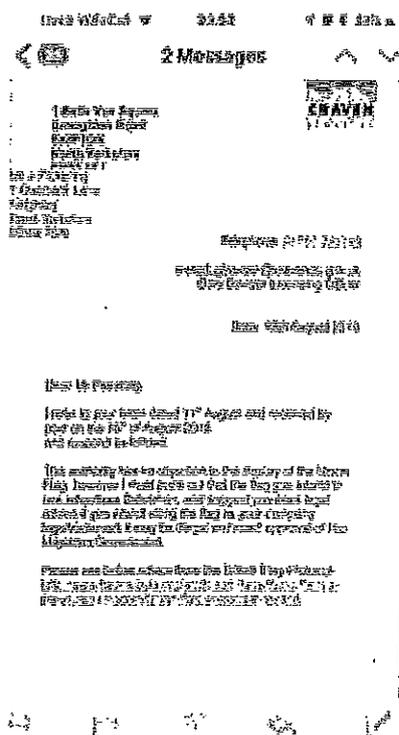
John Pickering The 14th of June, seems like a very short period for consultation.

Like · Reply · Message · 6w

John Pickering Why did you recently change the taxi licensing policy so now the union flag which I have on my door is now unacceptable for licensed hackney carriages?

It was acceptable in the past.

What wrong with being proud of the country we live in?



Like · Reply · Message · 6w · Edited



John Pickering Darren Hunt your right the equality act covers this area. You should not be charged more just on the grounds you are wheelchair user.

In my experience the customers are unsure who to lodge a complaint with, therefore they ring back the company they made the booking with and are fobbed off.

Like · Reply · Message · 6w



Darren Hunt Totally agree John, this has been a big issue for a while, I support people who use wheelchairs, and we have been lobbying for ages for this to come into effect across the area, we only know of one company in Bradford who do not charge any extra

Like · Reply · Message · 6w



Darren Hunt Craven District Council thank you for your reply, I can confirm some craven taxi firms are still charging more for wheelchair users, please can I ask for you to provide the best possible route to raise these concerns to you as and when they arise.

Like · Reply · Message · 6w



John Pickering Darren Hunt 01756706343 is the licensing managers direct line. To make it easier I would try to get the vehicles license numbers on the plate at the back of the taxi and the drivers number stuck on the inside of the windscreen. Failing that you could report it via the registration number you get on the text message when the car arrives

Like · Reply · Message · 6w



Darren Hunt Thanks John Pickering will start doing this.

Like · Reply · Message · 6w



Like · Reply · Message · [@BW](#)



Craven District Council Hi John, I understand you are already in conversation with our licensing team over this matter so this is not the place to discuss it.

Like · Reply · Commented on by [Jenny Cornish \[?\]](#) · [@BW](#)



John Pickering Craven District Council incorrect, there is no conversation the licensing team have removed the option to display a advert on hackney carriage doors. If I don't remove the flag the council will take my license, which I have held for 26 years, away.
As... See more

Like · Reply · Message · [@BW](#)



Stephen Pickering Is it against council rules to be patriotic?

Like · Reply · Message · [@BW](#)

this is not the place to discuss it.

6 w Like Reply



John Pickering

Craven District Council

incorrect, there is no conversation the licensing team have removed the option to display a advert on hackney carriage doors. If I don't remove the flag the council will take my license, which I have held for 26 years, away.

As far as I am aware we are the only company who took the option to display a advert. We decided , two years ago, to display the union flag on the side of our vehicles as we are proud of the country we all live in and our national values.

This was said to be fine with the licensing team.

Unfortunately now it's not, for whatever reason .

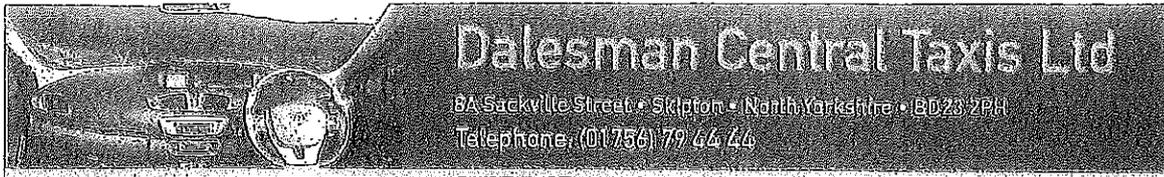
6 w Like Reply



Write a comment



Arrogant C



To the licensing manager,

As I am sure you are aware, since our last price tariff rise the cost of insurance, fuel and the extra predicted expense of the licensing departments changes to the rules and regulations means hackney carriage drivers overheads have increased substantially. Therefore, I request a rise in the metered rate across the board to cover these costs.

With regards to the change to the tariff card regarding the call out or summoning charge of one pound per mile it is not enough. Why would a taxi driver accept two thirds of the fare? It needs to be £1.50 per mile.

We operate in one of the most under populated counties of the country. There are no taxis in most of the rural villages. At the moment there are businesses like The Falcon at Settle, The Foresters at Grassington The Red Lion at Burnsall as you can imagine I could go on. All of these venues have customers who need to get to where they are staying at one pound per mile call out these people are not going to get a taxi. Maybe they will risk it and drive back or maybe they will walk along a dark country road with no footpath. At the moment we can negotiate our fares prior to hiring. Basically, if the hirer is happy and the driver is happy, who is not happy?

It seems to me the licensing department want to change a simple system that has work as far as I am aware for the last thirty years to a system that is far more complicated for all to understand.

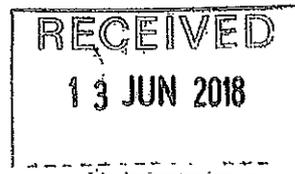
How will the customer feel when you pick them up at Grassington turn the meter on and drop them at Threshfield and the meter has £4 on it and you say that's £11. I'm sure they'll understand that, NOT.

When I made the request for a price review I did expect a bit of input and maybe some feedback.

Yours

John Pickering

Dalesman Central Taxis Ltd





Dear Ms Bragg,

Following consultation with other drivers and fellow union members, we feel the £1 a mile is unfair and feel £1.50 on T1, £1.80 on T2,

£2.30 on T3 and £2.50 on T4 is a much fairer price considering all the outgoings and costs incurred by drivers. We hope we can come to an amicable agreement, suitable to all parties.

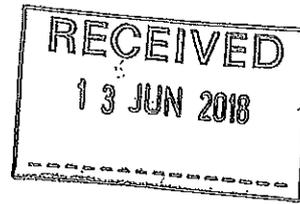
Tariff 4 starts at £4.50 not £4.00.

The other issue to arise is concerning the plate expiry dates. You have suggested 1-3 years 1 year plate, 3-5 years 6 months and 6-12 years 4 months plate. Having discussed this with all those concerned we feel it should be 1-8 years 1 year plate, 9-10 years 6 months and the final 11-12 years 4 month plate.

We hope you will consider the suggestions made by the drivers and look forward to hearing your response

Yours sincerely

A handwritten signature in black ink, appearing to be "S. A. O." with a stylized flourish at the end.



Dear Ms Bragg,

Following consultation with other drivers and fellow union members, we feel the £1 a mile is unfair and feel £1.50 on T1, £1.80 on T2,

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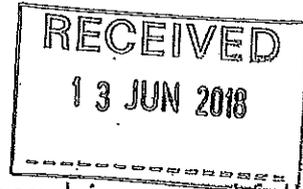
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Yours sincerely


(STAR TAXIS)



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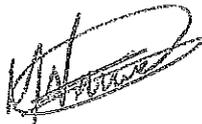
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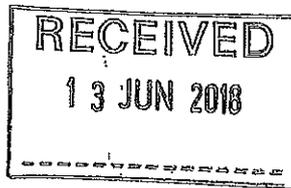
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We hope you will consider the suggestions made by the drivers and look forward to hearing your response

Yours sincerely

 SKIPPON TAXIS



Dear Ms Bragg,

Following consultation with other drivers and fellow union members, we feel the £1 a mile is unfair and feel £1.50 on T1, £1.80 on T2,

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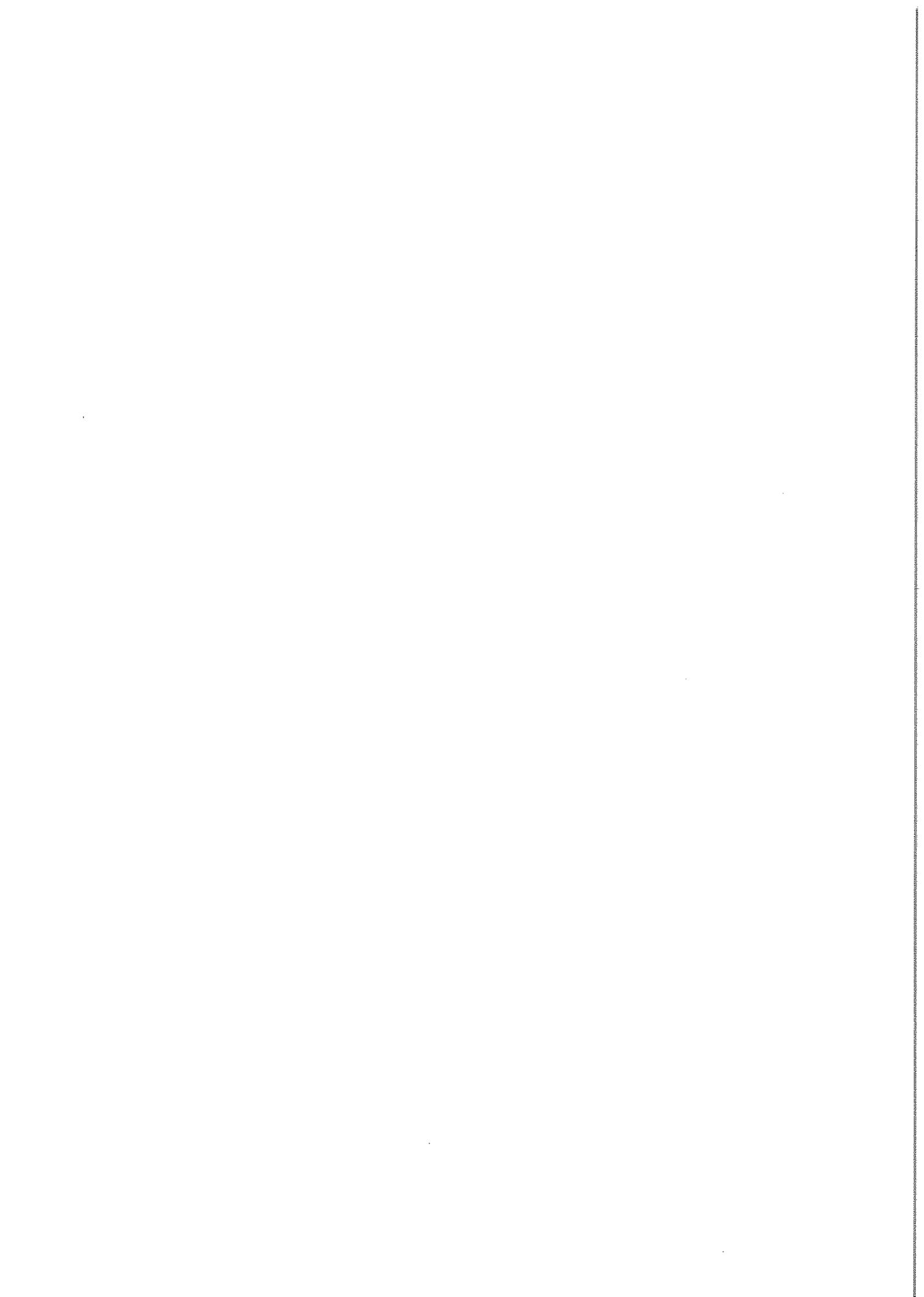
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We hope you will consider the suggestions made by the drivers and look forward to hearing your response

