

Central Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ

**This meeting
may be filmed.***



**Central
Bedfordshire**

please ask for Celina Jagusz
direct line 0300 300 4034
date 27 September 2018

NOTICE OF MEETING

LICENSING COMMITTEE

Date & Time

Friday, 5 October 2018 1.30 p.m.

Venue at

Room 15, Priory House, Monks Walk, Shefford

Richard Carr
Chief Executive

To: The Chairman and Members of the LICENSING COMMITTEE:

Cllrs T Nicols (Chairman), K M Collins (Vice-Chairman), R D Berry, D Bowater,
J Chatterley, I Dalgarno, Mrs A L Dodwell, P A Duckett, P Smith, T Swain, N Warren
and R D Wenham

[Named Substitutes:

P Downing, F Firth, A Ryan, B J Spurr, M A G Versallion and J N Young]

All other Members of the Council - on request

***MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS
MEETING***

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AGENDA

1. **Apologies for Absence**

To receive any apologies for absence and notification of substitute Members.

2. **Minutes**

To sign as a correct record the Minutes of the Licensing Committee on 7 February 2018.

3. **Chairman's Announcements and Communications**

To receive any announcements from the Chairman and any matters of communication.

4. **Members' Interests**

To receive from Members any declarations of interest.

5. **Questions, Statements or Deputations**

To receive any questions, statements or deputations from members of the public in accordance with the Public Participation Procedure as set out in Part 4G of the Constitution.

Reports

| Item | Subject |
|-------------|----------------|
|-------------|----------------|

| | |
|----|--------------------------------------|
| 6. | Review of Gambling Act Policy |
|----|--------------------------------------|

To review the current Gambling Act Policy as required by legislation.

| | |
|----|--|
| 7. | Review of Hackney Carriage and Private Hire Driver and Private Hire Operator Conditions |
|----|--|

To consider the combined hackney carriage and private hire driver and private hire operator conditions following consultation with the trade.

| | |
|----|--|
| 8. | Review of Street Trading Policy |
|----|--|

To review the current Street Trading Policy.

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CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **LICENSING COMMITTEE** held in Room 15, Priory House, Monks Walk, Shefford on Wednesday, 7 February 2018

PRESENT

Cllr T Nicols (Chairman)
Cllr K M Collins (Vice-Chairman)

Cllrs R D Berry
D Bowater
J Chatterley

Cllrs Mrs A L Dodwell
P Smith
T Swain

Apologies for Absence: Cllrs Mrs A Barker
I Dalgarno
K Janes
N Warren
R D Wenham

Officers in Attendance: Miss H Bell
Mrs M James
Mrs R White
Committee Services Officer
Licensing Enforcement Officer
Litigation Lawyer LGSS Law Limited

L/17/40. **Minutes**

RESOLVED

That the minutes of the meeting held on 14 December 2016 be signed and approved by the Chairman as a correct record.

L/17/41. **Chairman's Announcements and Communications**

The Chairman advised the Committee that he and the Vice Chairman had attended a conference on the 'Night Time Economy'. He spoke about the importance of the night time employment and the need for it to be regulated and a structured policy devised.

Following a detailed discussion, Members agreed that this would be considered as an agenda item at the next meeting of this Committee. In particular, Members would consider the best approach for proceeding with regulating and developing a policy for the night time economy in Central Bedfordshire.

L/17/42. **Members' Interests**

Councillors Berry, Bowater and Dodwell declared a Personal interest in Agenda Item 6 as members of Leighton Linlade Town Council.

L/17/43. **Questions, Statements or Deputations**

No questions, statements or deputations from members of the public were received.

L/17/44. **Review of Leighton Buzzard Taxi Rank**

The Committee received and considered a report of the Public Protection Officer which detailed a request from Leighton Linslade Town Council to vary the Market Square taxi stand on market days.

The report advised that the current stand located at the Market Square, Leighton Buzzard comprised of four taxis facing East. Leighton Linslade Town Council requested to vary the taxi stand on market days (Tuesday and Saturday) only.

The proposal detailed in the report is to therefore revoke the current stand, facing East on Tuesday and Saturday only and to appoint a new stand on the opposite side of the road facing West.

It was noted that the proposal had gone through a consultation process and objections had been received from taxi drivers. A petition from the divers objecting to the proposal had been submitted.

Following a detailed debate, in which Members discussed issues surrounding the location of the taxi rank in the Leighton Buzzard, it was agreed that the request to revoke and relocate a new stand on market days be endorsed.

RESOLVED

- (1) That the Hackney Carriage stand in the position shown in Schedule One of the report now submitted be revoked on market days (Tuesdays and Saturdays) only and;**
- (2) That a new Hackney Carriage stand in the position shown in Schedule Two of the report now submitted on market days (Tuesdays and Saturdays) only be appointed.**

(Note: The meeting commenced at 10.00 a.m. and concluded at 11.00 a.m.)

Chairman

Dated

Central Bedfordshire Council

LICENSING COMMITTEE

5 October 2018

Review of Gambling Act Policy

Responsible Director:- Marcel Coiffait,
marcel.coiffait@centralbedfordshire.gov.uk

This report relates to a decision that is Key

Purpose of this report

1. To review the current Gambling Act Policy as required by legislation.

RECOMMENDATIONS

The Committee is asked to:

1. **Approve the changes to the current policy**
2. **Recommend that Council adopt the revised policy.**

Issues

Current Policies and Conditions

2. Central Bedfordshire Council, as the Licensing Authority, is required by law to review its Gambling Act Policy on a three-yearly basis.
3. The current policy is due for renewal in January 2019.

Options for consideration

4. We are proposing only minor changes and additions to the policy to reflect current legislation. See Appendix A (changes have been highlighted for ease of reference)
5. Consultation on the amended policy took place between 25 July and 05 September 2018.

Three comments on the proposals have been received. See Appendix B and C and D.

Council Priorities

- Enhancing Central Bedfordshire
- Protecting the vulnerable; improving wellbeing

Corporate Implications

None

Legal Implications

The proposed changes comply with the Gambling Commission's Code of Practice coming into force on 4th April 2018 made under the Gambling Act 2005.

Financial and Risk Implications

Fees for matters associated with activities covered by the Gambling Act 2005 are set to cover the full cost of administering this function as required by the legislation. The proposed changes to policy have no additional financial implications.

Equalities Implications

Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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

Conclusion and next Steps

6. The Council is required to publish its revised policy at least 4 weeks before it comes into effect. Therefore the projected times scales are:-
 - Policy review to Full Council on 15 November 2018
 - Reviewed policy published 31 December 2018
 - Policy effective from 31 January 2019

Appendices

Appendix A: Revised Gambling Act Policy

Appendix B: Comment from Ladbrooks

Appendix C: Comment from Gamcare

Appendix D: Comment from Shefford Town Council

Background Papers

None

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CENTRAL BEDFORDSHIRE COUNCIL

THE GAMBLING ACT 2005

STATEMENT OF PRINCIPLES

DRAFT

July 2018

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Part 1

1.0 INTRODUCTION

1.1 The Central Bedfordshire Area

Central Bedfordshire lies in the heart of the county, covering some 712 square kilometres from Leighton Linlade and Dunstable in the west to Sandy and Arlesey in the east, and from Woburn to Whipsnade. The Chiltern Hills, an Area of Outstanding Natural Beauty, form a major feature in the west including chalk scarp and downlands and the Greensand Ridge runs eastwards throughout the area. The Grand Union canal also passes through the area.

The area is diverse with picturesque villages, hamlets and historic market towns whilst, as one of the most rapidly growing unitary councils in England, it is planning for substantial additional development. The largest communities within Central Bedfordshire are Ampthill, Biggleswade, Dunstable, Flitwick, Houghton Regis, Leighton Buzzard, Sandy, and Shefford.

(Map at Appendix A)

1.2 The Licensing Objectives

The Gambling Act 2005 requires that the Council carry out its various licensing functions with a view to promoting the licensing objectives. 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

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

- In accordance with any relevant code of practice issued by the Gambling Commission
- In accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives and
- In accordance with the authority's statement of principles

1.3 Consultation

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

This policy is the Licensing Authority's statement of licensing principles and will come into force on the 31st January 2019. The next review must be undertaken and the policy published by 31st January 2022. The policy may be reviewed, updated and modified as and when the Licensing Authority considers appropriate to promote one or all of the licensing objectives.

Consultation on this amended policy took place between 25 July 2018 and 05 September 2018.

Central Bedfordshire Council has consulted widely upon this policy before finalising and publishing it. A list of persons consulted is provided below.

The Gambling Act requires that the following parties are consulted by Licensing Authorities:

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

This authority also consulted the following:

- The Gambling Commission
- The Police
- Central Bedfordshire Council Social Care, Health & Housing
- Central Bedfordshire Council Children's Services
- British Casino Association
- The Association of British bookmakers
- The Bingo Association
- Bedfordshire Fire Service
- Holders of existing licences, permits and registrations who are affected by the provisions of the Act
- Central Bedfordshire Council Planning
- Central Bedfordshire Council Environmental Health
- Central Bedfordshire Council Community Safety
- Central Bedfordshire Council Community Intelligence Manager
- Central Bedfordshire Council Elected members
- Central Bedfordshire Trading Standards
- Parish & Town Councils
- HM revenues and customs
- Luton Magistrates Court
- Assistant Director for Safeguarding and Early Help
- Gamcare

- Gamblers Anonymous
- Mencap
- Citizens Advice
- Federation of Licensed Victuallers
- Leisure Link
- Gamestec
- Responsibility in Gambling Trust

This updated policy was approved at a meeting of the Full Council on **date to be inserted** and was published via our website on **date to be inserted**

Any queries regarding this policy statement should be sent via e-mail to -

licensing@centralbedfordshire.gov.uk

or by letter to Licensing, Central Bedfordshire Council, Watling House, High Street North, Dunstable, Beds LU6 1LF

Any amendments to the Policy will be subject to further consultation.

