

Guildhall Gainsborough  
Lincolnshire DN21 2NA

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**This meeting will be webcast and published on the Council's website**

## AGENDA

Prayers will be conducted prior to the start of the meeting.  
Members are welcome to attend.

**Notice** is hereby given that a meeting of the Council will be held in the The Council Chamber - The Guildhall , on **Monday, 12th November, 2018 at 7.00 pm**, and your attendance at such meeting is hereby requested to transact the following business.

**To: Members of West Lindsey District Council**

1. APOLOGIES FOR ABSENCE
  
2. MINUTES OF THE PREVIOUS MEETING  
To confirm as a correct record the Minutes of the previous meeting of Full Council held on 2 July 2018.  
**(PAGES 4 - 15)**
  
3. MEMBERS' DECLARATIONS OF INTEREST  
Members may make any declarations of interest at this point and may also make them at any point during the meeting.
  
4. MATTERS ARISING  
Setting out current position of previously agreed actions as at 2 November 2018.  
**(PAGES 16 - 19)**
  
5. TO RECEIVE A PETITION ENTITLED "MARKET RASEN NEEDS A SWIMMING POOL NOT A DRY LEISURE FACILITY"  
West Lindsey District Council was presented with a Petition on Monday 13 August 2018.

Agendas, Reports and Minutes will be provided upon request in the following formats:

Large Clear Print: Braille: Audio: Native Language

The Petition is entitled “Market Rasen Needs a Swimming Pool Not a Dry Leisure Facility” and contains over 2000 signatures.

The Petition goes on to state “West Lindsey District Council have secured a site on Gainsborough Road, between Market Rasen Primary School and the Limes Country Hotel, to build a dry leisure facility. We the residents of Market Rasen hereby sign to say we are opposing these plans and want the land to be used to provide a much needed swimming pool which will benefit people of all ages and disabilities”.

This matter will be debated, in accordance with the agreed [Petition Scheme](#).

6. TO RECEIVE A PETITION ENTITLED " SAVE GAINSBOROUGH TOWN CENTRE"

West Lindsey District Council was presented with a Petition on 15 October 2018

The Petition is entitled “Save Gainsborough Town Centre” and contained over 1175 signatures at that date.

The Petition asks that: -

“the WLDC Conservative controlled Council to urgently improve the Town Centre”

This matter will be debated, in accordance with the agreed [Petition Scheme](#).

7. ANNOUNCEMENTS

- i) Chairman of Council
- ii) Leader of the Council
- iii) Head of Paid Service

8. PUBLIC QUESTION TIME  
**(PAGES 20 - 21)**

9. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE NO. 9  
**(PAGE 22)**

10. MOTIONS PURSUANT TO COUNCIL PROCEDURE RULE NO. 10  
No Motions have been received for this meeting

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## 11. REPORTS FOR DETERMINATION

- a. Revised Council Vision and Values

**(PAGES 23 - 32)**

- b. Recommendation from Licensing Committee - Review of the Gambling Policy

**(PAGES 33 - 124)**

- c. Amendments to the Constitution - Animal Welfare Regulations and meeting cancellation delegations

**(PAGES 125 - 133)**

Mark Sturgess  
Head of Paid Services  
The Guildhall  
Gainsborough

Friday, 2 November 2018

# Agenda Item 2

West Lindsey District Council - 2 July 2018

## WEST LINDSEY DISTRICT COUNCIL

Minutes of the Meeting of Council held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 2 July 2018 at 7.00 pm.

**Present:** Councillor Mrs Pat Mewis (Chairman)  
Councillor Steve England (Vice-Chairman)

Councillor Mrs Gillian Bardsley	Councillor Mrs Sheila Bibb
Councillor Owen Bierley	Councillor Matthew Boles
Councillor David Bond	Councillor Mrs Jackie Brockway
Councillor David Cotton	Councillor Christopher Darcel
Councillor Michael Devine	Councillor Ian Fleetwood
Councillor Stuart Kinch	Councillor Mrs Angela Lawrence
Councillor Mrs Jessie Milne	Councillor Giles McNeill
Councillor John McNeill	Councillor Richard Oaks
Councillor Malcolm Parish	Councillor Mrs Judy Rainsforth
Councillor Mrs Diana Rodgers	Councillor Mrs Lesley Rollings
Councillor Reg Shore	Councillor Thomas Smith
Councillor Lewis Strange	Councillor Jeff Summers
Councillor Robert Waller	Councillor Mrs Anne Welburn
Councillor Trevor Young	