Yours sincerely

A handwritten signature in black ink, appearing to be "MN" or "MN" with a flourish.

MOHAMMED NABIEEM
Station Taxi



Licensing Committee – 21 August 2018

GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES – Consultation on Amended Statement for period 2019-2021



Report of the Licensing Manager

Ward(s) affected: All

1. **Purpose of Report** – Every three years the Council is required by the Gambling Act 2005 to review the Gambling Act 2005 Statement of Licensing Principles (Licensing Policy), and to consult upon any changes proposed. The three yearly review is taking place this year and officers have reviewed the current policy and made suggestions in line with changes to Gambling Commissions Licence Conditions and Codes of Practice and drafted a more up to date and comprehensive Policy.

The next step is to consult with the public and other bodies as required by statute.

2. **Recommendations** –

- 2.1 That Licensing Committee reviews the proposed amendments to the Licensing Policy and consider approving the document for public consultation.
- 2.2 That Members authorise a period of consultation with a view to bringing back the draft Policy before Licensing Committee for final approval before being formally adopted by Council at a date to be confirmed.

3. **Report**

- 3.1 Under Section 349 of the Gambling Act 2005 the Licensing Authority is required to prepare a statement of principles that they propose to apply in exercising their functions under this Act. This process is to be repeated every three years from 31st January 2007.
- 3.2 The consultation process is laid out clearly in the Gambling Act 2005, the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 and the Guidance to Licensing Authorities issued by the Gambling Commission (www.gamblingcommission.gov.uk).
- 3.3 In the last three years there have been a number of issues that have come to the attention of Licensing Authorities nationwide. The most publicly reported of which is the increase in the number of Fixed Odds Betting Terminals and the impact these have had on those using them due to the high stakes that can be placed by gamblers in short spaces of time. This prompted a review by the Government of the maximum stake that can be placed on these machines at any one time resulting in a reduction in the maximum stake from £100 to £2.00.

3.4 In addition Leeds City Council commissioned research by Leeds Beckett University to identify problem gambling. This report entitled 'Problem Gambling in Leeds' by Dr Alexandra Kenyon, Dr Neil Ormerod, Professor David Parsons and Dr Heather Wardle published in July 2016 has been widely publicised and detailed a number of groups that are vulnerable to problem gambling. This information has been included in the revision of the policy.

3.5 Contact was made with the Gambling Commission before commencing the review and comments received have been included in the draft and a more robust policy has been drafted encompassing best practice from around the Country so that Craven will have the best policy it can in order to protect the public in Craven who may use gambling premises or carry out gambling that we are responsible for regulating. The policy has been written taking into account the Regulators Code which states when developing policies and operational procedures that guide our regulatory activities. Regulators must equally have regard to the Code when setting standards or giving guidance. The code has the following principles:-

- Regulators should carry out their activities in a way that supports those they regulate to comply and grow;
- Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views;
- Regulators should have mechanisms in place to engage those they regulate, citizens;
- Regulators should base their regulatory activities on risk;
- Regulators should share information about compliance and risk
- Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply; and
- Regulators should ensure that their approach to their regulatory activities is transparent

3.6 It is proposed that the Consultation Timetable is as follows:-

End August – End of October 2018 – Public Consultation including Responsible Authorities/Affected Parties/Industry Representatives.

November 2018 – Licensing Committee

18 December 2018 – Full Council Approval

Implications

4.1 **Financial Implications** – None

4.2 **Legal Implications** – The Council is required to review the Statement of Principles every three years under section 349 Gambling Act 2005.

4.3 **Contribution to Corporate Priorities** – Promoting the wellbeing of Craven's communities

- 4.4 **Risk Management** – No risks identified.
- 4.5 **Equality Impact Assessment** – The Council’s Equality Impact Assessment Procedure **has not been** followed at this stage but will be completed during the consultation process.
- 5. **Consultations with Others** – the report proposes a full consultation with a wide range of people and organisations
- 6. **Access to Information: Background Documents** – Gambling Commission Guidance to Local Authorities/Existing Gambling Policy ‘Problem Gambling in Leeds by Dr Alexandra Kenyon, Dr Neil Ormerod, Professor David Parsons and Dr Heather Wardle Leeds Beckett University (July, 2016)
- 7. **Author of the Report** – Deborah Bragg – Licensing Manager 01756 706343

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

Appendices – Draft Gambling Act Statement of Principles

**Statement of Licensing Policy
2019 – 2021**

Gambling Act 2005

DRAFT

Further copies of this document can be obtained from:

Licensing Service
Craven District Council
1 Belle Vue Mill
Skipton
BD23 1FJ

Tel: 01756 706343

Email:

licensing@cravenc.gov.uk

Web: www.cravenc.gov.uk

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Executive Summary

The Gambling Act 2005 obtained Royal Assent in 2005 and came into effect in 2007.

Under Section 349 of the Gambling Act 2005 the Licensing Authority is required to prepare a statement of principles that they propose to apply in exercising their functions under this Act. This process is to be repeated every three years from 31st January 2007.

The consultation process is laid out clearly in the Gambling Act 2005, the Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006 and the Guidance to Licensing Authorities issued by the Gambling Commission (www.gamblingcommission.gov.uk).

The purpose of the Statement of Licensing Policy is to set out the principles that the Council propose to apply when determining licences, permits and registrations under the Gambling Act 2005.

Any decision taken by the Council in regard to determination of licences, permits and registrations should aim to permit the use of premises for gambling in so far as it is reasonably consistent with the licensing objectives which are:

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

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

The Council has the ability to issue permits for prize gaming and unlicensed family entertainment centres. The Council is able to specify the information it requires as part of the application process which will aid determination and this information is described in this Policy.

Club gaming and club machine permits are also issued by the council. The process for this is described, along with other processes specified in the legislation for example temporary use notices, occasional use notices and small society lotteries.

Enforcement of the legislation is a requirement of the Act that is undertaken by the Council in conjunction with the Gambling Commission. The policy describes the council's enforcement principles and the principles underpinning the right of review.

The policy has three appendices, describing the stakes and prizes which determine the category of a gaming machine, a glossary of terms and exempt gaming in pubs and clubs.

1. The licensing objectives

- 1.1 Under the Gambling Act 2005 (the Act) Craven District Council is the licensing authority for the Craven District and licences premises for gambling activities as well as granting various other gambling permits. In this document, unless otherwise stated, any references to the Council are to the Craven District Licensing Authority.
- 1.2 The Council will carry out its functions under the Act with a view to aiming to permit the use of premises for gambling in so far as it is reasonably consistent with the three licensing objectives set out at Section 1 of the Act. The licensing objectives are:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - ensuring that gambling is conducted in a fair and open way
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.3 More information can be found about how the Council will achieve this in Part B and C of this document.
- 1.4 The Council will follow any regulations and statutory guidance issued in accordance with the Act and will have regard to any codes of practice issued by the national gambling regulator, the Gambling Commission.
- 1.5 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 this document.
- 1.6 The Gambling Commission's Licence Conditions and Code of Practice (LCCP) require gambling premises to undertake a risk assessment taking into consideration their local information as well as money laundering risk assessment. Specific information about localities is provided in this policy at Section xxx.

2. The District of Craven

- 2.1 Craven District Council is situated in the County of North Yorkshire, which contains seven District and Borough Councils in total. The Council area has a population of 55,500 making it one of the smaller in the County in terms of population. In terms of area it is one of the larger, covering 454 square miles. The District is mainly rural with several market towns, Skipton being the main town within the District
- 2.2 The Office for National Statistics' (ONS) annual study of the nation's happiness and well being found that residents of Craven reported the highest levels of happiness in Britain in 2016/17. In their annual study of happiness and wellbeing Craven reported the highest level of happiness, rating their level of happiness as 8.3 out of 10 compared to the national average of 7.5. The area also had the highest levels of life satisfaction 8.5 out of 10 compared to the UK average of 7.7 and the lowest level of anxiety among residents.
- 2.3 The rolling hills, a 900-year-old castle, cobbled streets, and a popular canal make Skipton a tourist attraction as well as a local commercial hub. And the area boasts a range of independent shops on its high street, good schools, and the picturesque Yorkshire Dales nearby.