1.4 Declaration

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

1.5 General Statement of Principles

The Council recognises the wide variety of premises which will require a licence or a permit. These include casinos, betting shops, bingo halls, pubs, clubs and amusement arcades.

In carrying out its licensing functions the Council will act in accordance with the relevant legislation and Guidance from the Commission and will adopt the principles of better regulation. The Council will only depart from the guidance where there are strong and defensible reasons for doing so.

The Council will not seek to use the Act to resolve matters more readily dealt with under other legislation.

To ensure the licensing objectives are met the Council will establish a close working relationship with the police, the Gambling Commission and, where appropriate, other responsible authorities.

Where children, young persons and other vulnerable people are allowed access to premises where gambling takes place, the Council may take whatever steps are considered necessary to either limit access generally or by introducing measures to prevent under age gambling where it believes it is right to do so for the prevention of their harm, especially where it receives representations to that effect.

Applicants seeking premises licences may be encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.

However, the overriding principle is that all applications and the circumstances prevailing at each premises will be considered on their own individual merits.

The licensing authority may consider whether, there is a need for door supervisors in terms of Licensing Objectives of protection of children and vulnerable persons being harmed or exploited by gambling and also in terms of preventing premises becoming a source of crime.

In consultation with the premises licence holder, and where relevant evidence has been produced, the Licensing Authority may decide to place a condition on the Premises Licence requiring door supervisors if they have concerns that a premise may attract disorder or attempts at unauthorised access (e.g. children or young persons).

Where door supervisors are required, they must be licensed by the Security Industry Authority in accordance with the Private Security Industry Act 2001. 'In-house' employees working as door supervisors at casino and bingo premises are exempt from these requirements.

When considering any application the Council will avoid duplication with other regulatory regimes as far as possible. The Council will not attach conditions to a licence unless they are considered necessary, reasonable and proportionate to the use of the premises for gambling consistent with the Licensing Objectives.

1.6 Categories of licence

The Act provides for 3 categories of licence:

- operating licences
- personal licences
- premises licences

The Council will be responsible for issuing premises licences. The Gambling Commission will be responsible for issuing operating and personal licences.

1.7 The Gambling Commission

The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring that gambling is conducted fairly and openly; and by protecting children and vulnerable people.

The Commission provides independent advice to the government about the manner in which gambling is carried out, the effects of gambling, and the regulation of gambling generally.

The Commission has issued Guidance under Section 25 regarding the manner in which local authorities exercise their licensing functions under the Act and, in particular, the principles to be applied by local authorities.

The Commission will also issue one or more codes of practice under Section 24 of the Act about the manner in which facilities for gambling are provided, which may also include provisions about the advertising gambling facilities.

The Gambling Commission can be contacted at:-
www.gamblingcommission.gov.uk

1.8 Authorised Activities

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

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

The main functions of the Council are to:-

- licence premises for gambling activities
- grant permits for gambling and gaming machines in clubs
- regulate gaming and gaming machines in alcohol licensed premises
- grant permits to family entertainment centres for the use of certain lower stake gaming machines
- grant permits for prize gaming
- consider notices given for the temporary use of premises for gaming
- consider occasional use notices for betting at tracks
- register small societies lotteries

Spread betting is regulated by The Financial Services Authority.

Remote Gambling is dealt with by the Gambling Commission.

The National Lottery is regulated by The National Lottery Commission.

1.9 Responsible Authorities

The responsible authorities under the Gambling Act are:

- Central Bedfordshire Council ('The Council') (as the Licensing Authority)
- The Gambling Commission
- The Chief of Police for Bedfordshire
- Bedfordshire Fire & Rescue
- The Council's Planning service
- The Council's Environmental Health service
- H M Revenue & Customs
- The body designated as competent to advise the authority about the protection of children from harm

(Under Section 157(h) of the Act the following principles have been applied:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area

- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc
- Having regard to the above principles, the Council designates Central Bedfordshire Council Policy & Strategy, Children, Families & Learning for this purpose).

The contact details of all the responsible authorities under The Gambling Act 2005 are available via the Council's website at:

<http://www.centralbedfordshire.gov.uk>

Any concerns expressed by a responsible authority in relation to their own functions cannot be taken into account unless they are relevant to the application itself and the licensing objectives. In this regard the Council will not generally take into account representations which are deemed to be irrelevant, ie:-

- there are too many gambling premises in the locality
- the premises are likely to be a fire risk
- the location of the premises is likely to lead to traffic congestion
- the premises will cause crowds to congregate in one area causing noise and nuisance

Each representation will, however, be considered on its own individual merits.

1.10 Interested Parties

An interested party is someone who:-

- lives sufficiently close to the premises to be likely to be affected by the authorised activities, or
- has business interests that might be affected by the authorised activities, or
- represents persons in either of the two groups above

In determining whether someone lives sufficiently close to a particular premises so as to be affected the Council will take into account, among other things:-

- the size of the premises
- the nature of the premises
- the distance of the premises from the person making the representation
- the nature of the complainant
- the potential impact of the premises

In determining whether a person has a business interest which could be affected the Council will consider, among other things:-

- the size of the premises
- the catchment area of the premises, and
- whether the person making the representation has business interests in the catchment area that might be affected

The Licensing Authority will also consider the Gambling Commission Guidance to Local Authorities regarding persons that 'have business interests' and will give the

widest possible interpretation (for example, partnerships, charities, faith groups and medical practices etc).

This authority may consider trade associations, trade unions, and residents' and tenants' associations as interested parties, if they have a member who can be classed as an interested person under the terms of the Gambling Act 2005, (i.e. live sufficiently close to the premises to be likely to be affected by the activities being applied for).

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

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

The Council may, in certain circumstances, consider a representation to be either frivolous or vexatious. This will generally be a matter of fact given the circumstances of each individual case but, before coming to a decision the Council will normally consider:-

- who is making the representation and whether there is a history of making representations that are not relevant,
- whether it raises a 'relevant' issue or not, or
- whether it raises issues specifically to do with the premises which are the subject of the application.

The Council will treat each case on its merits.

1.11 Exchange of Information

Subject to the provisions of the Data Protection Act 1998 the Council will share any information it receives through the application process with the Gambling Commission, and those other persons or bodies listed in Schedule 6(1) to the Act for use in the exercise of functions under the Act. In doing so the Council will have regard to the Act itself, any guidance issued by the Commission from time to time, any Regulations issued by the Secretary of State and any Council Policies for Data Protection and Freedom of Information. Further information can be obtained from the Council.

If there are persistent or serious disorder problems at premises, that an operator could or should do more to prevent, the Licensing Authority will bring this to the attention of the Commission so that it can consider the continuing suitability of the operator to hold a licence.

1.12 Enforcement

The Licensing Authority's main enforcement and compliance role in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for operating and personal licences.

All the powers of officers authorised by the Council under the Act will be exercised in accordance with the Enforcement Concordat, the Regulators' Compliance Code, and the Council's enforcement policies.

The Licensing Authority will be guided by the Gambling Commission's Guidance for Local Authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary;
- 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 advice simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

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

A risk-based inspection programme, based on the licensing objectives, relevant codes of practice, Guidance issued by the Gambling Commission, the principles set out in this Statement of Principles, and any other information provided by the Commission, the police and other enforcing authorities will be used to target agreed problem or high risk premises.

The overall aim is to permit the use of premises for gambling. With that in mind it is intended that action will generally be taken against 'problem' premises (those that are seen to be consistently disregarding the licensing objectives and any licensing conditions that are laid down within their individual premises licence) through the review process.

1.13 Licensing Authority Functions

Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate members clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to commercial clubs

- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences
- Maintain registers of the permits and licences that are issued under these functions

1.14 Local area profile

Having consulted with others, in particular, the police and community safety, no particular areas of concern have been identified in regard to local risks associated with gambling. However this will be kept under review, and if any particular risks are identified, this section of the statement will be amended to reflect changes in the local landscape.

Part 2

2.0 Licences

2.1 Premises Licences

2.1.1 Premises licences are subject to the requirements set out in the Gambling Act 2005 and Regulations, as well as specific mandatory and default conditions. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

2.1.2 A premises licence is one that authorises premises to be used for:

- The operation of a casino (a casino premises licence)
- The provision of facilities for playing bingo (a bingo premises licence)
- Making category B gaming machines available for use (an adult gaming centre premises licence)
- Making category C gaming machines available for use (a family entertainment centre premises licence), or
- The provision of facilities for betting (a betting premises licence)

Appendix B details the machine provisions by premise type.

2.1.3 In making decisions about premises licences, Central Bedfordshire Council will aim to permit the use of the premises for gambling in so far as it thinks it is:

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

2.1.4 As per the Gambling Commission's Guidance for local authorities we will not take into consideration matters that are not related to gambling and the licensing objectives (For example moral objections, unmet demand -, or the likelihood of the applicant obtaining planning permission or building regulations approval).

2.1.5 Application forms are in the format prescribed by Regulations and will need to contain information that describes the gambling activities to be provided, hours of operation, nature of location, and any other information relevant to the premises.

2.1.6

*Please note that under the Gambling Commission's Code of Practice Provisions, premises licence holders under the Act **are required** to provide risk assessments as follows:*

10.1.1

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

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

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

a to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;

b when there are significant changes at a licensee's premises that may affect their mitigation of local risks;

c when applying for a variation of a premises licence; and

d in any case, undertake a local risk assessment when applying for a new premises licence.

10.1.2

1 Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request. **A copy of the local risk assessment must be retained on the premises.**

Any risk assessment submitted should demonstrate the applicant has considered, as a minimum:

- local crime statistics;
- any problems in the area relating to gambling establishments such as anti-social behaviour;
- the location of any nearby sensitive premises, such as hostels and other facilities used by vulnerable persons e.g. drug and alcohol addictions;
- whether there is a prevalence of street drinking in the area, which may increase the risk of vulnerable persons using the premises;
- whether there is any indication of problems in the area with young people attempting to access adult gambling facilities.