### **In Attendance:**

Mark Sturgess	Executive Director of Operations and Head of Paid Service
Ian Knowles	Executive Director of Resources and S151 Officer
Alan Robinson	Strategic Lead Governance and People/Monitoring Officer
Katie Coughlan	Senior Democratic & Civic Officer

### **Also Present**

Reverend David Swannack  
2 Representatives from Osgodby Neighbourhood Planning Group  
1 Representative from Great Limber Neighbourhood Planning Group  
1 Member of the Press  
4 Members of the Public

### **Apologies**

Councillor Bruce Allison  
Councillor Paul Howitt-Cowan  
Councillor Maureen Palmer  
Councillor Roger Patterson  
Councillor Tom Regis  
Councillor Angela White

## **16 CHAIRMAN'S WELCOME**

This being the first ordinary meeting of Full Council for the 2018/19 Civic Year, the Chairman welcomed all Members and Officers present.

Representatives from both Great Limber and Osgodby Neighbourhood Planning Groups, who would later in the meeting present their successful Plans to Council, were also welcomed to meeting.

## **17 MINUTES OF THE PREVIOUS MEETING**

(a) Minutes of Annual Meeting held on 14 May 2018

**RESOLVED** that the Minutes of the Annual Meeting held on 14 May 2018 be confirmed and signed as a correct record.

## **18 MEMBERS' DECLARATIONS OF INTEREST**

No Declarations of Interest were made.

## **19 MATTERS ARISING**

The Monitoring Officer presented the report and Members noted its content.

**RESOLVED** that the Matters Arising be duly noted.

## **20 ANNOUNCEMENTS**

### **i) Chairman**

The Chairman addressed Council and advised that on 17 June she had attended Doncaster Minster for a special service to mark the start of the term of office of their new Civic Mayor. It was particularly pleasing to see how many different faiths could work together in their community; many leaders of faith groups spoke at the Minster including those from the Christian, Muslim, Hindu and Buddhist communities.

The Chairman had also attended the Lincolnshire Show on the 20 and 21 June along with many other Councillors. She thanked all those involved in supporting the Show, over the two days. Whilst there, the Chairman had taken the opportunity to visit the trade stands of a number of local businesses they all seemed very appreciative that we had taken the trouble to do so

On Monday 25 June the Chairman had hosted the Armed Forces Day flag raising event alongside other Councillors and Officers. She thanked those who attended and supported the event.

On Saturday, the Chairman along with Councillor England and Councillor Palmer attended the Armed Forces Community Celebration Day at Marshalls Sports Field. A remembrance service had been held in the afternoon and the day had been well attended by the public.

Later that day, the Chairman had enjoyed a lovely evening at the Gainsborough Methodist Church to celebrate 50 years since the Church's dedication. There had been lovely music and the congregation had provided superb refreshments. What had been most enjoyable was the positive attitude of the event organisers who had spoken of their pleasure at the way in which Gainsborough was moving forward and they could see a bright and positive future for the Town.

## **ii) Leader of Council**

The Leader addressed Council and advised that early in the month he attended a meeting of the South West Ward residents group. It had been interesting to hear residents' views about the community they live in. Many comments related to concerns and incidents which occur in the ten-footed areas. The Leader took the opportunity to congratulate the street force team for all the work they undertook in the area.

The Leader had also had the pleasure of attending the Skills Fair and had been very impressed by the number of visitors, trade stands and the amount of information and contacts available at the event.

The Leader advised that Councillor Giles McNeill had been appointed Regional Northern Delegate on the National Council of APSE, giving the Authority a seat at the table of management.

The Leader thanked all staff and Members who had been involved in the organisation of the Lincolnshire Show, another very successful event.

The previous week, the Leader had had a very successful meeting with Richard Wills, Deputy Chief Executive at Lincolnshire County Council regarding the junction of Corringham Road and Thorndyke Way. Mr Wills had offered his support to realise the much needed improvements.

The Leader had also spent time in Hemswell Cliff, with the Ward Councillor, identifying issues in need of remedy. The Authority had strong and close working relationships with all local bodies in the area and the Leader looked forward to progressing work in this community.

At a meeting with Sir Edward Leigh, he had been very complimentary of the work the Council was undertaking across the District and had offered his support in terms of lobbying efforts where required.