2.4 For further health and deprivation information about the local area visit

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3 Integration with other guidance, policies, objectives and strategies

Vision for Craven

This policy will from time to time be amended to incorporate the objectives of any Corporate Policies and Strategies adopted by the Council with regards to an overall vision for the District and in which any activities regulated by the Gambling Act that are undertaken in the District do so with no negative impact.

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4 The purpose of the Gambling Act 2005 – Statement of Licensing Policy

- 4.1 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 under the Act. This document fulfils this requirement. Such statement must be published at least every three years. The statement can also be reviewed from “time to time” and any amendments must be consulted upon. The statement must then be re-published.
- 4.2 Craven District Council consulted widely upon this policy statement before finalising and publishing it. The policy was presented for public consultation on the website, and by email and post to solicitors, licensees, support organisation's, responsible authorities, ward members, MPs, trade associations, and parish councils. In total xxx emails and xxx letters were sent advising interested parties of the consultation.
- 4.3 The consultation took place between xxx and xxx and followed the Cabinet Office’s Code of Practice on Consultation. The consultation elicited xxx responses which are available on request. The policy was approved at a meeting of the Full Council on xxx xxxxxx 2018.

5 The licensing framework

- 5.1 The Gambling Act 2005 brought about changes to the way that gambling is administered in the United Kingdom. The Gambling Commission is the national gambling regulator and has a lead role in working with central government and local authorities to regulate gambling activity.
- 5.2 The Gambling Commission issues operators licences and personal licences. Any operator wishing to provide gambling at a certain premises must have applied for the requisite personal licence and operator licence before they can approach the Council for a premises licence. In this way the Gambling Commission is able to screen applicants and organisation’s to ensure they have the correct credentials to operate gambling premises. The council’s role is to ensure premises are suitable for providing gambling in line with the three L i c e n s i n g objectives and any codes of practice issued by the Gambling Commission. The Council also issues various permits and notices to regulate smaller scale and or ad hoc gambling in various other locations such as pubs, clubs and hotels.
- 5.3 The Council does not licence large society lotteries or remote gambling through websites. These areas fall to the Gambling Commission. The National Lottery is not licensed by the Gambling Act 2005 and is regulated by the Gambling Commission under the National Lottery Act 1993.

6 Declaration

- 6.1 This statement of licensing policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.
- 6.2 In producing this document, the Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the policy statement.

7 Responsible authorities

- 7.1 The Act empowers certain agencies to act as responsible authorities so that they can employ their particular area of expertise to help promote the licensing objectives. Responsible authorities are able to make representations about licence applications, or apply for a review of an existing licence. Responsible authorities will also offer advice and guidance to applicants.
- 7.2 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:
- 7.2.1 the need for the body to be responsible for an area covering the whole of the licensing authority's area;
 - 7.2.2 the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.
- 7.3 In accordance with the regulations the Council designates the Local Safeguarding Children Board for this purpose. North Yorkshire Safeguarding Children Board has information on its website which applicants/licenceholders may find useful <http://www.safeguardingchildren.co.uk/multi-agency-procedures>. Applicants may find this useful as a point of reference, a guide for good practice and the mechanism by which to make a referral to Social Care, when producing their own policies and procedures in relation to the objective of protection of children and vulnerable people.
- 7.4 The contact details of all the responsible authorities under the Gambling Act 2005 are available on the council's website within the guidance documents at <http://www.cravenc.gov.uk/licensing>

8 Interested parties

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

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

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

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

8.2.1 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.

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

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

8.3 The Council will provide more detailed information on the making of representations in a separate guidance note. The guidance note has been prepared in accordance with relevant Statutory Instruments and Gambling Commission guidance.

9 Exchange of information

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

9.2 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 General Data Protection Regulations will not be contravened. The Council will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

10 **Licensing authority functions**

10.1 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) of the use of two or less gaming machines;
Granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required;
Registering small society lotteries below prescribed thresholds;
Issuing Prize Gaming Permits;
Receiving and endorsing Temporary Use Notices;
Receiving Occasional Use Notices (for tracks);
Providing information to the Gambling Commission regarding details of licences issued (see section above on 'Exchange of information'); and
Maintaining registers of the permits and licences that are issued under these functions.

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

Part B - Promotion of the licensing objectives

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

- 11.1 The Gambling Commission will take a lead role in keeping gambling crime free by vetting all applicants for personal and operator licences. The council's main role is to try and promote this area with regard actual premises. Thus, where an area has known high levels of organised crime the Council will consider carefully whether gambling premises are suitable to be located there (see paragraph 13.8 and 13.9) and whether conditions may be required such as the provision of door supervision (see paragraph 13.15).
- 11.2 There is a distinction between disorder and nuisance. In order to make the distinction, when incidents of this nature occur, the Council will consider factors such as whether police assistance was required and how threatening the behaviour was.
- 11.3 Issues of nuisance cannot be addressed by the Gambling Act provisions however problems of this nature can be addressed through other legislation as appropriate.
- 11.4 Examples of the specific steps the Council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

12 Ensuring that gambling is conducted in a fair and open way

- 12.1 The Council is aware that except in the case of tracks (see section 18) generally the Gambling Commission does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.
- 12.2 However the Council will familiarise itself with operator licence conditions and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice.
- 12.3 Examples of the specific steps the Council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

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

Protection of children

- 13.1 This licensing objective means preventing children from taking part in most types of gambling. The Council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.
- 13.2 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.
- 13.3 The Council will pay particular attention to any codes of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos. This Council has adopted a ‘No Casinos’ resolution which was passed at a meeting of the Full Council on 19 December 2006.
- 13.4 Examples of the specific steps the Council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

Protection of Vulnerable People

- 13.5 The Council is aware of the difficulty in defining the term “vulnerable person”. In most recent literature it is not a term that is used, with the term “adults at risk or abuse or neglect” or “adults at risk” being the preferred terms.
- 13.6 The Gambling Commission, in its Guidance to Local Authorities, does not seek to offer a definition for the term “vulnerable people” but will, for regulatory purposes assume that this group includes people:
- “who gamble more than they want to, people who gamble beyond their means, elderly persons, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs.”
- 13.7 The Care Act 2014 imposes a requirement on a local authority to “make enquiries if it has reasonable cause to suspect that an adult in its area, whether or not ordinarily resident there, has needs for care and support, is experiencing, or is at risk of, abuse or neglect, and as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it”.

- 13.8 The Local Authority must make whatever enquiries it thinks necessary to enable it to decide whether any action should be taken in the adult's case (whether under this Part or otherwise) and, if so, what and by whom. "Abuse" includes financial abuse; and for that purpose "financial abuse" includes having money or other property stolen, being defrauded, being put under pressure in relation to money or other property, and having money or other property misused.
- 13.9 Department of Health document "No Secrets" from 2000 offers a definition of a vulnerable adult as a person:
- "who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation."
- 13.10 In 2016 Leeds City Council commissioned Leeds Beckett University to undertake research into Problem Gambling in Leeds (*Problem Gambling in Leeds; Kenyon, Ormerod, Parsons and Wardle, 2016*). This research looked specifically at identifying groups of the society that could be considered vulnerable to problem gambling:
- 13.11 **Young people** – rates of problem gambling among young people who gamble are higher than older adults and youth gambling behaviours are consistent with the harm paradox, whereby these age groups are less likely to gamble generally but those that do are more likely to experience difficulties with their behaviour (Wardle, 2015).
- 13.12 **Minority ethnic groups** – There is consistent evidence that those from Asian or Black backgrounds are more vulnerable to gambling problems and there is clear evidence of the harm paradox (Wardle, 2015).
- 13.13 **Unemployed and constrained economic circumstance** – the generally those of lower income are less likely to gamble but those that do spend a higher proportion of their income on gambling. This is highlighted as a concern given the lesser ability of lower income households to protect themselves from financial instability (Brown et al, 2011).
- 13.14 There is evidence that those in debt and those using money lenders and/or pawnbrokers are more likely to be problem or at risk gamblers (Meltzer et al, 2012). The relationship between constrained economic circumstances and gambling problems is likely to be complex and multi-faceted. It may be mediated by other economic opportunities and personal feelings about how well off you are compared with others. Despite this complexity, there is a consistent body of evidence showing that, for whatever reason, those who are unemployed and who gamble are more likely to experience adverse outcomes from their gambling than those in paid employment.
- 13.15 **Area deprivation** – There are a number of British surveys that have consistently shown that those living in more deprived areas are more likely to experience problems with their gambling behaviour. This was despite having roughly the similar levels of past year gambling participation to those who live in less deprived areas.

- 13.16 Wardle (2015) looked at the distribution of machines and licensed betting offices and argues that there was clear and consistent evidence of a spatial skew, whereby high density machine zones or areas with licensed betting offices are more deprived than others. Recent research has shown that among gamblers who held loyalty cards, rates of problem gambling (28%) were higher among those who lived within 400 metres of a concentration of betting offices than those who did not (22%) (Astbury & Wardle, 2016).
- 13.17 **Homeless** – The rates of problem gambling are higher among those who are homeless than those who are not. Although studies are small, they show that there is a significant relationship with gambling preceding homelessness. Little is known about why rates of problem gambling among homeless population groups is higher than the general population but given associations with other mental health conditions, homeless people should be considered a vulnerable group.
- 13.18 **Mental ill health** – There is a strong association between mental ill health and problem gambling. Associations were found between problem gambling and general anxiety disorder, phobia, obsessive compulsive disorder, panic disorders, eating disorders, probably psychosis, attention deficit hyperactivity disorder, post-traumatic stress disorder, harmful and hazardous levels of alcohol consumption and drug addiction. Overall three quarters of problems gamblers seeking treatment also experience co-morbid mental health disorders.
- 13.19 Being a problem or at risk gambler is associated with latter onset of major depressive disorder, alcohol use and dependence, drug use and experience of any mental disorder. Illegal drug use and experience of any mental disorder is also associated with the subsequent onset of at risk and problem gambling. These findings seem to confirm that the conclusion that the relationship between problem gambling and mental ill health may be cyclical.
- 13.20 **Substance abuse/misuse** – The evidence base relating to the relationship between substance abuse/misuse and experience of problem gambling broadly measures that o mental ill health. Evidence from British based surveys has shown that rates of problem gambling were higher among those with alcohol dependence (3.4%) or drug dependence (4.4%) than the general population (0.74%) (Wardle, 2015). A systemic review of those seeking treatment for gambling problems showed that 15% also experience alcohol dependence and 7% have other substance abuse disorders (Dowling et al, 2015). There is strong evidence that alcohol and substance misuse are associated with problem gambling. As with other mental health conditions, these conditions can co-occur at the same time.
- 13.21 **Personality traits/cognitive distortions** – There is a strong body of evidence highlighting the relationship between various personality traits, such as cognitive distortions or impulsivity, with problem gambling. Cognitive distortions, such as erroneous perceptions of gambling and illusion of control are well established risk factors for problem gambling (Johansson et al, 2009). However little research has been conducted to explore the complex interaction of personality traits with other factors and their combined influence on the experience of broader gambling harms. Certain personality traits and/or cognitive distortions are just one potential aspect of vulnerability which is likely to be affected by a range of other factors.