2.1.7 Applicants are encouraged to consult the Police and other responsible authorities well in advance of submitting their applications. Application forms and guidance leaflets will be available from the Council's Licensing Department including contact names for each of the responsible authorities that should receive applications. Applications should be submitted with any additional relevant documentation and the prescribed fee.

Incomplete applications will not be considered and will be returned to the applicant.

2.1.8 Where there are no areas of contention it is considered that many of the functions will be largely administrative. Functions will be delegated in accordance with section 4.2 of this Statement of Principles.

2.1.9 Where there are relevant representations in respect of an application the matter will be determined by the Licensing Committee or one of its sub-committees, as will any application for the review of a licence.

2.1.10 Interested parties or responsible authorities can make requests for a review of the premises licence, however it is for the licensing authority to decide whether the review is to be carried out. This will be on the basis of whether the request for review is relevant to the matters listed below:-

- 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
- In accordance with the Authority's Statement of Licensing Policy.

As well as consideration as to whether the request is frivolous or vexatious.

2.1.11 The licensing authority can also initiate a review of the licence on the basis of any reason which it thinks appropriate.

2.1.12 This Statement is not intended to override the right of any person to make an application under the Act, and to have that application considered on its merits. Equally, this Statement of Principles is not intended to undermine the right of any person to make representations about an application or to seek a review of a licence where provision has been made for them to do so

2.2 Definition of “premises”

2.2.1 Premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premise at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

2.2.2 Central Bedfordshire 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, entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area. There will be specific issues to consider before granting applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed), for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should be whether, taken as whole, the 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.

2.2.3 An applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that references to “the premises” are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. This authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete

ensures that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

2.3 Location

This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. This could include areas where gambling premises should not be located, (for example near a school or in residential areas where there may be a high concentration of families with children). This does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how the potential concerns can be overcome.

2.4 Duplication with other regulatory regimes

This licensing authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority 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 listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

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

2.5.1 The Gambling Commission plays a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling.

2.5.2 Anyone applying to the Council for a premises licence will have to hold an operating licence from the Commission before a licence can be issued. Therefore, the Council will not generally be concerned with the suitability of an applicant and where concerns about a person's suitability arise the Council will bring those concerns to the attention of the Commission.

2.5.3 If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, the Council will, in consultation with the police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime. This could include a requirement for door supervisors.

2.5.4 As far as disorder is concerned, there are already powers in existing anti-social behaviour and licensing legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. The Council does not therefore intend to use the Act to deal with general nuisance issues, for example, parking problems, which can easily be dealt with using alternative powers.

2.5.5 Issues of disorder would only be dealt with under the Act if the disorder amounts to activity which is more serious and disruptive than mere nuisance, and it

can be shown that gambling is the source of that disorder. A disturbance might be serious enough to constitute disorder if police assistance was required to deal with it. Another factor which could be taken into account is how threatening the behaviour was to those who could see or hear it, and whether those people live sufficiently close to be affected or have business interests that might be affected.

2.5.6 When making decisions in this regard the Council will give due weight to any comments made by the police.

2.6 Ensuring gambling is conducted in a fair and open way

2.6.1 The Gambling Commission does not expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business or will relate to the suitability and actions of an individual. Both issues will be addressed by the Commission through the operating and personal licensing regime.

2.6.2 Because betting track operators do not need an operating licence from the Commission the Council may, in certain circumstances require conditions of licence relating to the suitability of the environment in which betting takes place.

2.7 Protecting children and other vulnerable people from gambling

2.7.1 Apart from one or two limited exceptions, the intention of the Act is that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are 'adult-only' environments.

2.7.2 In practice, steps will generally be taken to prevent children from taking part in, or being in close proximity to, gambling especially with regard to premises situated in areas where there may be a high rate of reported truancy. There may also be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children. **The Gambling Commission have issued guidance which is available on [their website](#)**

2.7.3 When considering whether to grant a premises licence or permit the Council will consider whether any measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises, such as pubs, clubs, betting tracks etc.

2.7.4 With regard to the term "vulnerable persons" the Council will, in line with The Gambling Commission, for regulatory purposes assume that this group includes people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling, perhaps due to a mental impairment, alcohol or drugs.

2.7.5 The Council will always treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable people will balance its considerations against the overall principle of aiming to permit the use of premises for gambling.

2.8 Conditions

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

- Relevant to the need to make the proposed building suitable as a gambling facility
- Directly related to the premises and the type of licence applied for
- Fairly and reasonably related to the scale and type of premises and
- Reasonable in all other respects

2.8.2 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures considered should there be evidence that these are necessary, such as the use of door supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. Any applicant will also be expected to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

2.8.3 Specific measures may also be appropriate for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances, segregation of gambling from non-gambling areas frequented by children, and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

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

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

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

2.8.6 Tracks may be subject to one or more premises licence, provided each licence relates to a specified area of the track. This authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

2.8.7 There are conditions that the licensing authority cannot attach to premises licences which are:

- Any condition on the premises licence which makes it impossible to comply with an operating licence condition

- Conditions relating to gaming machine categories, numbers, or methods of operation
- Conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casinos and bingo clubs and this provision prevents it being reinstated) and
- Conditions in relation to stakes, fees, winning or prizes

2.9 Door Supervisors

2.9.1

If a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access, for example, by children and young persons, then it may require that the entrances to the premises are controlled by a door supervisor. The licensing authority is able to impose a condition on the premises licence to this effect. .

2.9.2. The Security Industry Authority (SIA) regulates the private security industry in England, Wales and Scotland, and is responsible for licensing individuals working within the various industry sectors. The majority of persons employed to work as door supervisors at premises licensed for gambling will need to be licensed by the SIA. There are, however, exceptions to this requirement.

2.9.2 Where contract staff are employed as door supervisors at casino or bingo premises, such staff will need to be licensed by the SIA. However, in-house employees working as door supervisors at casino and bingo premises are exempt from these requirements.

2.10 Adult Gaming Centres

The Council will have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. Applicants will be expected to satisfy the authority that there will be sufficient measures to meet the licensing objectives, for example, ensure that under 18 year olds do not have access to the premises. However appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes
- Supervision of entrances/machine areas
- Physical separation of areas

2.11 Family Entertainment Centres

The Council will have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. Applicants will be expected to satisfy the authority that there will be sufficient measures to meet the licensing objectives, for example, ensure that under 18 year olds do not have access to the adult only gaming machine areas. However appropriate measures/licence conditions may cover issues such as:

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

- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare
- Measures/training for staff on how to deal with suspected truant school children on the premises

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

2.12 Casinos

At present there are no casinos within the Central Bedfordshire Council area.

There is currently no resolution to prohibit casinos in the area. However, the Council reserves the right to review this situation and, may, at some time in the future, resolve not to permit casinos. Any such decision will be made by the full Council, and details included in a revision of this document.

2.13 Bingo Premises

2.13.1 The holder of a bingo operating licence will be able to provide any type of bingo game including cash and prize bingo.

2.13.2 Commercial bingo halls will require a bingo premises licence from the Council

2.13.3 Amusement arcades providing prize bingo will require a prize gaming permit from the Council.

2.13.4 In each of the above cases it is important that where children are allowed to enter premises licensed for bingo, in whatever form, they are not allowed to participate in any bingo game. When considering applications of this type the Council will therefore take into account, among other things, the location of the games or machines, access to those areas, general supervision of the premises and the display of appropriate notices.

2.13.5 A limited number of gaming machines may also be made available at bingo licensed premises.

2.13.6 Bingo is a class of equal chance gaming and will be permitted in alcohol licensed premises and in clubs provided it remains below a certain threshold, otherwise it will be subject to a bingo operating licence which will have to be obtained from the Gambling Commission.

2.14 Tracks

2.14.1 Section 353 of the Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place.

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

2.14.3 The Council will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. Although 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, they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

2.14.4 Applicants will be expected to offer their own measures to meet the licensing objectives; however appropriate measures/licence conditions may cover such issues as:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare

2.14.5 Gaming machines – The Council will consider the location of machines at tracks and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his/her entitlement to 4 gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

2.14.6 Betting machines – The size of the premises and the ability of staff to monitor the use of machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people will be taken into account when considering the number/nature/circumstances of the betting machines an operator wants to offer. It will also consider restricting the number and location of such machines in respect of applications for track betting premises licences.

2.14.7 Conditions on rules being displayed – Gambling Commission Guidance advises that licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race card or made available in leaflet form from the track office.

2.14.8 Plans that accompany applications should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

It would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

2.15 Travelling Fairs

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

2.15.2 Whether the applicant falls within the statutory definition of a travelling fair will also be considered.

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

2.16 Gaming

2.16.1 A gaming machine can cover all types of gambling activity which can take place on a machine, including betting on 'virtual' events.

2.16.2 The Act itself prescribes the number and category of gaming machines that are permitted in each type of gambling premises.

2.16.3 Subject to the provisions of the Act, gaming machines can be made available in a wide variety of premises, including:-

- casinos
- bingo premises
- betting premises, (including tracks)
- adult gaming centres
- family entertainment centres
- clubs
- pubs and other alcohol licensed premises
- travelling fairs

2.16.4 A machine is not a gaming machine if the winning of a prize is determined purely by the player's skill. However, any element of 'chance' (where the element of skill is not involved) imparted by the action of the machine would cause it to be a gaming machine.

2.16.5 The Council will, where appropriate, seek to encourage permit and premises licence holders to adopt any codes of practice which may be introduced by the amusement industry from time to time.

2.17 Lotteries

2.17.1 All lotteries are unlawful unless they are run in accordance with an operating licence issued by the Gambling Commission or it is an 'exempt' lottery as defined by the Act.