Last week, the Crematorium Project had received planning permission and it was hoped work would commence on construction before the end of the year.

A number of supplementary planning documents to the Local Plan had recently been

approved by the Central Lincs Committee, one year on from the Local Plan been adopted.

And finally, there had been a county wide agreement to pursue a growth deal across the whole of Lincolnshire, this was instead of pursuing a devolution deal. All Lincolnshire Districts, together with the County, City and surrounding Unitary Authorities would be working together to present proposals to the Government in the future.

The Leader concluded his announcements indicating he believed the Council was in a positive position and a positive phase, thanking everyone for their hard work.

### **iii) Head of Paid Service**

The Head of Paid Service addressed Council on behalf of the Management Team during which the following points were made: -

- The organisation was in the process of updating its Corporate Plan. As part of this process both Members and Officers had been engaged with a view to refreshing the Council's vision, mission and aims. All organisations needed a vision by which they could unite and it had become apparent that the Council's current vision was not well understood by either Members or Officers.
- The Crematorium Project, as previously mentioned by the Leader, had the previous week received planning permission, construction would commence in October.
- The "wraps" were starting to come off the new hotel in Gainsborough, which was due to be open to guests in the Autumn.
- It was important that the Council maintained the momentum it had generated over the last 12 months and therefore the Council had been pleased to announce that it had been successful in its £1.8m funding application to the Heritage Lottery Fund, for a Townscape Heritage initiative project which would assist in improving the historical built environment in Gainsborough. The Scheme would last until 2024 and would bring some of the much needed resources to regenerate these historic buildings.

## **21 PUBLIC QUESTION TIME**

The Monitoring Officer confirmed to the meeting that no questions had been received from members of the public.

## **22 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE NO. 9**

Councillor Trevor Young submitted the following question to the meeting: -

### **1) *Question to Cllr Sheila Bibb, Chairman of the Prosperous Communities Committee, from Councillor Trevor Young***

"Could the Chairman of Prosperous Communities Committee please explain why after nearly two years since the implementation of the Selective Licensing Scheme for the Gainsborough SW Ward there are still over 70 private rented properties unlicensed and nearly 100 licences still be processed?"

Does the Chairman agree that the scheme has also failed in its objective to reduce anti-social behaviour?

You will recall I have also raised the issues of drugs in the Ward in the past and I believe that this continues to be an issue which the Scheme has failed to address.”

The Chairman of the Prosperous Communities Committee, Councillor Mrs Sheila Bibb, responded as follows: -

“I would like to thank Cllr Young for this question and assure him that a full report on Selective Licensing is scheduled to be presented to the Prosperous Communities Committee in October at which time members will have an opportunity to discuss the progress made by the scheme. Council should note that nearly 500 properties are licensed and alongside this a number of successful prosecutions have taken place to address landlords who have found to be failing in their responsibilities. Officers continue to focus their efforts on resolving the outstanding issues in this area particularly with regard to those properties which are still not compliant. We should not lose sight of the fact that the scheme is in place for 5 years.

With regard to the comments concerning the availability of drugs in these properties, I share this concern and in order to combat it the key is for specific intelligence – the precise address, dates and times as well as names if possible. It is only with such information and actual evidence that successful action can be taken. I therefore urge that anyone who has definite knowledge about such activities report it to the police as a matter of urgency. All reports which come to West Lindsey are handed over to be dealt with by the proper authority.”

Having heard the response, Councillor Young requested and received permission to pose a supplementary question. He stated the scheme was nothing but a bureaucratic scheme, which had failed in a number of ways. He was of the view that the scheme had lost all credibility, Anti-social behaviour (ASB) had increased and properties were being used as drug farms despite being reported. He questioned when this ASB would be dealt.

The Chairman was of the view the information was a statement as opposed to a question and therefore the meeting proceeded to the next question which had been submitted.

Councillor Chris Darcel submitted the following question to the meeting: -

**2) Question to Cllr Jeff Summers, Leader of the Council, from Councillor Chris Darcel**

Re Letter from a business rates payer.

“I believe all councillors received a copy of the letter concerning business rate changes from a rate payer, and it came as quite a surprise to me.

Can the Leader please inform Councillors just what is the law on business rates for charities and any recent changes in the Law that may have happened?