- 13.22 **Problem gamblers seeking treatment** – Because this group is in the process of attempting to recover from gambling problems they should be treated as a vulnerable group in their own right (Wardle, 2015).
- 13.23 Problem gambling can affect anyone at any time. Whilst rates of problem gambling among all adults in Britain tend to be less than 1% (1.4% in large metropolitan areas), there are some groups that are more likely to experience problems. These groups could all be considered vulnerable to gambling problems. Craven District Council and North Yorkshire County Council already works with many of these groups however operators should consider these groups in their Local Risk Assessments, especially in relation to identifying the people in these groups, and mitigating harm experienced by them.
- 13.24 In the case of premises licences the Council is aware of the extensive requirements set out for operators in the Gambling Commission’s Code of Practice regarding social responsibility. In this document the Gambling Commission clearly describe the policies and procedures that operators should put in place regarding:
- Combating problem gambling;
 - Access to gambling by children and young persons;
 - Information on how to gambling responsibly and help for problem gamblers;
 - Customer interaction;
 - Self-exclusion; and
 - Employment of children and young persons
- 13.25 All applicants should familiarise themselves with the operator licence conditions and codes of practice relating to this objective and determine if these policies and procedures are appropriate in their circumstances. The Council will communicate any concerns to the Gambling Commission about any absence of this required information.
- 13.26 Applicants may also like to make reference to North Yorkshire Safeguarding Adults Board who have worked with West and North Yorkshire Authorities as well as York Boards to produce a Partnership document entitled “Multi Agency Safeguarding Adults Policies and Procedures – West and North Yorkshire and York” which provides extensive guidance on identifying vulnerable people and what can be done to reduce risk for this group. This document can be accessed at <http://www.nypartnerships.org.uk/sites/default/files/Partnership%20files/Safeguarding%20adults/Safeguarding%20Adults%20multi%20agency%20policy%20and%20procedures.pdf>
- 13.27 Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example:
- Leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets;
 - Training for staff members which focuses on building an employee’s ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable;
 - Trained personnel for the purpose of identifying and providing support to vulnerable persons;
 - Self exclusion schemes;
 - Operators should demonstrate their understanding of best practice issued by Organisations that represent the interests of vulnerable people;

Posters with GamCare Helpline and website in prominent locations;
Windows, entrances and advertisements to be positioned or designed not to entice passers-by.

- 13.28 It should be noted that some of these measures form part of the mandatory conditions placed on premises licences.
- 13.29 The Council may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant.

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14 General Requirements

- 14.1 The Council will issue premises licences to allow those premises to be used for certain types of gambling. For example premises licences will be issued to amusement arcades, bingo halls, bookmakers and casinos.
- 14.2 Premises licences are subject to the permissions/restrictions set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach other conditions, where it is believed to be necessary and proportionate.
- 14.3 Applicants should also be aware that the Gambling Commission has issued Codes of Practice for each interest area for which they must have regard. The Council will also have regard to these Codes of Practice.

Definition of “premises”

- 14.4 Premises are 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.
- 14.5 The Council will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular the Council will assess entrances and exits from parts of a building covered by one or more licences to satisfy itself that they are separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.
- 14.6 The Council will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Issues that the Council will consider before granting such applications include whether children can gain access, compatibility of the two establishments; and the ability to comply with the requirements of the Act. In addition an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.
- 14.7 An applicant cannot obtain a full premises licence until they have the right to occupy the premises to which the application relates.

Location

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

14.9 With regards to these objectives it is the Council's policy, upon receipt of any relevant representations to look at specific location issues including:

The possible impact a gambling premise may have on any premises that provide services to children or young people, i.e. a school, or vulnerable adult centres in the area;

The possible impact a gambling premise may have on residential areas where there may be a high concentration of families with children;

The size of the premises and the nature of the activities taking place; and

Any levels of organised crime in the area.

Local Risk Assessments

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

14.11 The LCCP goes 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.

14.12 The Council will expect the local risk assessment to consider the urban setting:

The proximity of the premises to schools;

The commercial environment;

Factors affecting the footfall;

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;
The range of facilities in the local area such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities;
Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activity, etc.;

The proximity of churches, mosques, temples or any other place of worship.

- 14.13 The local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected:

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;

Information held by the licensee regarding self-exclusions and incidences of underage gambling;

Arrangements in place for local exchange of information regarding self-exclusion and gaming trends;

Gaming trends that may mirror days for financial payments such as pay days or benefit payments;

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; and

The proximity of premises that may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor surgeries, Council one stop shops, addiction clinics or help centres, places where alcohol or drug dependent people may congregate.

- 14.14 The local risk assessment should show how children are to be protected:

The proximity of institutions, places or areas where children and young people frequent such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas, etc.;

The proximity of place where children congregate such as bus stops, cafes, shops;

Areas that are prone to issues of youths participating in anti-social behaviour, including activities such as graffiti, tagging, underage drinking etc.

- 14.15 Other matters that the assessment may include:

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;

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.

- 14.16 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.
- 14.17 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

- 14.18 Each locality has its own character and challenges. In order to assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the Council have published a local area profile and this available via **XXXXXXXX**
- 14.19 The local area profiles 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 profiles will be presented to any subsequent licensing sub committee when they determine an application that has received representations.
- 14.20 The Council recognises that it cannot insist on applicants using the local area profiles when completing their risk assessments. However an applicant who decides to disregard the profiles may face additional representations and the expense of a hearing as a result.

Money Laundering Risk Assessment

- 14.21 The Council requires applicants and licence holders to conduct an assessment of the risks of their business being used for money laundering and terrorist financing. Such risk assessment must be appropriate and must be reviewed as necessary in the light of any changes in circumstances, including the introduction of new technology, new methods of payment by customers, changes in the customer demographic or any other material changes, and in any event reviewed at least annually.
- 14.22 As a gambling business you have a responsibility to uphold the three licensing objectives set out in the Gambling Act 2005 (the Act). The first of those licensing objectives is to prevent gambling being a source of crime or disorder, being associated with crime and disorder, or being used to support crime.

Money laundering in the gambling sector takes two main forms:

Exchanging money acquired criminally for money that appears to be legitimate or 'clean' by gambling on low risk outcomes; and

The use of criminal proceeds to fund gambling as a leisure activity (so called criminal or 'lifestyle' spend).

You should report money laundering to the National Crime Agency (the NCA) and, where appropriate consent is requested, wait for such consent to deal with a transaction or wait until a set period has elapsed before proceeding.

14.23 The Proceeds of Crime Act 2002 ('POCA')

POCA creates several principal offences that apply to everyone and criminalise any involvement in the proceeds of any crime if the person knows or suspects that the property is criminal property.

These offences relate to the concealing, disguising, converting, transferring, acquisition, use and possession of criminal property, as well as an arrangement which facilitates the acquisition, retention, use or control of criminal property.

For example, in the gambling industry, this may involve taking cash, cheque, or card payments, based on funds which are the proceeds of crime, in the form of a bet or wager, or holding money on account for a customer.

14.24 Customer relationships

You should be mindful that some risk indicators (for example, a pattern of increasing spend, spend inconsistent with apparent source of income or unusual patterns of play) could be indicative of money laundering, but also equally of problem gambling, or both (or, possibly, neither).

Given that you have the responsibility to prevent gambling from being associated with crime and disorder and protecting vulnerable people from being harmed by gambling, you should carry out appropriate enquiries and assessments. It is important that you are able to continually access and understand information relating to gambling activity by the same customer in different parts of the business so that you have a fuller picture of the risks to which you are exposed.

Customer relationships consist of the following three aspects:

- Establishment of the business relationship with the customer;
- Monitoring customer activity, including account deposits and withdrawals; and
- Termination of the business relationship with the customer.

In all instances of the relationship it is necessary to consider whether the customer is engaging in money laundering, including criminal spend, and to [report suspicious activity](#) and seek appropriate consent with the NCA, as well as considering any risk to the licensing objectives.

14.25 Your duties under the Proceeds of Crime Act 2002

POCA imposes duties on all operators to:

Disclose instances where you know or suspect that a person is engaged in money laundering;
Make disclosures in the prescribed form and manner;
Obtain appropriate consent to carry out a prohibited transaction.

In all instances where customer funds are known or suspected of having criminal origins, a [report must be made to the NCA](#) at the earliest opportunity.

Your employees are at risk of committing principal money laundering offences, unless a report is made to the NCA and, where appropriate, consent is obtained.

14.26 Appointing a nominated officer

Whilst only those in the regulated sector (non-remote and remote casinos) need to appoint nominated officers, it is recommended that operators in the non-regulated sector should also consider appointing a nominated officer, as this will help you meet your obligations under POCA more effectively.

Where a nominated officer is appointed, they will normally be responsible for ensuring that information is properly disclosed to the NCA. The decision to report or not to report suspicious activity is the responsibility of the nominated officer.

The nominated officer will:

Receive internal disclosures under Part 7 of POCA;
Decide whether these disclosures should be reported to the NCA;
Make reports to the NCA;
Ensure that appropriate consent is applied for, as necessary; and
The nominated officer should record all decisions made.