2.17.2 One of those exemptions is in respect of what are termed “small societies lotteries” and the Council is responsible for registering these ‘small’ lotteries.

2.17.3 A society will be allowed to register with the Council if it is a ‘non-commercial’ lottery, in other words, it is established and conducted:-

- for charitable purposes;
- for the purpose of enabling participation in, or of supporting, sport, athletic or a cultural activity; or
- for any other non-commercial purpose other than for private gain.

2.17.4 The Council will maintain a register of small society lotteries which it has registered.

2.18 Provisional Statements

A provisional statement is a statement of intent. A provisional statement does not require the applicant to have an operator’s licence and/or the right to occupy the premises. This enables the applicant to carry out all the other aspects of applying for a Premises Licence whilst awaiting confirmation of these issues. An application for a Premises Licence can only be made when the applicant has, or has applied for, an operators licence issued by the Gambling Commission and has the right to occupy the premises.

2.18.1 A person may apply for a provisional statement in respect of premises:

- They expect to be constructed
- They expect to be altered, or
- They expect to acquire a right to occupy

2.18.2 Applications will be dealt with in the same manner as applications for premises licences. Once premises are constructed, altered or acquired the holder of a provisional statement may apply for a full premises licence.

2.18.3 The Gambling Commission’s Guidance states that “it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence” and that “Requiring the building to be complete ensures that the authority could, if necessary inspect it fully”.

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

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

2.18.5 Gambling Commission Guidance states that “A licensing authority should not take into account irrelevant matters, such as the likelihood of the applicant obtaining planning permission or building regulations approval for the purpose”.

2.19 Reviews

2.19.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, the licensing authority will decide whether the review is to be carried out. This will be on the basis of whether the request for the review is:

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

2.19.2 In addition consideration will be given as to whether the request is frivolous, vexatious, will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review. The licensing authority can also initiate a review of a licence on the basis of any reason that it thinks appropriate.

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Part 3

3.0 Permits/Temporary & Occasional Use Notices

3.1 Unlicensed Family Entertainment Centre (FEC) Gaming Machine Permits

3.1.1 Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to this authority for a permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use. (Section 238 GA05)

3.1.2 A licensing authority cannot attach conditions to this type of permit.

3.1.3 An application for a permit may only be granted if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application.

3.1.4 Applicants will also be expected to demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs
- That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act and
- That staff are trained to have a full understanding of the maximum stakes and prizes and
- That there are policies and procedures in place to protect children from harm (Harm in this context is not limited to harm from gambling, but includes wider child protection considerations). The efficiency of such policies and procedures will each be considered on their merits. However they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children on the premises, or children causing perceived problems on/around the premises.

3.2 (Alcohol) Licensed Premises Gaming Machine Permits

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

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

3.2.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit. The licensing authority must consider the application based upon the licensing objectives, any guidance issued by the Gambling Commission under Section 25 of the Gambling Act 2005, and such matters as they think relevant.

3.2.3 This licensing authority considers that such matters will be decided on a case by case basis, but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling. We will expect the applicant to demonstrate that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

3.2.4 Measures may include:

- Adult machines being in sight of the bar or in the sight of staff who will monitor the machines to ensure they are not being used by under 18's
- Notices and signage
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

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

3.2.6 The licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than those applied for, but other conditions cannot be attached.

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

3.3 Prize Gaming Permits

3.3.1 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.

3.3.2 The principles applied by this authority are that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate that they understand the limits to stakes and prizes that are set out in Regulations, and also that the gaming offered is within the law.

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

3.3.4 There are conditions in the Gambling Act 2005 with which the permit holder must comply, but the licensing authority cannot attach conditions.

3.3.5 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

3.4 Club Gaming and Club Gaming Machines Permits

3.4.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D), equal chance gaming and games of chance as set out in forthcoming regulations. A Club Gaming Machine Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D).

3.4.2 Gambling Commission Guidance states "Members Clubs must have at least 25 members and be established and conducted wholly or mainly for purposes other than gaming, unless the gaming is permitted by separate regulations.

It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the gaming Act 1968. A members club must be permanent in nature, not established to make a commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations".

3.4.3 The Commission Guidance also states that the licensing authority may only refuse an application on the grounds that:

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

3.4.4 There is also a fast track procedure available under the Act for premises which hold a Club Premises certificate under the Licensing Act 2003. As the Gambling Commission's Guidance states, "Under the fast track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced".

3.4.5 The grounds on which an application under the process may be refused are:

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

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

3.5 Temporary Use Notices

3.5.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. A temporary use notice may only be granted to a person or company holding a relevant operating licence.

3.5.2 There are a number of statutory limits as regards Temporary Use Notices. The licensing authority must decide what constitutes a "set of premises" where Temporary Use Notices are received relating to the same building, and must consider, amongst other things, the ownership/occupation and control of the premises. In relation to other "covered areas" (e.g. shopping centres) the licensing authority will consider whether different units are in fact different "sets of premises".

3.6 Occasional Use Notices

3.6.1 The intention behind Occasional Use Notices is to permit licensed betting operators (with appropriate permission from the Gambling Commission) to use tracks for short periods for conducting betting, where the event upon which the betting is to take place is of a temporary, infrequent nature.

3.6.2 The meaning of 'track' in the Act covers not just a horse or dog track, but also any other premises on any part of which a race or other sporting event takes place or is intended to take place.

3.6.3 The licensing authority 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. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

Part 4

4.0 Other Information

4.1 Application Process

4.1.1 Central Bedfordshire Council will accept applications for Premises Licences on the statutory prescribed application form, accompanied by the prescribed fee and supporting documentation.

4.1.2 Applications will be considered in accordance with the delegation of functions table below.

4.1.3 It is considered that many of the licensing functions will be largely administrative and where there are no areas of contention, the responsibility for processing any such application will be delegated to officers.

4.2 Delegation of Functions

4.2.1 Decisions under the Act will be made by the Central Bedfordshire Council Licensing Committee, which consists of 12 councillors. The Licensing Committee has delegated its functions to a Licensing Sub-Committee consisting of 3 councillors or to an officer. The licensing authority intends to delegate functions under the Gambling Act in the following way in the interests of speed, efficiency and cost-effectiveness.

| Matter to be dealt with | Full Council | Sub-committee of Licensing Committee | Officers |
|---|---------------------|--|---|
| Final approval of three year licensing policy | X | | |
| Policy not to permit casinos | X | | |
| Fee setting (when appropriate) | | X (if delegated by full council) | |
| Application for premises licences | | Where representations have been received and not withdrawn | Where no representations received/representations have been withdrawn |
| Application for a variation to a licence | | Where representations have been received and not withdrawn | Where no representations received/representations have been withdrawn |
| Application for a transfer of | | Where representations | Where no |

| | | | |
|---|--|--|---|
| a licence | | have been received from the Commission | representations have been received from the Commission |
| Application for a provisional statement | | Where representations have been received and not withdrawn | Where no representations received/representations have been withdrawn |
| Review of a premises licence | | X | |
| Application for club gaming/ Club machine permits | | Where objections have been made and not withdrawn | Where no objections made/objections have been withdrawn |
| Cancellation of club gaming/club machine permits | | X | |
| Applications for other permits | | | X |
| Cancellation of licensed premises gaming machine permits | | | X |
| Consideration of temporary use notice | | | X |
| Decision to give a counter notice to a temporary use notice | | X | |

4.2.2 Members who sit on the Licensing Committee or Sub-Committee, or who make representations, will do so in accordance with Central Bedfordshire Council's constitution and any other relevant Central Bedfordshire Policies and Procedures.

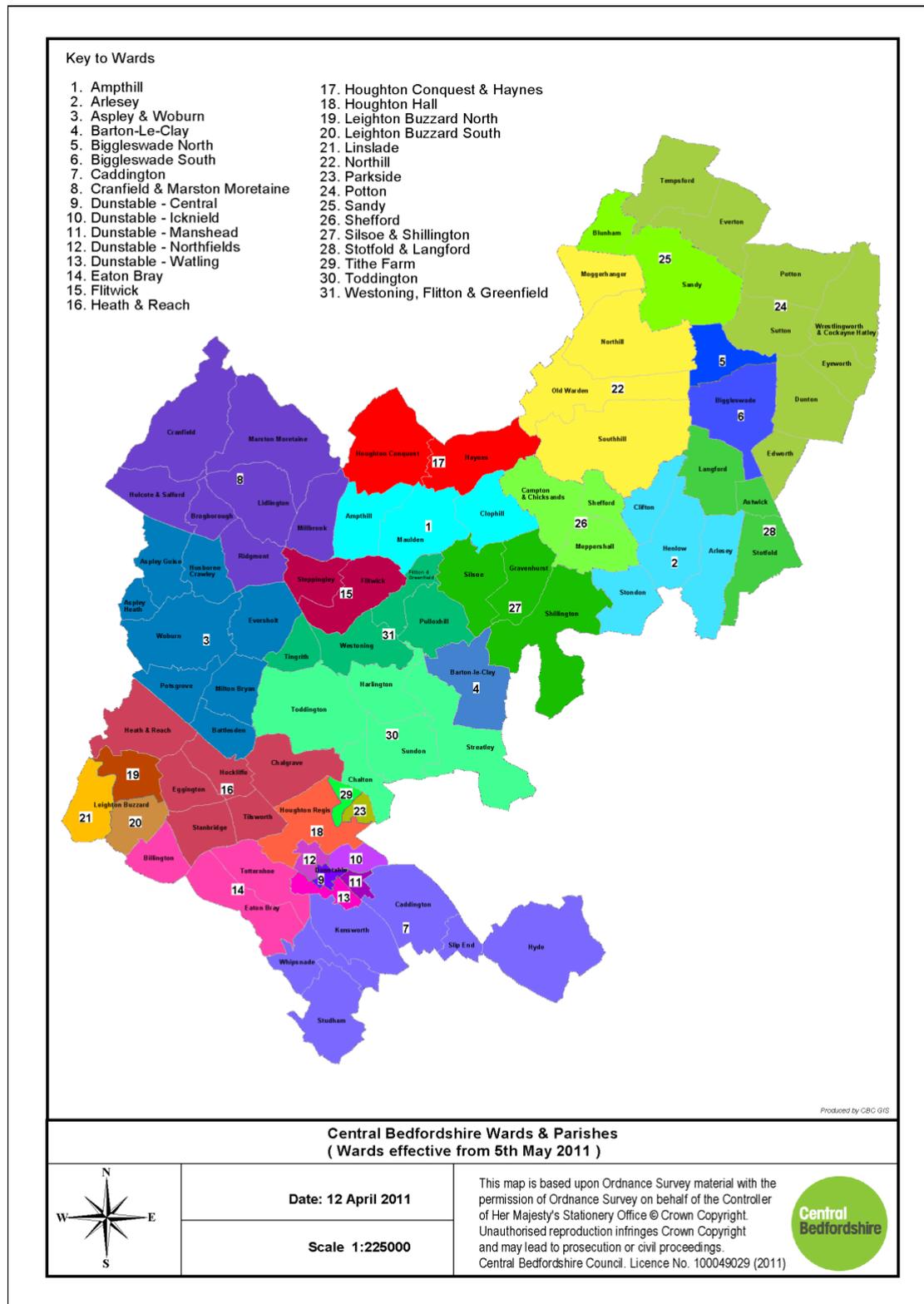
4.2.3 Every determination of a licensing decision by the Licensing Committee or a Licensing Sub-Committee shall be accompanied by clear reasons for the decision. The applicant, and/or responsible authorities and/or interested parties shall be informed of the decision in writing.