It is a concern to me that I now find out those negotiations with this particular rate payer have been ongoing for a year. I would have thought any changes to the rate regulations should first be discussed by the Prosperous Communities Committee and the Full Council before businesses are approached.

For all I know the charges may be valid although the rate payer would seem to think otherwise. But we should know.

Can the Leader please give me the assurance that any changes will receive full council scrutiny before they are introduced?

Thank you”

The Leader responded as follows: -

“Thank you for your question.

The law relating to Mandatory Charitable Rate Relief requires a premise to be solely or mainly occupied for charitable purposes. There have been no recent changes in legislation but there is a requirement to review awards on a regular basis.

The regulations on Business Rates are a matter for central government and as a district we act as the billing authority and must follow the regulations.

Tax payers are also able to appeal any decisions made regarding business rates through the Valuation Tribunal.

I, along with officers, will be meeting with the ratepayers you refer to later this month.

It is my intention to bring this issue to a speedy equitable and legal close as soon as possible.”

Having heard the response, Councillor Darcel requested and received permission to pose a supplementary question.

The following supplementary question was asked: -

“Councillor Summers have you read the information on West Lindsey’s website as the way I have interpreted it is, is that West Lindsey are obliged to give 80% discretion to any Charity and there is a further discretionary element of 20%. I therefore feel we have got this slightly wrong as the Council is obliged to give 80% discount to all charities.

The Leader responded and re-iterated his intention to bring the matter to speedy, equitable and legal resolution. A sensible approach would be adopted, rate payers had the right of appeal and he was fully aware of the guidelines and regulations.

## **23 MOTIONS PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

Councillor Trevor Young submitted the following Motion: -

“In almost half of the Gainsborough South West Ward, waste is collected through an authorised weekly black bag system.

This Council notes that this system results in poor environmental health issues and poor living conditions for many residents, it also recognises that it negatively impacts on the appearance of the town.

There is an urgent need for this Council to consider the welfare of the residents, I therefore request this Council:

1. Reviews its current operational delivery of waste services in the Gainsborough South West Ward and provide an in-depth options analysis for alternative collection methods.
2. Consults with local residents regarding solutions for local waste collection.

I so move”

Councillor Jeff Summers, as Leader of the Council, responded as follows: -

“Thank you for your motion which I am happy to second. But I would like to take this opportunity to explain the current position.

Approximately 2,000 properties mainly in the South West Ward of Gainsborough currently receive an enhanced weekly sack based waste collection system. This method of collection continued when the rest of the District moved to fortnightly wheeled bin collections in 2009, residual waste is collected on Thursdays and recycling picked up on Fridays, sacks are provided to residents.

Street Cleansing teams do a final clean after waste collections have taken place and also visit all ten foot on a regular basis throughout the working week to clear away any waste presented early or fly-tipped material.

This collection regime has been in place for many years and has been viewed as most appropriate for the area as the Councils’ collection vehicles cannot access the ten foots if wheeled bins are presented there.

The Council has received no formal complaints about the collection methodology in the last two years, nor has it received any formal complaints about rats in that area which are present due to the collection methodology.

I have spent time on three separate visits to the South West ward during the last two weeks. The most recent was last Thursday which is collection day. I personally witnessed the presentation style of the sacks, many were sensibly placed to the side of the ten foot in neat piles to allow orderly passage of residents. Many others had simply been tossed over the walls and laid randomly across the ten foot impeding passage. Some burst open making it more difficult to clear for our crews.

It was apparent to me after revisiting some ten-foots post collection what a great job our crews are doing, almost spotless after the mini sweeper had been through. Mechanical sweepers cannot access all the nooks and cranny's.

However, as we continually strive to provide the best services possible and as the Council has not formally reviewed collection methods in the area since 2009 it does make sense to consider advances in the waste management sector and understand the views of residents.

I support the motion and will commission our Officers to

1. Review its current operational delivery of waste services in the Gainsborough South West Ward and provide an in-depth options analysis for alternative collection methods.
2. Consult with local residents regarding solutions for local waste collection."

Debate ensued and a number of Members across the Chamber commented on the fantastic work the crews carried out in the area. All were in agreement that this was not disputed, however, it was accepted that the current collection method did come with its issues and exploration of alternative options did have merit.

Residents also needed to work with the Council and present their waste in an appropriate manner, to aide collection and post clean-up.

Having been moved and seconded, on being put to the vote the Motion, as submitted was declared **CARRIED**.