14.27 Suspicious activity reporting

All operators are required to report where they know, or suspect, that a person is engaged in money laundering, including criminal spend. In order to provide a framework within which suspicious activity reports (SARs) may be raised and considered:

You should ensure that your employees make reports to the nominated officer, or an employee in a managerial capacity;
The nominated officer, or manager, should consider each report, and determine whether it warrants the submission of a SAR; and
You should ensure that your employees are appropriately trained.

Knowledge means *actual* knowledge. Having knowledge means actually knowing something to be true. In a criminal court, it must be proved that the individual in fact knew that a person was engaged in money laundering.

14.28 Whether you hold suspicion or not is a subjective test. Being suspicious of a transaction does not require knowledge of the exact nature of the criminal offence or that the funds are definitely those arising from a crime.

14.29 In order for a report to the NCA to be made, it is not necessary to know or to establish the exact nature of any underlying criminal offence, or that the funds were definitely those arising from a crime.

14.30 Seeking appropriate consent

Handling any proceeds of crime, is committing a principal money laundering offence. However, if you submit a SAR to the NCA, this may provide a defence. The NCA can either grant or refuse the 'prohibited act' going ahead. This is called 'appropriate consent'.

Appropriate consent is granted by the NCA UKFIU Consent Desk. It carries out the necessary internal enquiries, and may contact the appropriate law enforcement agency for a recommendation. Once the NCA has reached a decision you will be given a consent reference number, which should be recorded, along with your record of decisions made.

14.31 Failing to report

POCA creates an offence of failing to report suspicious activity. Where a person nominated by the operator to receive disclosures fails to comply with the obligation to make a report to the NCA as soon as practicable after the information is received, that person is open to criminal prosecution. The criminal sanction under POCA is a prison term of up to five years and/or a fine.

14.32 Prejudicing an investigation

Where a confiscation investigation, a civil recovery investigation or a money laundering investigation is being, or is about to be, conducted, it is a criminal offence for anyone to release information which is likely to prejudice the investigation. It is also a criminal offence to falsify, conceal, destroy or otherwise dispose of documents which are relevant to the investigation (or to cause or permit these offences).

Reasonable enquiries regarding activity that is inconsistent with normal patterns of activity for a customer may be driven by social responsibility concerns. This should not result in the offence of prejudicing an investigation, unless you know or suspect that an investigation is current or impending and, importantly, make the enquiries in a way that it discloses those facts.

14.33 Training

Under POCA, your employees face criminal penalties if they are involved in money laundering, unless they make a report of known or suspected money laundering activity. It is important, therefore, that you make them aware of their legal obligations and how to correctly discharge them.

You should also take reasonable steps to ensure that your employees are aware of:

- Money laundering risks;
- Procedures for managing those risks;

Identity and responsibilities of the person responsible for making reports to the NCA;
Potential effect of a breach of POCA on your gambling business and your employees.

14.34 Duties and responsibilities under the Proceeds of Crime Act 2002

Further information can be found at <http://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/General-compliance/AML/How-to-comply/How-to-meet-your-anti-money-laundering-responsibilities.aspx>

Duplication with other regulatory regimes

- 14.22 The Council will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. The Council will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about proposed conditions which are not able to be met by the applicant due to planning restrictions, should such a situation arise.
- 14.23 Although the Council cannot consider if there is a need or demand for the gambling facilities applied for, applicants should consider the proximity of other gambling premises in the Local Risk Assessment and the impact this will have on residents, including children and vulnerable groups.

Conditions

- 14.24 The Council is aware that the Secretary of State has set mandatory conditions and default conditions and the Gambling Commission has set Licence Conditions and Codes of Practice which are necessary for the general good conduct of gambling premises, therefore it is unlikely that the Council will need to impose individual conditions imposing a more restricted regime in relation to matters that have already been dealt with.
- 14.25 Where there are specific risks or problems associated with a particular locality, or specific premises, or class of premises, the Council will attach individual conditions to address this.
- 14.26 Any conditions attached to a licence issued by the Council will be proportionate and will be:
- Relevant to the need to make the proposed building suitable as a gambling facility;
 - Directly related to the premises and the type of licence applied for, and/or related to the area where the premises is based;
 - Fairly and reasonably related to the scale, type and location of premises;
 - Consistent with the licensing objectives; and
 - Reasonable in all other respects.
- 14.27 Decisions about individual conditions will be made on a case by case basis, although there will be a number of control measures the Council will consider using, such as supervision of entrances, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under each of the licence types in this policy. The Council will also expect the applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.
- 14.28 Where certain measures are not already addressed by the mandatory/default conditions or by the applicant, the Council may consider licence conditions to cover issues such as:
- Proof of age schemes;
 - CCTV;
 - Supervision of entrances;
 - Supervision of machine areas;
 - A reduction in the number of betting machines (betting premises);
 - The manning of premises;
 - Physical separation of areas;
 - Location of entrance points;
 - Notices/signage;
 - Specific opening hours;
 - A requirement that children must be accompanied by an adult (in premises where children are allowed);
 - Enhanced DBS checks of the applicant and/or staff;
 - Staff training in brief intervention, conflict resolution, basic knowledge of mental health, learning disabilities and addiction, including substance misuse;
 - Support to persons with gambling addiction, including brief intervention;

Policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as pre and post school hours, half term and school holidays;

Policies to address the problems associated with truant children who may attempt to gain access to premises and gamble; and

Obscuring windows – labelling premises so it's clear that they are gambling premises.

14.29 This list is not mandatory or exhaustive and is merely indicative of examples of certain measures which may satisfy the requirements of the licensing authority and the responsible authorities, depending on the nature and location of the premises and the gambling facilities to be provided.

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

Any condition on the premises licence which makes it impossible for the applicant to comply with an operating licence condition;

Conditions relating to gaming machine categories, numbers, or method of operation;

Conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and

Conditions in relation to stakes, fees, winnings or prizes.

Door supervision

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

15 **Adult Gaming Centres**

15.22 Adult Gaming Centres are a category of premises introduced by the Act that are most closely related to adult only amusement arcades seen in many city centres.

15.23 Under the Act a premises holding an Adult Gaming Centre Licence will be able to make category B, C and D gaming machines available and no one under 18 will be permitted to enter such premises (see Appendix 1).

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

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

16 **Licensed family entertainment centres (FECs)**

16.22 Licensed family entertainment centres are those premises which usually provide a range of amusements such as computer games, penny pushers and may have a separate section set aside for adult only gaming machines with higher stakes and prizes. Licensed family entertainment centres will be able to make available unlimited category C and D machines where there is clear segregation in place so children do not access the areas where the category C machines are located (see Appendix 1).

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

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

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

16.25 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.

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

Appropriate measures and training for staff as regards suspected truant children on the premises;
Measures and training covering how staff would deal with unsupervised very young children being on the premises;
Measures and training covering how staff would deal with children causing perceived problems on or around the premises;

The arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the latest Home Office and ACPO standards and to the satisfaction of North Yorkshire Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.

- 16.27 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be DBS checked.
- 16.28 The Council will refer to the Commission's website to familiarise itself with any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The Council will also make itself aware of the mandatory or default conditions and any Gambling Commission Codes of Practice on these premises licences.

17 **Casinos**

- 17.22 No Casinos resolution - This licensing authority has a 'no casino' resolution under Section 166 of the Gambling Act 2005.

18 **Bingo premises**

18.22 There is no official definition for bingo in the Gambling Act 2005 however from a licensing point of view there is a category of premises licence specifically for bingo premises which is used by traditional commercial bingo halls for both cash and prize bingo. In addition this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions of the Act (see Appendix 1).

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

All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the Council may insist on a permanent barrier of at least one meter high;

Only adults are admitted to the area where the machines are located;

Access to the area where the machines are located is supervised at all times;

The area where the machines are located is arranged so that it can be observed by staff;

At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18; and

Children will not be admitted to bingo premises unless accompanied by an adult.

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

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

19 **Betting premises**

19.22 Betting premises are premises such as bookmakers where various types of gambling are authorised to take place. The Act contains a single class of licence for betting premises however within this single class there are different types of premises which require licensing such as high street bookmakers, bookmakers located in self-contained facilities at race courses as well as the general betting premises licences that track operators will require.

Betting machines

- 19.23 The Council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council, amongst other things, 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.
- 19.24 Where an applicant for a betting premises licence intends to offer higher stake category B gaming machines (categories B2-B4) including any Fixed Odds Betting Terminals (FOBTs), then applicants should consider the control measures related to the protection of vulnerable persons, highlighted in section 12.
- 19.25 Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Code of Practice or the applicant, the Council may consider licence conditions to address such issues.

20 Tracks

- 20.22 Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the “totaliser” or “tote”), and also general betting, often known as “fixed-odds” betting. Multiple betting outlets are usually located on tracks such as ‘on-course’ betting operators who come onto the track just on race days to provide betting for the races taking place on that track. There can also be ‘off-course’ betting operators who may operate self-contained facilities at the tracks which offer customers the chance to bet on other events, not just those taking place on the track.
- 20.23 All tracks will require a primary ‘general betting premises licence’ that the track operator will hold. It should be noted that track operators do not require an operating licence from the Gambling Commission although they may apply for one. This is because the various other gambling operators offering betting at the track will each hold an operating licence.
- 20.24 Tracks may also be subject to one or more premises licences, provided each licence relates to a specified area of the track. This may be preferable for any self-contained premises providing off-course betting facilities at the track. The Council will however assess each individual case on its merits before deciding if this is necessary. Where possible the Council will be happy for the track operator to decide if any particular off-course operators should apply for a separate premises licence.
- 20.25 If any off-course operators are permitted to provide betting facilities under the authorisation of the track operator’s premises licence, then it will be the responsibility of the premises licence holder to ensure the proper conduct of such betting within the premises boundary.