4.3 Useful Information

Central Bedfordshire Council
e-mail: info @centralbedfordshire.gov.uk
Website: www.centralbedfordshire.gov.uk

A copy of the Gambling Act 2005 is available from
www.legislation.gov.uk

Appendix A Map of Central Bedfordshire



Appendix B

Summary of machine provisions by premises

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

* It should be noted that members clubs and miners' welfare institutes 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. Commercial clubs are entitled to a total of three machines in categories B4 to D.

DRAFT

LADBROKES CORAL
GROUP

Our Ref: SNB
Direct Line: 07730 546 884
E-mail: sara.norfolk@ladbrokescoral.co.uk

1 August 2018

Council of South Bedfordshire
The District Offices
High Street North
Dunstable
LU6 1LF

SUBJECT TO CONTRACT
WITHOUT PREJUDICE

Dear Sir/Madam,

Re: 6 Hillborough Crescent, Houghton Regis, Bedfordshire
Break Date: 23/06/2019

As you may be aware the retail betting industry is facing unprecedented uncertainty caused by the Government's introduction of a maximum stake limit on gaming machines within our retail estate. The income from the gaming machines is an important component of shops profitability. The implementation of the limit will follow a parliamentary vote likely to take place in 2019.

As I am sure you will appreciate we actively monitor the performance of our shops and the future of this shop is uncertain given the anticipated reduction in income.

The lease of the premises contains a break which permits Ladbrokes/Coral to terminate the lease on 23/06/2019. While the future of the shop is unclear our preference would be to not exercise the break at this time and move the break to 23/06/2020 to allow for sufficient time to assess the impact of the new limit. We hope that following the introduction of the staking limit we will be able to make the business successful.

I hope the above proposal is acceptable and I look forward to hearing from you at your earliest convenience.

Yours faithfully,



Sara Norfolk BSc (Hons) MRICS
Regional Estates Manager

Central Bedfordshire Council

07 AUG 2018

Public Protection

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Jo Borthwick

Subject: FW: The Gambling Act - Review of Statement of Principles
Attachments: GamCare Local Authorities Brochure 2018 (web-version).pdf; GamCare Training Brochure 2017.pdf

Appendix C

Jo Borthwick
Service Manager
Public Protection

Central Bedfordshire Council Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ
Direct Dial: 0300 300 6170 | Internal: 76170 | Email: jo.borthwick@centralbedfordshire.gov.uk

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Information security classification* of this email: **OFFICIAL**

*Information security definitions:

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UNCLASSIFIED – Loss would cause little or no damage to the Authority

From: Catherine Sweet [mailto:catherine.sweet@gamcare.org.uk]
Sent: 01 August 2018 17:07
To: Licensing Enquiries <Licensing.Section@centralbedfordshire.gov.uk>
Subject: The Gambling Act - Review of Statement of Principles

Hello,

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

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

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

- A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/
- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling /

alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Commission. This is also relevant regarding the proximity to schools, colleges and universities.

- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
- Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?
- Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.
- Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

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

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

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

Kind regards,
Catherine

Catherine Sweet
Head of Marketing and Communications
T: 020 7801 7028
E: catherine.sweet@gamcare.org.uk



Click here to sign up to our free, monthly e-newsletter

Jo Borthwick

Subject: FW: Shefford Town Council's Response to the Gambling Act Consultation

Appendix D

Jo Borthwick
Service Manager
Public Protection

Central Bedfordshire Council Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ
Direct Dial: 0300 300 6170 | Internal: 76170 | Email: jo.borthwick@centralbedfordshire.gov.uk

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Information security classification* of this email: **OFFICIAL**

*Information security definitions:

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From: Clerk to Shefford Town Council

Sent: 04 September 2018 13:04

To: Licensing Enquiries <Licensing.Section@centralbedfordshire.gov.uk>

Cc: Chairman of Shefford Town Council <P.Mackin4@ntlworld.com>; Ken Pollard <pollardken@hotmail.com>

Subject: Shefford Town Council's Response to the Gambling Act Consultation

Dear Sir/Madam,

Shefford Town Council wish to make comments on Central Bedfordshire Council's consultation on their draft Gambling Act Policy which closes on 5th September 2018 as follows: -

We would like confirmation as to whether Town and Parish Councils would be consulted on any amendments to existing premise licensing such as change in opening hours, and if not, why Town and Parish Councils would not be consulted as we believe that they should be.

Our only other comments are that link to the Gambling Commission website (paragraph 2.7.2) doesn't appear to work correctly, and there are two paragraphs with the same number for 2.9.2.

Kind regards

Francesca Fitch

Town Clerk

Shefford Town Council

Shefford House, 15 High Street, Shefford, Beds, SG17 5DD

Tel: 01462 816321

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Central Bedfordshire Council

LICENSING COMMITTEE

5 October 2018

Review of Hackney Carriage and Private Hire Driver and Private Hire Operator Conditions

Responsible Director(s): Marcel Coiffait ,
(marcel.coiffait@centralbedfordshire.gov.uk)

This report relates to a decision that is Key

Purpose of this report

To consider the combined hackney carriage and private hire driver and private hire operator conditions following consultation with the trade.

RECOMMENDATIONS

The Committee is asked to:

1. **Require all new drivers and all new private hire operators to attend Child Sexual Exploitation awareness (CSE) training in advance of first being licensed as a combined hackney carriage/private hire driver or private hire operator.**
2. **Require all existing combined hackney carriage/private hire drivers and private hire operators to be required to attend the CSE training.**
3. **Require that the cost of the CSE training become the responsibility of the applicant.**
4. **Require that driver applicants living outside the Central Bedfordshire Council area who require additional checks in order to assess their applications incur an additional fee.**
5. **Recommend that Full Council adopts the conditions.**

Issues

Current Policies and Conditions

1. The current guidelines, policies and conditions for combined hackney carriage and private hire drivers and private hire operators were adopted on 01 May 2016.

2. We currently offer free CSE training to all drivers and operators.

Options for consideration

3. The council takes the threat of child sexual exploitation and the general vulnerabilities of children and young people very seriously. Along with many other councils it considers that the hackney carriage and private hire trade can play a critical role in reporting signs that child sexual exploitation is or could be taking place.
4. In September and October 2016 in-house CSE training was offered free of charge to all licensed combined hackney carriage/private hire drivers and private hire operators. A total of 83 drivers attended the training. A copy of our letter to the trade dated August 2016 is attached at Appendix A.
5. In May 2017, a further 320 places for in-house CSE training was offered free of charge for a variety of times and dates during the year. A total of 153 drivers attended the training during 2017. A copy of our letter dated May 2017 inviting the trade to attend the training is attached at Appendix B.
6. In July 2018, a letter was sent to the trade offering a further 600 free places. At the time of writing this report few of the places have been taken up. A copy of our letter to the trade is attached at Appendix C.

Consultation

7. Our letter to the trade dated July 2018 also requested comments on the following three proposals:-
 - All new driver applicants be required to attend the CSE training in advance of first being licensed as a combined hackney carriage/private hire driver or private hire operator;
 - All existing combined hackney carriage/private hire drives and private hire operators be required to attend the CSE training;
 - The cost of the training become the responsibility of the applicant.
8. Our letter also invited the trade to comment on the following fourth proposal:-
 - That driver applicants living outside the Central Bedfordshire Council area incur an additional fee to cover the cost for the additional checks required.
9. One response was received from a Private Hire Operator. A copy of the operator's comments is attached at Appendix D.
10. Currently both Bedfordshire Borough Council and Luton Borough Council use the company NYP First to carry out their CSE Training. The company hold training sessions throughout the year at alternate locations in the Luton and Bedford areas. If we use the same company, not only will we be able to ensure a consistent Pan Bedfordshire approach, we will be able to share the costs of providing a venue and the training. Drivers for all three authorities will also be able to take advantage of attending a training session at the most convenient time and location.
11. Bedford Borough Council currently charge £20 to cover the cost of the training.
12. Luton Borough Council anticipate putting the matter before committee in 2019.
13. This authority already requires driver applicants to provide information about any licences they hold or have held with other authorities. Unfortunately applicants do not

always give us the correct information and it is sometimes necessary to make further enquiries with the authority where they live.. We would like the option of charging an administration fee to cover the cost for these additional checks.