## **24 ADOPTION OF GREAT LIMBER NEIGHBOURHOOD PLAN**

Members were asked to give consideration to a report to fully 'make' (adopt) the Great Limber Neighbourhood Plan following a successful referendum.

Councillor England, Member Champion for Neighbourhood Planning, introduced the report, noting that the two plans on tonight's agenda, would see the number of adopted plans across the District reach a total of 12, with more currently at some stage within the process. He expressed thanks, both to the Groups for their hard work, and to the Officers for the support they had offered.

Representatives from Great Limber Parish Council were in attendance and prior to Members debating the matter the Chairman invited them to make a short address to Council and present their successful Neighbourhood Plan.

Councillor Neil Hunton, Deputy Chairman, addressed the meeting and made the following short address: -

"Chairman, Councillors, ladies and gentlemen may I on behalf of Great Limber Parish council, the northern outpost within the West Lindsey district, offer our Neighbourhood

Plan for your considerations and acceptance.

The Plan is somewhat unique as the vast majority of the land and properties within the parish are owned by the Brockelsby estate, however we are confident that we have with due involvement and discussions managed to address the issues and produce a plan for the future of the parish.

We are most grateful for the support from West Lindsey Council in particular the Neighbourhood planning team along with Angela and Owen our District councillors.”

Councillor Hunton then formally presented the Plan to the Chairman.

Members across the floor congratulated the Group on their remarkable achievement particularly considering their size and the timescales they had worked to.

It was moved, seconded and duly

**RESOLVED** that the Great Limber Neighbourhood Plan be adopted and made.

## **25 ADOPTION OF OSGODBY NEIGHBOURHOOD PLAN**

Councillor England, Member Champion for Neighbourhood Planning, again introduced the report, and paid personal tribute to all those involved in Neighbourhood Planning, acknowledging the significant level of work and commitment required to deliver a Plan to this stage.

Representatives from Osgodby Neighbourhood Planning Group were in attendance and prior to Members debating the matter the Chairman invited them to make a short address to Council and present their successful Neighbourhood Plan.

Councillor Chester, Vice-Chairman of Osgodby Parish Council made the following address: -

“Chairman,

Thank you for this opportunity to present the Osgodby Neighbourhood Development Plan for adoption by West Lindsey District Council.

The production of this plan stemmed directly from the Osgodby Parish Plan which was published in 2010. That plan first gave voice to the concerns and hopes of the community and has been, and continues to be, a valuable road map for the Parish Council to refer to in addressing such concerns as housing, employment, protection of the environment, and safeguarding and enhancing parish amenities. There was, however, frustration amongst residents that the Parish Plan was awarded little weight outside the parish. This Neighbourhood Plan was therefore commissioned to enhance and facilitate key aspirations which emerged from the Parish Plan, and to help ensure that local context would receive appropriate consideration in planning policy and decision making.

The Parish Council believed that it was essential that the project should be community-led rather than driven by the council, and the group was therefore always open for any

resident to attend and take part and has always been under the chairmanship of a non-councillor. We are grateful to all the members of the public and councillors who gave their time and energy not just to help to produce this plan but also to engage in and maintain interest in the project throughout the consultation process.

From the outset the steering group benefitted greatly from the advice and support provided by WLDC officers: initially Luke Brown and latterly Nev Brown and Dan Evans, to all of whom we very grateful. Progress was not as swift as had been initially hoped and it was recognised that the skill sets of the steering group members were not fully matched to the task in hand. Professional help was required and accordingly the services of consultants, Open Plan Ltd., were engaged; the production and quality of the finished plan is in a very large part due to their knowledge and expertise.

Employing consultants did not come cheaply, so we were very appreciative of funding received in grants from the Department of Communities and Local Government (Groundwork) and the Big Lottery Fund which together covered the entire cost of the project. We would strongly recommend any other community looking to produce a neighbourhood plan to consider using professional assistance and to seek the commensurate grant funding.

We would also like to thank the independent examiner, Mr Andrew Ashcroft, for his insightful and constructive recommendations and for his complimentary comments. His examination of the plan enabled it to be finished to a standard in which we felt we could take pride.