- 20.26 Gambling Commission guidance also indicates that it would be possible for other types of gambling premises to be located at a track under the authorisation of separate premises licences, e.g. a casino premises licence or adult gaming centre premises licence. If you require further guidance on this provision please contact the Entertainment Licensing Section.
- 20.27 Children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines and betting machines (other than category D machines) are provided.
- 20.28 The Council will consider the impact upon the protection of children licensing objective and the need to ensure that entrances to each type of betting premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

Betting machines

- 20.29 The Council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council, amongst other things, will take into account the size of the premises, the number of counter positions available for person-to-person transactions and the location of the machines, in order to ensure they are in a properly segregated area where children are not permitted.
- 20.30 Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission's Licence Conditions and Code of Practice or the applicant, the Council may consider licence conditions to address such issues.

21 Travelling fairs

- 21.22 Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit provided that certain conditions are met and this provision continues in similar fashion under the new Act.
- 21.23 Travelling fairs have the right to provide an unlimited number of category D gaming machines and/or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than an ancillary amusement at the fair (see Appendix 1).
- 21.24 The Council will consider whether any fairs which take up the above entitlement fall within the statutory definition of a travelling fair.
- 21.25 The Council is aware that the 27 day statutory maximum for the land being used as a fair is per calendar year and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Council will work with its neighbouring authorities to ensure that land which crosses the Council boundary is monitored so that the statutory limits are not exceeded.

22 **Provisional statements**

- 22.22 A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which he expects to be constructed, to be altered or to acquire a right to occupy would be granted a premises licence. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so the developer can judge whether a development is worth taking forward in light of the need to obtain a premises licence. An applicant may also apply for a provisional statement for premises which already hold a premises licence (either for a different type of gambling or the same type).
- 22.23 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the Council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- 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.
- 22.24 When determining a provisional statement application the Council will operate in accordance with the Act and will not have regard to any issues related to planning consent or building regulations, e.g. the likelihood that planning consent will be granted.

23 Unlicensed family entertainment centre gaming machine permits (UFECs)

- 23.22 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 category D machines. It should not be confused with a ‘licensed family entertainment centre’ which requires a premises licence because it contains both category C and D gaming machines.
- 23.23 The Gambling Act 2005 contains provision for local authorities to prepare a “Statement of Principles” that they propose to consider in determining the suitability of an applicant for a permit. Schedule 10, Para 7 of the Act states “In preparing this statement, and/or considering applications, it [the council] need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission.
- 23.24 In line with the above provision the Council has prepared a ‘Statement of Principles’ in relation to unlicensed family entertainment centre gaming machines as follows:

Statement of Principles

- 23.25 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.
- 23.26 The efficiency of such policies and procedures will each be considered on their merits, however, they may include:
- Appropriate measures and training for staff as regards suspected truant children on the premises;
 - Measures and training covering how staff would deal with unsupervised very young children being on the premises;
 - Measures and training covering how staff would deal with children causing perceived problems on or around the premises;
 - The arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the latest Home Office and ACPO standards and to the satisfaction of West Yorkshire Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.
- 23.27 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be DBS checked.

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

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- That the applicant has no relevant conviction (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.

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

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

24 Gaming machine permits in premises licensed for the sale of alcohol

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

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (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.

24.2 If a premises wishes to have more than two machines, then it needs to apply for a permit and the Council must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” 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. The Council will also expect the applicant to satisfy the authority that there will be sufficient measures to ensure that children and young people under the age of 18 do not have access to the adult only gaming machines.

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

- 24.4 Measures which may satisfy the Council that persons under 18 years will be prevented from using the machines may include the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets and or helpline numbers for organisation's such as GamCare.
- 24.5 The Council can decide to grant the permit with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 24.6 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine(s).
- 24.7 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be dealt with under the relevant provisions of the Act.
- 24.8 Alcohol licensed premises are able to provide some limited equal chance gaming. Licensees are referred to the advice provided by the Gambling Commission and Appendix 3 of this document.

25. Prize gaming permits

- 25.1 Section 288 defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences. Prize gaming can often be seen at seaside resorts in amusement arcades where a form of bingo is offered and the prizes are displayed on the walls.
- 25.2 A prize gaming permit is a permit issued by the licensing authority to authorise the provision of facilities for gaming with prizes on specified premises.
- 25.3 The Gambling Act 2005 contains provision for local authorities to prepare a "Statement of Principles" that they propose to consider in determining the suitability of an applicant for a permit. Schedule 14, Para 8 of the Act states, "in preparing this statement, and/or considering applications, it [the council] need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25.
- 25.4 In line with the above provision the Council has prepared a Statement of Principles in relation to prize gaming permits as follows:

Statement of Principles

- 25.5 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.

- 25.6 The efficiency of such policies and procedures will each be considered on their merits, however, they may include:
- appropriate measures and training for staff as regards suspected truant children on the premises;
 - measures and training covering how staff would deal with unsupervised very young children being on the premises;
 - measures and training covering how staff would deal with children causing perceived problems on or around the premises; and
 - the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the Home Office and ACPO standards as described PSDB leaflet 09/05 and to the satisfaction of West Yorkshire Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.
- 25.7 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be DBS checked.
- 25.8 The Council will also expect, as per the Gambling Commission Guidance, that applicants demonstrate:
- A full understanding of the maximum stakes and prizes of the gambling that is permissible; and
 - That the gaming offered is within the law.
- 25.9 In line with the Act, while the Council cannot attach conditions to this type of permit, the Council can refuse applications if they are not satisfied that the issues raised in the “Statement of Principles” have been addressed through the application.
- 25.10 Applicants only need to address the “Statement of Principles” when making their initial applications and not at renewal time.
- 25.11 There are conditions in the Gambling Act 2005 by which the permit holder must comply. 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.

26. Club gaming and club machine permits

- 26.1 Members clubs and miners' welfare institutes may apply for a 'club gaming permit' or a 'club machine permit'. The 'club gaming permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D), equal chance gaming. i.e. poker, bingo etc. A 'club machine permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D). Commercial clubs may apply for a 'club machine permit' only.
- 26.2 To qualify for these special club permits a members club must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.
- 26.3 Clubs must have regard to the protection of children and vulnerable persons from harm or being exploited by gambling. They must provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines. These measures may include:
- the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised
 - notices and signage
 - the provision of information leaflets / helpline numbers for organisation's such as GamCare.
- 26.4 Before granting the permit the Council will need to satisfy itself that the premises meets the requirements of a members' club and that the majority of members are over 18.
- 26.5 The Council may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which they have 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.
- 26.6 There is also a 'fast-track' procedure available for premises which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which the Council can refuse a permit is reduced. The grounds on which an application under the process may be refused are:
- (a) that the club is established primarily for gaming,
 - (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.

27. Temporary use notices

- 27.1 Temporary use notices allow the use of premises on not more than 21 days in any 12 month period for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be useful for a temporary use notice would include hotels, conference centres and sporting venues.
- 27.2 Temporary Use Notices allow the use of premises for any form of equal chance gambling where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner.
- 27.3 Only persons or companies holding a relevant operating licence can apply for a temporary use notice to authorise the particular class of gambling permitted by their operating licence.
- 27.4 A temporary use notice must be lodged with the licensing authority not less than three months and one day before the day on which the gambling is due to take place. Detailed information about how to serve a temporary use notice will be available in a separate guidance note.
- 27.5 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.

28. Occasional use notices (for tracks)

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

29. Small society lottery registrations

- 29.1 A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part.
- 29.2 The Act creates two principal classes of lotteries: Licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be regulated by the Gambling Commission. Within the class of exempt lotteries there are four sub classes, one of which is small society lotteries.
- 29.3 A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These will be administered by the Council for small societies who have a principal office in Craven and want to run such lottery.
- 29.4 A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less.
- 29.5 To be 'non-commercial' a society must be established and conducted:
- for charitable purposes,
 - for the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity; or
 - for any other non-commercial purpose other than that of private gain.
- 29.6 The other types of exempt lotteries are 'incidental non-commercial lotteries', 'private lotteries' and 'customer lotteries'. If you require guidance on the different categories of lotteries please contact the council.
- 29.7 The National lottery is not licensed by the Gambling Act 2005 and continues to be regulated by the National Lottery Commission under the National Lottery Act 1993.

30. Enforcement principles

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

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

Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;

Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;

Consistent: rules and standards must be joined up and implemented fairly;

Transparent: regulators should be open, and keep regulations simple and user friendly; and

Targeted: regulation should be focused on the problem, and minimise side effects.

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

30.4 Where there is a Primary Authority scheme in place, the Council will seek guidance from the Primary Authority before taking any enforcement action. At the time of the publication of this policy there were four Primary Authority arrangements with host local authorities:

Coral	London Borough of Newham
William Hill	City of Westminster
Ladbrokes	Milton Keynes
Paddy Power	Reading

30.5 Further information, including an index of all Primary Authority arrangements can be found at <https://primaryauthorityregister.info/par/index.php/home>

30.6 The Council will also adopt a risk-based inspection programme in line with government recommendations around better regulation and the principles of the Hampton Review.

- 30.7 The main enforcement and compliance role for the Council in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences. Concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the Council but will be notified to the Gambling Commission. In circumstances where the Council believes a premise requires a premises licence for gambling activities and no such licence is in force, the Council will alert the Gambling Commission.
- 30.8 The Council will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 30.9 The Council's enforcement/compliance protocols/written agreements will be available upon request.

31. Reviews

- 31.1 A review is a process defined in the legislation which ultimately leads to a licence being reassessed by the Licensing Committee with the possibility that the licence may be revoked, suspended or that conditions may amended or new conditions added.
- 31.2 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:
- i) in accordance with any relevant code of practice issued by the Gambling Commission
 - ii) in accordance with any relevant guidance issued by the Gambling Commission
 - iii) reasonably consistent with the licensing objectives and
 - iv) in accordance with this authority's Gambling Act 2005 – Statement of Licensing Policy.
- 31.3 In addition the Council may also reject the application on the grounds that the request is frivolous, vexatious, will certainly not cause this authority to wish to alter, revoke or suspend the licence, or is substantially the same as previous representations or requests for review.
- 31.4 The Council can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

Appendix 1 Gaming machines

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

- Table 1 below sets out the current proposals for the different categories with the maximum stakes and prizes that will apply. This table will be updated as soon as the proposals are confirmed.
- Table 2 overleaf shows the maximum number of machines permitted and in the case of casinos the ratios between tables and machines.