Council Priorities

- Great resident services
- Improving education and skills
- Protecting the vulnerable; improving wellbeing
- Creating stronger communities

Corporate Implications

Legal Implications

14. In England and Wales, outside London, taxis are licensed by district councils under the Town Police Clauses Act 1847 or that Act as amended by the Local Government (Miscellaneous Provisions) Act 1976.

Financial and Risk Implications

15. Fees are payable for hackney carriage and private hire licences. The fees charged represent the cost of the council administering the service. The proposed changes have no additional financial implications.

Equalities Implications

Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The proposed changes support the protection of vulnerable groups.

Conclusion and next Steps

16. Should the revised conditions be recommended to Council they will be considered at the 15 November meeting.

Appendices

- Appendix A: Copy of our letter to the trade dated August 2016**
Appendix B: Copy of our letter to the trade dated May 2017
Appendix C: Copy of our letter to the trade dated August July 2018
Appendix D: Copy of Private Hire Operator's Comments

Background Papers

None

Report author: Joanne Borthwick
Service Manager. Jo.borthwick@centralbedfordshire.gov.uk
Margaret James: Principal Public Protection Officer
Margaret.james@centralbedfordshire.gov.uk



Your ref:

Our ref: CSE Training
DRI / OP

Date: 08 August 2016

Dear Sir or Madam

Child Sexual Exploitation (CSE) Protecting Children from harm

Taxi and Private Hire drivers are in daily contact with people who may be at risk of harm. Central Bedfordshire Council is implementing training to raise awareness of child sex exploitation. The training sessions will provide an outline to enable all drivers and operators to be able to safeguard themselves from allegations whilst transporting passengers. The training will also provide information on how to correctly report issues that cause concern.

The sessions take approximately one hour and will include a brief multiple choice questionnaire. Certificates will be issued following completion of the course which will last for three years before a refresher is required. At the present time, Central Bedfordshire Council are not charging drivers and operators to attend the course, however, it is expected that attending a course will become mandatory in the future and the cost of the course will become the responsibility of the applicant.

All courses will take place at Henlow Bridge Lakes, A507 Slip Road, Arlesey Road, Henlow SG16 6DD. Parking and refreshments will be available free of charge.

The next safeguarding courses are due to take place on 22 August and 26 August at either 10am – 11am, 11.30am – 12.30 am, 1pm – 2.pm or 2.30pm to

Central Bedfordshire Council
Priory House, Monks Walk
Chicksands, Shefford
Bedfordshire SG17 5TQ

Telephone 0300 300 8647
Email customer.services@centralbedfordshire.gov.uk
www.centralbedfordshire.gov.uk

3.30 pm. Only 15 places are available per session and will be offered on a first come first served basis. Further dates will be available in the future.

If you wish to book on one of the courses in August please email Barbara Falendes: barbara.falendes@centralbedfordshire.gov.uk by 2pm on Wednesday 17 August with your full name and confirmation of your badge number or operator name. If you cannot attend one of the courses in August, you can also register your interest by emailing Barbara Falendes: barbara.falendes@centralbedfordshire.gov.uk with your details. She can then keep you informed of any future dates.

Yours sincerely

Margaret James

Principal Public Protection Officer (Licensing)

Direct telephone 0300 300 4521

Email Margaret.james@centralbedfordshire.gov.uk

Please reply to: Watling House, High Street North, Dunstable, Beds. LU6 1LF.



Your ref:

Our ref: CSE Training
DRI / OP

Date: May 2017

Dear Sir or Madam

Child Sexual Exploitation (CSE) Protecting Children from harm

Taxi and Private Hire drivers are in daily contact with people who may be at risk of harm. Central Bedfordshire Council is implementing training to raise awareness of child sex exploitation. The training sessions will provide an outline to enable all drivers and operators to be able to safeguard themselves from allegations whilst transporting passengers. The training will also provide information on how to correctly report issues that cause concern. This training was previously offered in 2016.

The sessions take approximately one hour and will include a brief multiple choice questionnaire. Certificates will be issued following completion of the course which will last for three years before a refresher is required. At the present time, Central Bedfordshire Council are not charging drivers and operators to attend the course, however, it is anticipated that attending a course will become mandatory in the future and the cost of the course will become the responsibility of the applicant. It is suggested therefore, that if you did not attend the training in 2016, you book onto the free training during 2017.

All courses will take place at either Mount Pleasant Golf Club, Station Road, Lower Stondon, Bedfordshire SG16 6JL or Toddington Village Hall, Leighton Road, Toddington. LU5 6AN. Parking will be available free of charge.

Central Bedfordshire Council
Priory House, Monks Walk
Chicksands, Shefford
Bedfordshire SG17 5TQ

Telephone 0300 300 8647
Email customer.services@centralbedfordshire.gov.uk
www.centralbedfordshire.gov.uk

The next safeguarding courses are due to take place on the following dates.

Mount Pleasant Golf Club

At either: - 10.30 am – 11.30 am. 12 noon – 1.00 pm. 1.30 – 2.30 pm
Friday 23 June 2017
Friday 21 July 2017

Toddington Village Hall

At either: - 10.00 am – 11.00 am. 11.30 am – 12.30 am. 1.00 pm – 2.00 pm
Monday 11 September 2017
Monday 09 October 2017
Monday 06 November 2017
Monday 04 December 2017

Only 15 places are available per session and will be offered on a first come first served basis.

If you wish to book on one of the courses please email taxilicensing@centralbedfordshire.gov.uk with your full name, address and badge number, together with the date and time of the course you wish to book. I regret that we cannot take any bookings over the telephone. All bookings will be acknowledged and confirmed.

Taxi Drivers Handbook

Driving a taxi or private hire vehicle is one of the most dangerous professions. Drivers are sent alone to isolated areas, including high-crime neighbourhoods, to pick up strangers. Please find enclosed the Bedfordshire Taxi and Private Hire Drivers' Handbook. It is a comprehensive guide covering every aspect of community safety when on the streets. Taxi and private hire drivers are often the first to witness criminal activity taking place. This book encourages more reporting of crime, particularly those under reported incidents such as hate crime. We hope you find it useful.

Yours sincerely



Margaret James

Principal Public Protection Officer (Licensing)

The logo for Central Bedfordshire Council, featuring the text "Central Bedfordshire" in white on a black circular background.

**Central
Bedfordshire**

To:
**All Hackney Carriage and Private Hire
Operators
Proprietors
Drivers**

Your ref:
Our ref: Licensing
Date: July 2018

Dear Sir or Madam

Consultation with the Trade

We are proposing to amend the current policy and conditions for hackney carriage/private hire drivers and private hire operators and would welcome your comments on the following four proposals. These proposals will then be discussed at Committee later in the year with a view to adopting them with effect from January 2019. The consultation will last for six weeks.

Child Sexual Exploitation Safeguarding Courses

Central Bedfordshire Council is considering introducing compulsory safeguarding for all licensed hackney carriage/private hire drivers. The proposal for compulsory training is in response to recent high profile cases of child sexual exploitation (CSE). Varied reports have found that abusers often use taxis and private hire vehicles to move their victims so taxi and private hire vehicle drivers can play an important role in safeguarding children or vulnerable people at risk of abuse. The training is intended to help drivers to spot signs of abuse, such as regularly dropping children at an address that is not their home. It is also an opportunity to highlight other concerns of abuse of vulnerable people.

Before this we are offering 600 free places (in addition to the previous free training we provided) on courses due to be carried out in August, September, October and December this year. Central Bedfordshire Council is aiming to further improve safety for all passengers by making this training compulsory. The first three proposals are therefore: -

Central Bedfordshire Council
Priory House, Monks Walk
Chicksands, Shefford
Bedfordshire SG17 5TQ

Telephone 0300 300 8647
Email customer.services@centralbedfordshire.gov.uk
www.centralbedfordshire.gov.uk

1. All new drivers are required to attend the CSE training in advance of first being licensed as a combined hackney carriage/private hire driver or private hire operator.
2. All existing combined hackney carriage/private hire drivers and operators be required to attend the CSE training
3. The cost of the training is the responsibility of the applicant. It is anticipated that the cost will be £20.

Driver applicants residing outside Central Bedfordshire

All new combined hackney carriage / private hire driver applicants are subject to various checks to determine his or her fitness to hold a licence. Additional checks are required for driver applicants who live outside of Central Bedfordshire

Therefore, the fourth proposal is;

4. That driver applicants living outside the Central Bedfordshire Council area incur an additional fee to cover the costs for the additional checks required. It is anticipated that the cost will be £20.

Please feel free to comment on all or any of the proposals. Your comments can be emailed to licensing@centralbedfordshire.gov.uk or write to the Licensing Team, Central Bedfordshire Council, High Street North, Dunstable, Bedfordshire. LU6 1LF. All comments must be received by 26 August 2018.

Yours sincerely

Licensing Team
Central Bedfordshire Council
Telephone 0300 300 8307
Email licensing@centralbedfordshire.gov.uk

Appendix D

Margaret James

From: Rachel Rees <rachel@atob.travel>
Sent: 12 July 2018 10:47
To: Licensing Enquiries
Cc: Nicola O'Donnell; Margaret James
Subject: Consultation with the trade :

Child Sexual Exploitation Safeguarding Courses:

Dear All

Firstly I am in full approval of this & more. Most of the drivers have already done this through Luton licencing, however if it is not the same it will be good for the new applicants & existing to cover & if they have perhaps refresh.

I will ask Sandra to check our training records & send those that have not covered first & those that need refresher if any spaces left. If the course is different then I am happy to send all my private hire drivers.

Going forward on your proposals:

1. I agree all new drivers to have training, however so that this does not delay the application process when waiting for a course perhaps to undertake the training within say a 3 month period of license being issued and if not completed then the license suspended until undertaken.