Although the production of this plan has involved hard work and more than a few headaches, we count ourselves privileged to have been entrusted with delivering something which is held as so important by our community. We are deeply gratified that the process of giving substance to the wishes of the local community has had the whole-hearted support of not just that community but also our district council, to whom we commend this plan. We would like to conclude with the Vision of this plan which we believe encapsulates its quintessence and why it should be adopted:

In 20 years' time, Osgodby will continue to be a green and pleasant parish of distinctively individual settlements in a rural environment. Additional housing will have provided a suitable range of houses to meet the needs and aspirations of the local community, at a scale and pace of change which residents can readily accommodate. New developments will respect the parish's countryside character and avoid the coalescence of individual settlements. Its green open spaces and public rights of way will have been preserved or enhanced to increase usability and the enjoyment of residents. Local services and amenities, particularly the primary school, will have been maintained and developed to attract and retain a population with a wide range of age groups and occupations, to sustain a vibrant and dynamic community."

Councillor Chester then formally presented the Plan to the Chairman.

Members across the Chamber, including Ward Members at District and County level paid tribute to the Group for their hard work and dedication. All were in agreement the Plan would ensure development in the Parish would be appropriate, address community need and safeguard communities in the future

It was moved, seconded and duly

**RESOLVED** that the Osgodby Neighbourhood Plan be adopted and made.

## **26 ANNUAL TREASURY MANAGEMENT REPORT 2017-2018**

In accordance with the requirements of the Council's reporting procedures, Members gave consideration a report which set out the treasury activity during 2017/18 and the actual Prudential Indicators for 2017/18.

The Leader of the Council presented the report and in doing so advised the report had previously been considered by Corporate Policy and Resources Committee

This report was a requirement of the regulations issued under the Local Government Act 2003 and was in compliance with the CIPFA Code of Practice on Treasury Management and the Prudential Code for Capital Financing.

It was best practice that Full Council received three reports each year and this was the final report which set out what had been actually achieved against the original budgeted position.

The executive summary contained all the relevant prudential Indicators with further detailed information contained within the body of the report.

The Leader indicated he was pleased to advise that none of the indicators had been breached during the year and whilst the market for investments continued to be challenging, the Council had achieved a return on Treasury Management of 1.21% as detailed on page 38

In concluding his introduction the Leader moved the report.

Clarification was sought and received that the investment return was 1.21%. The Chairman of the Governance and Audit Committee added additional information indicating that historically investment returns had been around 0.43%. The Council had a low risk profile and much effort was made to ensure investments were as safeguarded as possible and thus return rates would always reflect this.

The report was seconded and in doing so Members commented on the more approachable style in which the information was being presented and welcomed this.

In response to a Member's question regarding the figures on page 34, Officers explained the reasons as to why the figures in the original budget were significantly different to those in the actual budget. This was primarily as a result of having to plan for the highest potential level of borrowing for the period, which had subsequently not been required.

The Chairman of the Governance and Audit Committee made reference to the second paragraph of Section 7 of the report and wished to place on record the circumstances surrounding the breach. This had been a simple error and was reported to him within 48 hours. Steps had been taken to prevent such an error occurring again. Funds had not been

considered at risk and had been returned including interest earned.

**RESOLVED** that the Annual Treasury Management Report for 2017/18 and actual Prudential and Treasury Indicators be approved.

The meeting concluded at 7.58 pm.

Chairman

**Council Matters Arising Schedule**

**Purpose:**

To consider progress on the matters arising from previous Council meetings.

**Recommendation:**

That members note progress on the matters arising and request corrective action if necessary.

**Matters arising Schedule**

Active/Closed Meeting	Active Full Council				
Status	Title	Action Required	Comments	Due Date	Allocated To
<b>Black</b>					
	<b>Code of Conduct</b>	Minute extract 08/05 b) within a period of 28 days of the Code being adopted, all Members agree to sign an undertaking to abide by the new Code of Conduct; and c) the Monitoring Officer, during 2017/18, undertake consultation with all Parish Councils, in relation to the new Code of Conduct, with a view to those Parishes also adopting its content by Autumn 2017	<b>b) Now completed. c) Ongoing - 3 consultations events will be held throughout November across the District. Consultation events have concluded and all parish councils have now been corresponded with. All parishes have been requested to adopt the new West Lindsey Code or Nalc Code by AGM May 18.</b>  <b>As at 22 June notifications had been received from 57 parish councils, relevant reminders have been issued.</b>  <b>All 72 parish councils have now updated their code to either NALCS or WLDCs newer version</b>	31/07/18	Alan Robinson