Table 1

Category of machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£5	£10,000 (with the option of a max £20,000 linked progressive jackpot on a premises basis only)
¹ B2	£100	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D – money prize	10p	£5
D – non-money prize (other than a crane grab machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D – combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machine)	20p	£15 (of which no more than £8 may be a money prize)

¹ The category B2 is not actually a traditional slot machine. It refers to a type of gaming machine known as a fixed odds betting terminal (FOBTs). These are a new type of gaming machine which generally appear in licensed bookmakers. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.

Table 2

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

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

Appendix 2 Glossary of terms

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

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

Term	Description
Odds	The ratio to which a bet will be paid if the bet wins, e.g. 3-1 means for every £1 bet, a person would receive £3 of winnings.
Off-course betting operator	Off-course betting operators may, in addition to premises away from the track, operate self-contained betting premises within a track premises. Such self-contained premises will provide facilities for betting on both events taking place at the track (on-course betting), as well as other sporting events taking place away from the track (off-course betting). In essence such premises operate like a traditional high street bookmakers. They will however only normally operate on race days.
On-course betting operator	The on-course betting operator is one who comes onto on a track, temporarily, while races are taking place, and operates at the track side. On-course betting operators tend to offer betting only on the events taking place on the track that day (on-course betting).
Pool Betting	For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: 1) Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the persons betting 2) Shall be divided among the winners or 3) Shall or may be something other than money. For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horse-racing in Britain.
Regulations or Statutory instruments	Regulations are a form of law, often referred to as delegated or secondary legislation. They have the same binding legal effect as Acts and usually state rules that apply generally, rather than to specific persons or things. However, regulations are not made by Parliament. Rather, they are made by persons or bodies to whom Parliament has delegated the authority to make them, such as a minister or an administrative agency.
Representations	In the context of the Gambling Act representations are either positive statements of support or negative objections which are made in relation to a licensing application. Representations must be made in time, e.g. during a designated notice period.
Responsible authority (authorities)	Responsible authorities (RAs) are agencies which have been appointed by the Gambling Act or regulations to fulfil a designated role during the licensing process. RAs must be sent copies of all licensing applications and have the power to make representations about such applications. RAs also have the power to ask for licences to be reviewed. For Leeds the RAs include West Yorkshire Police, The local Safeguarding Children Board, Leeds City Council's Development Department as well as several others.

Term	Description
Skill machine / Skill with prizes machine	The Act does not cover machines that give prizes as a result of the application of pure skill by players. A skill with prizes machine is one on which the winning of a prize is determined only by the player's skill – any element of chance imparted by the action of the machine would cause it to be a gaming machine. An example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes.
Spread betting	A form of investing which is more akin to betting, and can be applied either to sporting events or to the financial markets. Spread betting is regulated by the Financial Services Authority.
Stake	The amount pledged when taking part in gambling activity as either a bet, or deposit to the bank or house where the house could be a gaming machine.
Statement of principles document	A document prepared by the Council which outlines the areas that applicants need to consider before applying for gaming permits.
Table gaming	Card games played in casinos.
Tote	"Tote" is short for Totaliser, a system introduced to Britain in 1929 to offer pool betting on racecourses.
Track	Tracks are sites (including horse tracks and dog tracks) where races or other sporting events take place.

Appendix 3 Summary of gaming entitlements for clubs and pubs

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

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

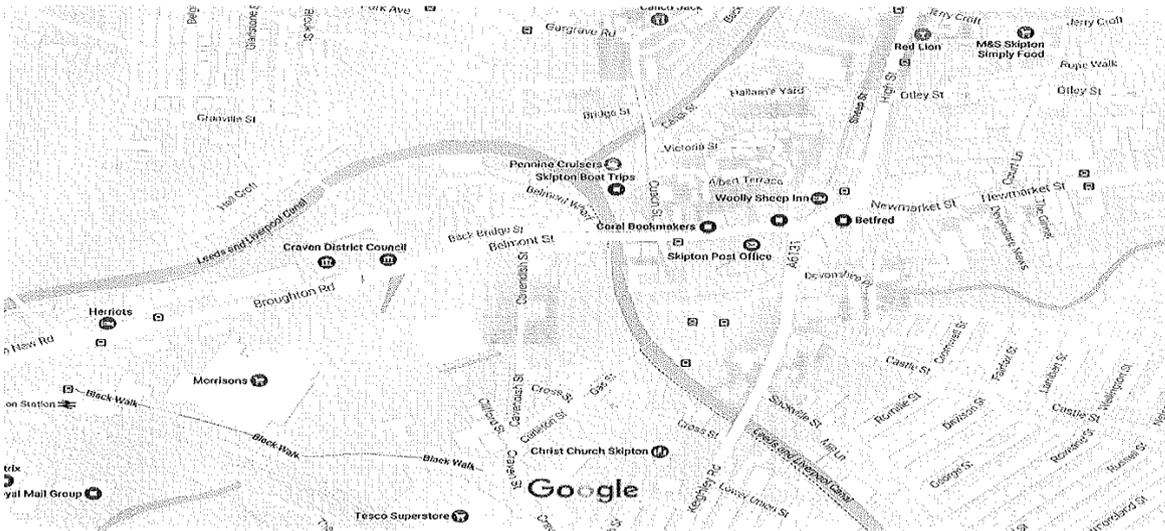
Appendix 3 Local Area Risk Profile

Local Area Risk Profile

The District is the most westerly in North Yorkshire, spread across 450 square miles of land that extends north from a boundary near Skipton, with West Yorkshire to the southeast, Lancashire to the west, and Cumbria to the northwest. The area covers 117,876 hectares (15% of North Yorkshire), and it has a population of 53,600, giving it a population density of 44 people per square kilometre, being in the top ten lowest population density councils in England . (UK average 245 people per sq km).

The District only has three licensed premises which are Betting Shops and these are all within Skipton itself.

These are shown on the map below:



Map data ©2017 Google 50 m

Coral Bookmakers
Off Track Betting Shop · 26 Swadford St

William Hill
Off Track Betting Shop · 3 Swadford St

Betfred
Off Track Betting Shop · Caroline Square, 85-87 High St

Economic Factors

According to figures from North Yorkshire County Council this is the current economic climate in Craven:-

Unemployment in Craven between October 2015 and September 2016 stood at 900 which was 3.1% (calculated as a percentage of the 16+ economically active population).

Claimants for Jobseekers Allowance stood at 108 (64 male 44 female) in January 2017 a fall of 11 for the month and 79 on year (-9.2% and -42.2% respectively).

The number of claimants claiming for over 6 months was 45.5%.

The number of claimants claiming for over 12 months was 27.3%.

The number of 18-24 year olds claiming job seekers allowance was 10 which equates to 9.1% of the total number of claimants.

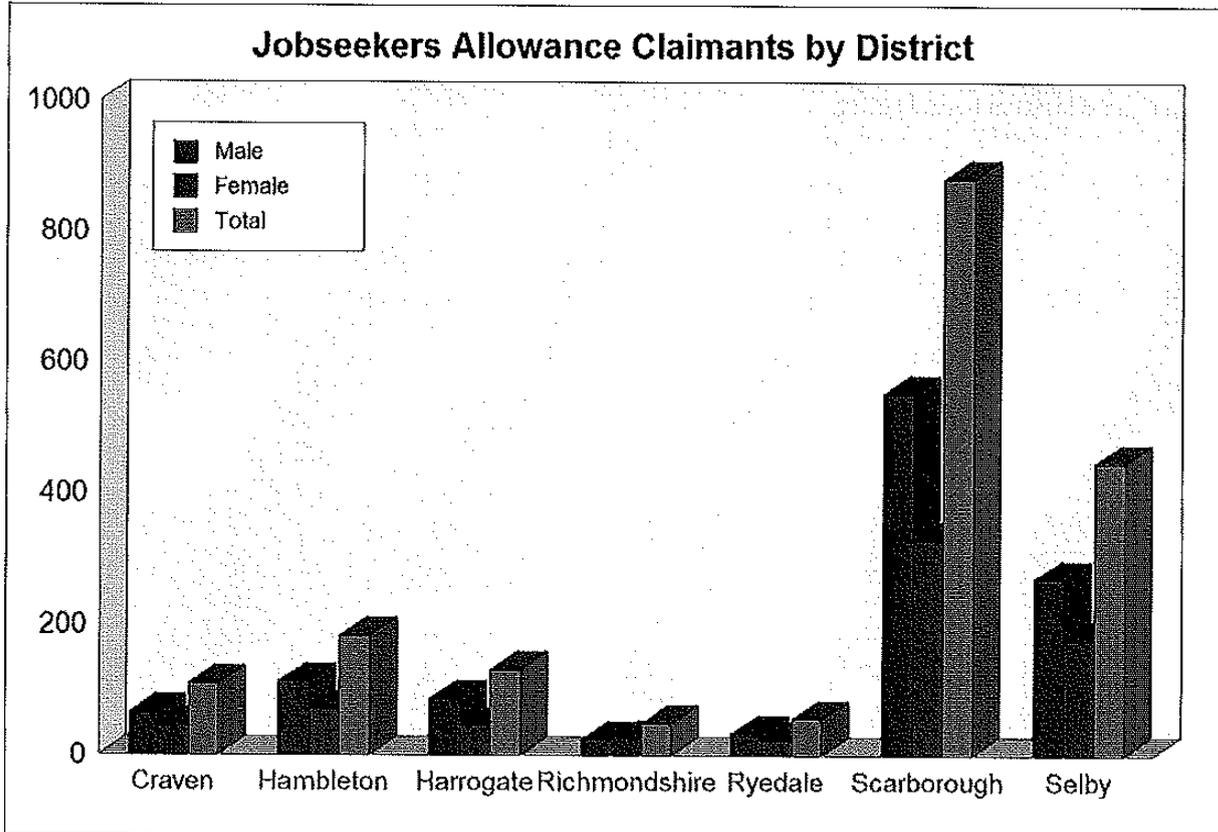
The total number of claims by Ward in Craven stood at:-