2. I agree everybody holding a licence & a operator license should attend.

3. OK to pay if cost is as stated, however CBC to source courses & availability, as you may well know some license holders will just say they find it difficult if we leave it to them 😊

the 4th proposal

I agree for licencing issues, as explained I don't have a Luton licence as my DBS was late back by 3 days, so our dear friend Mr Ireland would not renew my licence.

However if it was for some other reason you would still not be aware I did not hold a Luton licence .

The other reason if a driver comes and applies for a CBC licence from say Manchester. Is it possible to ask on the application:

- 1 . You already do this, Do you or have you held a licence for another authority.
2. HAVE YOU EVER OR ARE YOU SUBJECT TO A SAFEGUARDING INVESTIGATION.

This then covers if anything did come up and make applicants feel that you have a way of checking, currently this is only the Police if they have been made aware.

I have spoken to Mark Mullane at Luton PTU, who currently lets LBC know if they have concerns of Taxi drivers who have say any safeguarding issues going on through social services etc... I have said perhaps to include CBC as well.

Hopefully this helps, let me know if you require any further input .

Kind Regards

Rachel

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Central Bedfordshire Council

LICENSING COMMITTEE

5 October 2018

Review of Street Trading Policy

Responsible Director: Marcel Coiffait,
(marcel.coiffait@centralbedfordshire.gov.uk)

This report relates to a decision that is Key

Purpose of this report

1. To review the current Street Trading Policy

RECOMMENDATIONS

The Committee is asked to:

1. **Approve the changes to the current policy**
2. **Recommend that Council adopt the revised policy**

Issues

Current Policies and Conditions

2. The current Street Trading Policy was approved by Full Council in February 2011.
3. There is no legal requirement for a policy, however, the policy was adopted to ensure all parties had clear guidance on the intended approach to street trading and to assist officers in following procedures for determining applications.
4. The legislation permits a council to vary the conditions of a Street Trading Consent at any time.
5. We are proposing only minor changes and additions to the policy for clarification purposes. See Appendix A (changes have been highlighted for ease of reference)
6. Consultation on the amended policy took place between 25 July and 05 September.
7. Following the consultation, two comments were received. See Appendix B and C.

Council Priorities

- Enhancing Central Bedfordshire
- Great resident services
- Protecting the vulnerable; improving wellbeing

Corporate Implications

Legal Implications

The revised policy includes the applicable statutory regime, at the time of writing. The policy is not mandatory but provides clarity as to the approach of the Council in relation to Street Trading. The Council undertook a consultation exercise as part of the policy revision process. The policy, as drafted does not contain any information which would present a risk in terms of the potential for challenge.

Financial and Risk Implications

The legislation allows us to charge an annual fee for Street Trading Consents. As a local authority these fees should be for cost recovery purposes only. The proposed changes to policy have no additional financial implications.

Equalities Implications

8. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Council's street trading policy includes requirements to create a street trading environment within Central Bedfordshire which:

- provides diversity and consumer choice;
- enhances the character, ambience and safety of local environments;
- is sensitive to the needs and concerns of residents
- supports community cohesion and equalities
- provides clear guidance to the officers who will administer the scheme

Conclusion and next Steps

9. The Policy has been amended to remove any potential ambiguity, simplify processes and to include matters on which the Policy was previously silent
10. Should the revised Policy be recommended to Council it will be considered at the 15 November meeting.
11. The Policy will then be published on our website and adopted from 2019

Appendices

Appendix A - Street Trading Policy

Appendix B - Comment from Cllr Nigel Young

Appendix C - Comment from Shefford Town Council

Background Papers

None

Report author:- Joanne Borthwick

Service Manager

Jo.borthwick@centralbedfordshire.gov.uk

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CENTRAL BEDFORDSHIRE COUNCIL

STREET TRADING POLICY

DRAFT

Preface

Central Bedfordshire Council [The Council] resolved to adopt Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 with regard to Street Trading on 24th February 2011.

Central Bedfordshire Council has not imposed any restriction on the number of licences/consents to be issued. The standard conditions adopted by Central Bedfordshire Council are attached as Appendix A to this policy

The Council consulted on this policy between 18th October 2010 and 9th January 2011 and it was approved by the Regulation Committee on 13th April 2011.

Consultation was conducted with existing / future potential holders of street trading licences/consents within Central Bedfordshire, the statutory responsible authorities as named under the Licensing Act 2003, Central Bedfordshire Council Highways and with members.

In developing this policy, the legal requirements of the 1982 Act and duties under the following provisions were taken into account;

- (a) The Provision of Services Regulations 2009 to ensure requirements are;
 - (i) non-discriminatory
 - (ii) justified by an overriding reason relating to public interest
 - (iii) proportionate to that public interest objective
 - (iv) clear and unambiguous
 - (v) objective
 - (vi) made public in advance, and
 - (vii) transparent and accessible

Adoption of Schedule 4 also allows the council to set terms, conditions and fees for the grant or renewal of such licences/consents, and set the number of licences that may be issued in the area, including nil.

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1. Purpose of Policy

1.1 The purpose of the Council's street trading policy is to create a street trading environment within Central Bedfordshire which:

- complements premises-based trading establishments;
- provides diversity and consumer choice;
- enhances the character, ambience and safety of local environments;
- will complement and inform other Council initiatives;
- is sensitive to the needs and concerns of residents;
- highlights the requirements and standards expected of street traders;
- is fairly, appropriately and proportionately controlled;
- supports community cohesion and equalities
- provides clear guidance to the officers who will administer the scheme.

1.2 Central Bedfordshire Council has designated all streets within its authority as Consent Streets, and each application will be considered on its merits. Consent will normally only be refused if it is not safe to allow a vehicle or stall to trade in the proposed location.

2. Equal Opportunities Statement

2.1 Central Bedfordshire Council is committed to promoting equality for all by removing direct and indirect indiscriminations on the grounds of:

- Age
- Gender or transgender identity
- Race, colour, national or ethnic origin
- Disability
- Religious belief, non belief, or other belief
- Sexual orientation

3. The Legislation

3.1 Schedule 4 of the Local Government (Miscellaneous provisions) Act 1982 (the Act) gives Councils the power (but no duty) to designate specific areas within their administrative boundaries as either:

A prohibited street – A street in which street trading is prohibited.

A licence street – A street in which street trading is prohibited without a licence granted by the council.

A consent street – A street in which street trading is prohibited without the consent of the council.

3.2 Street trading is defined as 'selling, exposing or offering for sale any article (including a living thing) in a street.'

3.3 The term 'street' includes 'any road, footway, beach or other area to which the public have access without payment'. Any person street trading without a valid Consent commits a criminal offence.

- 3.4 The courts have held that the definition of a 'street' does not depend upon the area of land in question being in public ownership and private land may be classified as 'a street' too if it meets the definition in the Act and the precise circumstances of the trading indicate that it amounts to street trading.
- 3.5 The fact that a trader has a licence or lease to occupy the land, or has some other form of consent e.g. planning consent or a licence under the Licensing Act 2003, will not override the requirement to obtain a Consent where the trading amounts to street trading. Similarly, holding a Consent for street trading will not remove the obligation, on the trader, to comply with any other legal requirements e.g. holding a current food hygiene certificates nor override the duty to comply with the general law concerning e.g. trespass (the landowner's permission to occupy the land must be obtained), highways, planning, licensing, health and safety, nuisance, waste disposal requirements etc.
- 3.6 The requirement to obtain a Consent for any street trading is wide-ranging and would include, for example, all hot and cold food vendors selling burgers, kebabs, doughnuts, ice cream etc., and all vendors of non-food products from any vehicle, stall, barrow, trailer, or any other moveable or static structure.
- 3.7 Advice should be sought from the Licensing Team on the proposed activity/location to see if a Consent is required before starting to trade – see Appendix B for contact details.

4. Exemptions

4.1 The following are not street trading for the purposes of this policy:

- a) Trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871.
- b) Anything done in a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or order.
- c) Trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980.
- d) Trading as a news vendor.
- e) Trading which is carried on at a premises used as a petrol filling station.
- f) Trading which is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop.
- g) Selling things or offering or exposing them for sale as a roundsman.
- h) The use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, in or over a highway.
- i) The operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980.
- j) The doing of anything authorised by regulations made under section 5 of the Police, factories, etc. (Miscellaneous Provisions) Act 1916.

Central Bedfordshire Council Exemptions from Street Trading Consents

The following activities will not require a street trading consent:

- fetes, carnivals or similar community based and run events
- non-commercial or charitable events
- farmers markets (producer-managed marketplace for local producers to sell their own produce direct to local people)
- sales of articles by householders on land contiguous with their homes

5. Applications

5.1 All applications must be made on the Council's prescribed application form.

5.2 Each completed application must be accompanied by:

- The fee.
- If the proposed activity is from a fixed position, a copy of a map of at least 1:125 scale, clearly marked in red to identify the proposed site boundary.
- Confirmation that adequate levels of third party and public liability insurance (minimum £5 million) is, or will be, in place during the street trading activity.
- One colour photograph of the vehicle, barrow, cart, van, portable stall etc. that will be used for street trading.

5.3 On receipt of the completed application form, an acknowledgement will be sent to the applicant.

5.4 An officer may visit the applicant and inspect the vehicle, barrow, cart, van, portable stall or other vehicle or premises which the applicant intends to trade from.

5.5 The council will consult with the following bodies before deciding an application:

Central Bedfordshire Council – Highways

Central Bedfordshire Council –Planning

Central Bedfordshire Council – Public Protection Service (in respect of food hygiene, health and safety and nuisance matters where applicable)

Bedfordshire Fire & Rescue Service

Bedfordshire Police

The Relevant Parish Council

and a period of 21 days will be allowed for those consulted to respond and for any comments to be taken into consideration before deciding the application.