	<b>MTFP -Mid year review</b>	Extract from mins 5/3/18 a Mid-Year Review of the Medium Term Financial Plan be presented to Members during 2018/19.	<b>please can you ensure this is programmed into the forward plan</b>  <b>Report submitted to CPR 8 November</b>	02/07/18	Tracey Bircumshaw
	<b>motion re SWW Waste collections</b>	The following motion was supported at Council on 2 July 2018  1. Review its current operational delivery of waste services in the Gainsborough South West Ward and provide an in-depth options analysis for alternative collection methods.  2. Consult with local residents regarding solutions for local waste collection.”  Please programme work into the PC Committee's workplan	<b>Item has been added to the October meeting of PC Cttee For Members to approve the scope for review of the waste collection service in the South West Ward of Gainsborough and associated consultation strategy.</b>  <b>Item was brought forward and the scope for this work was agreed at September's PC Cttee meeting. A Member Task and Finish Group has also been established to assist. key milestones have been programmed into the PC Cttee workplan</b>	09/07/18	Ady Selby

Green					
	<p><b>motion submitted by Leader</b></p>	<p>extract from mins of mtg 9/4/18 Chairman</p> <p>1. I propose that with the full support of this Council I write to Lincolnshire County Council and require them to agree a scheme of works, funding strategy, implementation plan and timetable to address the current highway safety issues at this junction as a matter of urgency.</p> <p>2. I propose that this Council works with our partners on the Central Lincolnshire Strategic Group to address the issues at this junction in the context of delivering the growth and the 5 year housing land supply across the area.</p>	<p><b>please work with the leader .</b></p> <p><b>update requested from EFM 13.6.18</b></p> <p><b>UPDATE: EFM had meeting with vice chair of LCC Transport Portfolio holder with WLDC leader to agree a funding strategy once a technical solution is finalised circa end of June. In addition Central Lincolnshire Local plan strategic group is reviewing delivery arrangements with a view to creating a Gainsborough Growth Board.</b></p> <p><b>This project has passed LCCs first round of budget setting positively. the next round of budget setting is due in November and a decision will be taken thereafter</b></p>	31/12/18	Eve Fawcett-Moralee

	<b>Constitution Review - Future consideration</b>	<p>Extract from mins of mtg 14/5/18</p> <p>Councillor Young advised the meeting that the Constitution did not currently permit questions and motions at the Annual Council Meeting. He was of the view that this had been the case historically and requested that this position be re-instated.</p> <p>The request was seconded but before being put to the vote the Chairman of the Governance and Audit Committee advised that he considered such an amendment would be deemed housekeeping in nature and therefore he undertook to review this and amend as appropriate.</p>	<b>to be considered as part of the annual review</b>	01/12/18	Alan Robinson
<b>Grand Total</b>					

# Agenda Item 8

## MEETING OF FULL COUNCIL – 12 November 2018

### AGENDA ITEM 8

#### QUESTIONS RECEIVED FOR CONSIDERATION DURING PUBLIC QUESTION TIME

##### Point 1

On the 19<sup>th</sup> June the Finance Officer presented the Financial Statement to the Governance and Audit Committee for approval prior to external audit. He said **“The first 23 pages are a narrative report, I ask you to read it and tell us if it works what we are trying to say with the narrative report is, this is all you need to read because we are conscious of the fact that not everybody wants to go through all the numbers and statements etc. and so we are trying to get to a succinct document that says this is what West Lindsey is all about.** He then goes on to say **“Over the year we have made a small surplus on service of £150.000 and along with additional Business rates we ended with a surplus of £432.000** This surplus was in fact against a projected Budget set at the beginning of the year for part of the annual outgoings and is in actuality nothing more than a paper exercise.

In actual fact, overall for the year, income was £44.113m and expenditure was £45.701m which means there was a deficit of £1.588m, yet again in the Narrative report, the Finance Officer proudly proclaims **“We have once again shown good financial stewardship and delivered a small profit”**,

At best this is misrepresentation of the facts and I ask that this Council provide a suitable explanation.

##### Point 2

Councillor Summers, in his introduction to the Financial Statement explained about the changes at senior level and how cost savings had been made but I will now ask him in light of these assumed savings why has the overall figure on the ‘Employee, Benefits, Expenses bill risen by £1.1M when equivalent full time staff numbers have reduced by 16 from the previous year.