WARD-BASED JOBSEEKERS ALLOWANCE CLAIMANT RATES: JANUARY 2017

CRAVEN	MALE		FEMALE		TOTAL	
	CLAIMS	RATE	CLAIMS	RATE	CLAIMS	RATE
36UBGB : Aire Valley with Lothersdale	3	0.3	#	#	5	0.2
36UBGC : Barden Fell	#	0.0	#	0.0	#	0.0
36UBGD : Bentham	#	#	#	#	3	0.1
36UBGE : Cowling	4	0.6	3	0.4	7	0.5
36UBGF : Embsay-with-Eastby	#	0.0	#	0.0	#	0.0
36UBGG : Gargrave and Malhamdale	3	0.3	#	#	5	0.3
36UBGH : Glusburn	6	0.5	3	0.3	9	0.4
36UBGJ : Grassington	#	0.0	#	#	#	#
36UBGK : Hellifield and Long Preston	#	0.0	#	0.0	#	0.0
36UBGL : Ingleton and Clapham	4	0.4	#	0.0	4	0.2
36UBGM : Peryghent	#	0.0	#	#	#	#
36UBGN : Settle and Ribblesbanks	4	0.4	#	#	6	0.3
36UBGP : Skipton East	3	0.3	5	0.5	8	0.4
36UBGQ : Skipton North	#	#	5	0.5	7	0.3
36UBGR : Skipton South	9	0.8	4	0.3	13	0.5
36UBGS : Skipton West	12	1.0	8	0.6	20	0.8
36UBGT : Sutton-in-Craven	8	0.7	5	0.4	13	0.6
36UBGU : Upper Wharfedale	#	#	#	0.0	#	#
36UBGW : West Craven	#	#	#	#	3	0.3
TOTAL	64	0.4	44	0.3	108	0.3

NOTES

1. JSA data are published by the Office for National Statistics.
 2. JSA claimant rates are unadjusted for seasonal variations
 3. The denominators used for ward rates are the 2013 resident working-age (16-64) population
 4. # these figures are suppressed by the Office for National Statistics
 5. Compilation: Corporate Information Systems Team, Central Services Directorate, NYCC.
- Contact: economic.statistics@northyorks.gov.uk



The most recent Health Profile completed for the Craven District is below:-



Public Health
England



Craven

District

This profile was produced on 12 August 2014

Health Profile 2014

Health in summary

The health of people in Craven is generally better than the England average. Deprivation is lower than average, however about 9.3% (800) children live in poverty. Life expectancy for both men and women is higher than the England average.

Living longer

Life expectancy is 9.0 years lower for men and 5.2 years lower for women in the most deprived areas of Craven than in the least deprived areas.

Child health

In Year 6, 14.1% (71) of children are classified as obese, better than the average for England. The rate of alcohol-specific hospital stays among those under 18 was 31.4*. This represents 3 stays per year. Levels of GCSE attainment are better than the England average.

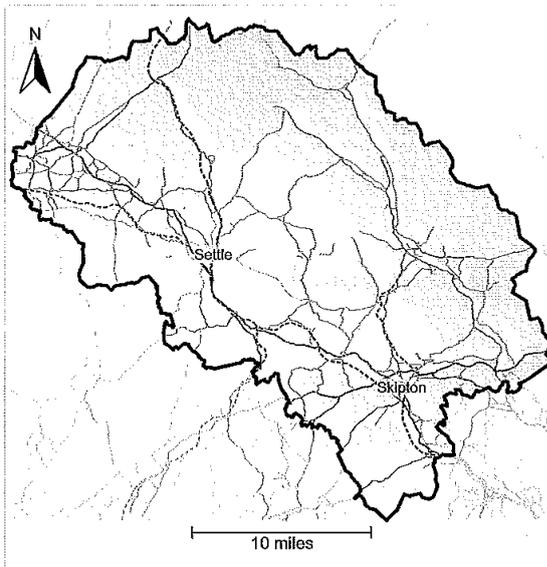
Adult health

In 2012, 18.9% of adults are classified as obese, better than the average for England. The rate of alcohol related harm hospital stays was 584*. This represents 344 stays per year. The rate of self-harm hospital stays was 134.5*, better than the average for England. This represents 65 stays per year. The rate of smoking related deaths was 218*, better than the average for England. This represents 89 deaths per year. Estimated levels of adult smoking are better than the England average. The rate of people killed and seriously injured on roads is worse than average. The rate of sexually transmitted infections is better than average. Rates of statutory homelessness, violent crime, long term unemployment, drug misuse, early deaths from cardiovascular diseases and early deaths from cancer are better than average.

Local priorities

Priorities in Craven include healthy ageing, reducing health inequalities in cardiovascular disease, and alcohol. For more information see www.cravenc.gov.uk and www.nypartnerships.org.uk

* rate per 100,000 population



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Population: 55,000

Mid-2012 population estimate. Source: Office for National Statistics.

This profile gives a picture of people's health in Craven. It is designed to help local government and health services understand their community's needs, so that they can work to improve people's health and reduce health inequalities.

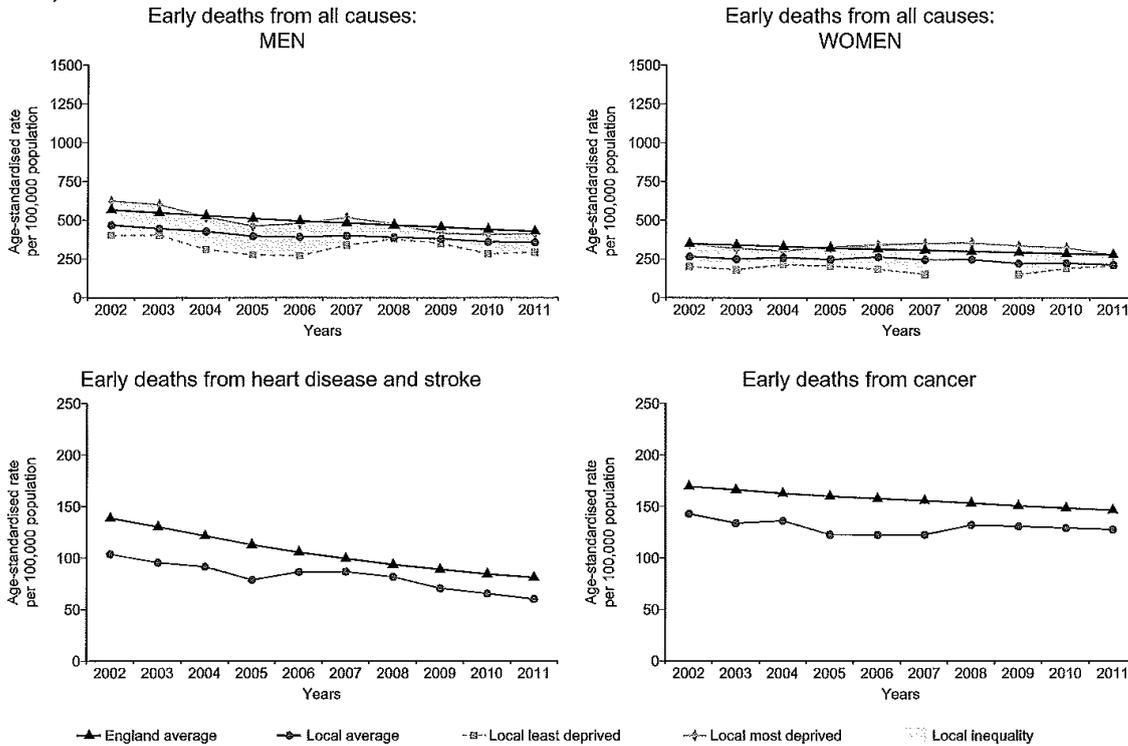
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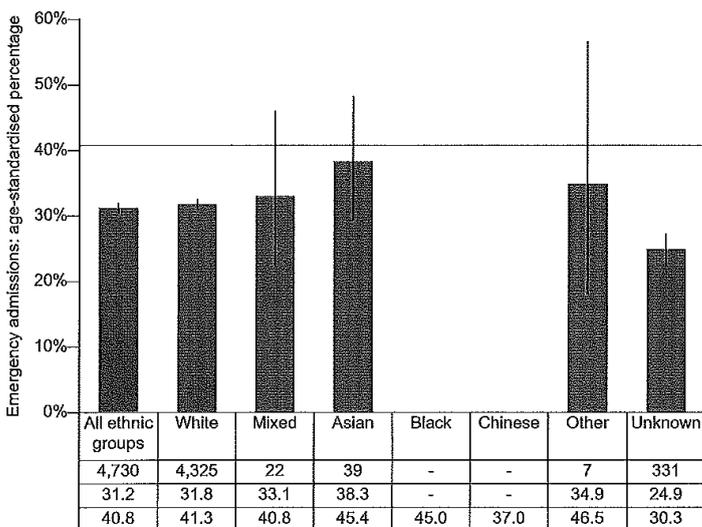
Health inequalities: changes over time

These charts provide a comparison of the changes in early death rates (in people under 75) between this area and all of England. Early deaths from all causes also show the differences between the most and least deprived quintile in this area. (Data points are the midpoints of 3 year averages of annual rates, for example 2005 represents the period 2004 to 2006).



Health inequalities: ethnicity

Percentage of hospital admissions that were emergencies, by ethnic group



This chart shows the percentage of hospital admissions in 2012/13 that were emergencies for each ethnic group in this area. A high percentage of emergency admissions may reflect some patients not accessing or receiving the care most suited to managing their conditions. By comparing the percentage in each ethnic group in this area with that of the whole population of England (represented by the horizontal line) possible inequalities can be identified.

■ Craven
 — England average (all ethnic groups)
 | 95% confidence interval

Figures based on small numbers of admissions have been suppressed to avoid any potential disclosure of information about individuals.

DRAFT