5.6 The Council will normally seek to grant a street trading consent, unless in its opinion:

- There would be a significant effect on road safety from the siting of the trading activity, or from customers visiting and leaving the site.
- There are concerns over the recorded level of personal injury accidents in the vicinity of the street trading activity.
- There would be a significant loss of amenity caused by traffic, noise, rubbish, possible vermin infestation, odour or fumes.
- There is already adequate similar provision in the vicinity of the site to be used for street trading purposes.
- There is a conflict with Traffic Orders such as waiting restrictions.
- The site or pitch obstructs either pedestrian or vehicular access or traffic flows, or places pedestrians in danger when in use for street trading purposes.
- The trading unit obstructs the safe passage of users of the footway or carriageway.

- The pitch interferes with sight lines for any road users such as at road junctions or pedestrian crossings.
 - The site does not allow the consent holder, staff and customers to park safely.
 - The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site.
- 5.7 In all cases where the applicant has been convicted of an offence in the preceding ten years, the application will be determined by the Assistant Director for Public Protection and Transport in accordance with the following:
- The details of any convictions will be treated in strict confidence.
 - The relevance of the offence will be taken into consideration, in particular offences for dishonesty, violence, drugs or indecency.
 - In general a street trading consent is unlikely to be granted where an application is made within 3 to 5 years of the date of conviction.
 - Any explanation as to the circumstances surrounding the offence will be taken into account.
- 5.8 Every application will be assessed on its merits and individual circumstances, and the licence if granted will be subject to the standard conditions in Appendix A, as well as any specific conditions considered by the licensing officer to be relevant and appropriate to the application in question.
- 5.9 Where an application is refused, full reasons will be given in writing to the applicant. The Act does not provide for an appeal where a consent is refused, but the Council's complaints procedure will apply should the applicant be dissatisfied. The applicant may also be able to seek judicial review of the decision through the courts.
- 5.10 A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.
- 5.11 The holder of a consent may at any time surrender the consent and it will then cease to be valid.
- 5.12 Where a consent is surrendered or revoked, no refund will be granted.
- 5.13 The Council reserves the right to deviate from the policy where there are clear and compelling reasons to do so.

6. Offences

- 6.1 Under the Local Government (Miscellaneous Provisions) Act 1982, a person who;
- Engages in street trading in a prohibited street;
 - Engages in street trading in a consent street without being authorised to do so;
 - Being authorised by a street trading consent to trade in a consent street, trades in that street-
 - i) from a stationary van, cart, barrow or other vehicle, or
 - ii) from a portable stall,without first having been granted permission to do so;
 - Contravenes a condition imposed on a consent

Shall be guilty of an offence

- 6.2 It shall be a defence for a person charged to prove that they took all reasonable precautions and exercised all due diligence to avoid committing the offence.
- 6.3 Any person who makes a false statement regarding a street trading application, which they know to be false in any material respect, or which they do not believe to be true, shall be guilty of an offence.
- 6.4 Any action taken by the authority with regard to the above offences will have regard to the appropriate enforcement policy.
- 6.5 A person found guilty of an offence shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

7. Fees

- 7.1 The application process involves paying an application fee, including costs for inspections of the premises and processing the application.
- 7.2 Please see application form for current fees.
- 7.3 The fees are reviewed annually against any change in council costs of administering the regime.

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APPENDIX A

STANDARD CONDITIONS APPLICABLE TO STREET TRADING CONSENTS

These Standard Conditions will apply to all consents unless disapplied or varied by the Head of Public Protection.

1. The Consent granted by the Council is not transferable and the holder shall not permit any person to exercise the Consent in his/her absence unless that person is employed by the consent holder and is at least seventeen years of age.
2. The Consent may only be transferred to another person or body with the prior written approval of the Head of Public Protection.
3. Any van, vehicle, barrow, cart or stall must be maintained in a neat, tidy and safe condition.
4. The holder shall not use the street for any trading purposes other than that permitted in the Consent, and then only during the permitted hours.
5. The holder shall not trade in any street designated by the Council as a prohibited street.
6. At all times the Consent Holder shall comply with all statutes, statutory instruments and byelaws currently in force. Particularly in relation to Food Hygiene, Health & Safety at Work and Environmental Protection.
7. The holder shall not cause any obstruction of the street or cause any danger to any persons using it and shall not do anything, or permit anything to be done, that in the opinion of the Head of Public Protection may be a nuisance, annoyance or danger to any member of the public.
8. The holder shall maintain the area in the vicinity of any van, vehicle, barrow, cart or stall specified within the Consent in a clean and tidy condition, and shall ensure that all rubbish and litter is removed from the area at the end of each day of trading.
9. The holder shall not place on the street any furniture or equipment or advertisement other than as specified in the Consent.
10. The trader shall be insured against any claim in respect of third party liability whilst trading under a consent. No consent will be issued until a current policy has been produced to the Head of Public Protection and the trader shall produce evidence of such insurance to an authorised officer of the Council within seven days of the officer's request.
11. The holder, or any employee of the holder, shall display a copy of the Consent on the premises whilst trading.

12. Where there is a potential ignition source present, including cooking facilities, a 2kg dry powder extinguisher which complies with the standard set out in BS5423:1987 shall be provided.
13. Where hot fat cooking facilities are used, a fire blanket should be provided and so positioned as to allow the blanket to be accessed easily and quickly.
14. The Council may revoke the Consent at any time.
15. The holder will return the Consent to the Council immediately upon revocation or surrender.
16. In the event of the Consent being surrendered or revoked before the expiry date no refunds will be given.
17. Where a street trader wishes to make a change to the hours of business or the type of goods they sell they must put such a request in writing to Licensing@centralbedfordshire.gov.uk or using details in Appendix B
18. Such requests will ordinarily be granted, on payment of an administration fee and subject to paragraph 5.8 of this policy.
19. If a consent holder or his or her employee is requested to move his vehicle, van, stall, barrow or cart by an authorised Council Officer, a Police Officer, an Officer of the Bedfordshire Fire and Rescue Service or an Ambulance Service Officer he/she shall immediately comply with that request.
20. When on occasion access is required to a lay-by on a public highway by Central Bedfordshire Council or other authorised agency then a trader who has consent to trade from that lay-by will effectively have that consent withdrawn until further notice. Consent sought for trading in lay-bys on a public highway is done on this understanding.
21. The Council may at any time vary these conditions without notice.

APPENDIX B
CONTACT DETAILS

E-mail: licensing.section@centralbedfordshire.gov.uk

Tel: 0300 300 8647

The Licensing Team
Public Protection
Central Bedfordshire Council
Watling House
High Street North
Dunstable
Beds
LU6 1LF

Website: www.centralbedfordshire.gov.uk

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Jo Borthwick

Subject: FW: Street Trading consultation

Appendix B

From: Cllr Nigel Young
Sent: 03 August 2018 11:01
To: Licensing Enquiries <Licensing.Section@centralbedfordshire.gov.uk>
Subject: Street Trading consultation

Street Trading consultation response.

I would like to see the formal prevention of Street Trading permission where parking is normally prohibited – other than for those currently exempt:

“fetes, carnivals or similar community based and run events
non-commercial or charitable events
farmers markets (producer-managed marketplace for local producers to sell their own produce direct to local people)
sales of articles by householders on land contiguous with their homes “

Kind Regards,

Nigel

Councillor Nigel Young

Central Bedfordshire Council | Dunstable
Executive Member: Regeneration & Strategic Planning
Dunstable – Watling Ward

Tel: 0300 300 8568
Mob: 07956 364050
Mail: nigel.young@centralbedfordshire.gov.uk
Web: www.centralbedfordshire.gov.uk

For a Direct Link to all Central Bedfordshire Councillors:
<http://centralbeds.moderngov.co.uk/mgMemberIndex.aspx?bcr=1>

For a Direct Link to my details and committees:
<http://centralbeds.moderngov.co.uk/mgUserInfo.aspx?UID=919>

Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ

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Jo Borthwick

Subject: FW: Street Trading Policy Consultation

Appendix C

From: Clerk to Shefford Town Council
Sent: 05 September 2018 19:15
To: Licensing Enquiries <Licensing.Section@centralbedfordshire.gov.uk>
Cc: Chairman of Shefford Town Council <P.Mackin4@ntlworld.com>
Subject: Street Trading Policy Consultation

Dear Sir/Madam,

Shefford Town Council would like to submit the following comments for the consultation on Central Bedfordshire Council's Street Trading Policy that ends on 5th September 2018 (today).

It should be noted that these comments expressed derive from recent experience when an 'inappropriate' street trading licence was approved in Shefford High Street this year, and apparent 'invalid' objections were made by the Town Council as a consultee.

It is felt that paragraph 1.2 "Consent will normally only be refused if it is not safe to allow a vehicle or stall to trade in the proposed location." contradicts the purpose of the policy as set out in paragraph 1.1. . To counteract this contradiction, the addition of "or is not suitable for the environment as detailed in paragraph 1.1"

Item 17 and 18 in Appendix A refer to "where a street trader wishes to make a change to the hours of business and the type of goods" and such requests will be ordinarily be granted, on payment of an administration fee and subject to paragraph 5.8 of this policy". Would you please confirm if Town and Parish Councils will be consulted before approval is given to these changes, and if not, why they would not be consulted.

With the introduction of the Miscellaneous Provisions Act, Local Authorities have the power to ban trading on the roadside. So why does Central Bedfordshire Council consider it appropriate to allow street trading in laybys when the Nationwide Caterers Association (NCASS) make comment in their trade journal about the hazards roadside street trading units can cause? NCASS also noted that many councils used the Miscellaneous Provisions Act legislation to close down many roadside units as they were causing a traffic hazard.

Kind regards

Francesca Fitch

Town Clerk
Shefford Town Council
Shefford House, 15 High Street, Shefford, Beds, SG17 5DD
Tel: 01462 816321

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