##### Point 3

Again this is a question for Councillor Summers to answer, can you please explain the following; Published figures in the narrative report state that in 2016/17 the Council had £18.88m of investments but at the end of 2017/18 this figure is now £15.316m and as almost £2.5m was spent on the Keighley Hotel this year it appears that almost £6m has disappeared from the Investment portfolio. I have further questions that require answers but will hold these over to the next meeting.

Regards  
Peter Morley

# Agenda Item 9

## MEETING OF FULL COUNCIL – 12 November 2018

### AGENDA ITEM 9

#### QUESTIONS RECEIVED PURSUANT TO COUNCIL PROCEDURE RULE NO. 9

**1) *Question to Cllr Jeff Summers, Leader of the Council, from Councillor Trevor Young***

Could the Leader of the Council explain to the people of the District why it is that this council has not met for one full quarter of the year? By doing so he will also explain to the councillors why this is the case and why it seems un-important for the council to meet in a timely manner and take council for the affairs and wellbeing of the District and its citizens?

It is accepted that there are no meetings in August as has long been the case except for the planning committee. But a glance at the Council meeting calendar shows that at least one Full Council was cancelled, supposedly for lack of business and there has been no Full Council Meeting in October.

Could it be that the Leader and his administration are just tardy when it comes to meetings thinking that they have a majority and so debate and consideration don't matter anymore? Or perhaps the Leader and his administration are frightened of that very debate and question that might arise either as direct questions or through the movement of business through the council.

While we accept there is no point in meeting for meeting sake the electorate who vote for us and pay our allowances surely have a right to expect the council to meet as a full council on a regular basis and to debate the policy which the administration want to enact during their tenure of office.

Time was when the council will deal with all business and its right that some business is enacted through committees.

However, there are times when a policy or change affects the whole district and thus every elected member and the people they serve. This can be seen in the move to charge for green waste for example or the letting of contracts for leisure services provision across the district.

The Market Provision is being discussed and worked through and the way markets are provisioned. This is causing some disquiet among the leaders own members and it could be that bringing these policies and strategies to full council will show the cracks in the administration and allow the people to see where the current control of the council is failing the people who ought to expect more.

I invite the Leader therefore to answer the question and respond where in doing so hope that this council will not have a further period of one quarter of a year when it fails to meet.



**Council**

**Date: 12 November 2018**

**Subject: Revised Council Vision and Values**

Report by:

Executive Director of Operations/Head of Paid Service

Contact Officer:

Mark Sturgess  
Executive Director of Operations/Head of Paid Service  
01427 676687  
mark.sturgess@west-lindsey.gov.uk

Purpose / Summary:

Preparations are underway to review the Council's corporate plan. Work is also being undertaken to implement the Customer First Programme. A need has been identified, in order to progress both these work streams, to review the vision and values which underpin how the Council operates. This work has been carried out this year and has involved both councillors and officers. The report seeks endorsement of the outcome of this work.

## **RECOMMENDATION(S):**

- 1. That Council endorses and adopts the following vision for the Council:  
"WEST LINDSEY IS A GREAT PLACE TO BE WHERE PEOPLE, BUSINESSES AND COMMUNITIES THRIVE AND CAN REACH THEIR POTENTIAL"**
- 2. That the Council endorses and adopts the following revisions to the Council's values:**
  - 1. To put the customer at the centre of everything we do**
  - 2. To act as one council**
  - 3. To be business smart, to act on evidence and take advantage of opportunities, thinking creatively and getting things done**
  - 4. To communicate effectively with all stakeholders**

- 5. To have integrity in everything we do
- 3. That the strapline “The Entrepreneurial Council” is no longer used.

**IMPLICATIONS**

**Legal: FIN/147/19/TJB**

**Financial :None**

**Staffing :None**

**Equality and Diversity including Human Rights : None**

**Risk Assessment :**

It is clear from staff surveys in recent years (not the current one) that there is no common agreement amongst staff about the vision and values of the organisation. The risks associated with this position are: staff engage in activity which runs counter to the “perceived” vision of the council; staff adopt methods of working which are in conflict with the values of the council and this leads to damaged organisational reputation, wasted resources or both.

The principal mitigating actions which the Council can take is to ensure that the vision, mission and values of the organisation are developed with full staff and member engagement. This is what this reset exercise has been able to do.

**Climate Related Risks and Opportunities : None**

**Title and Location of any Background Papers used in the preparation of this report:**

None



**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

Yes  X                      No

**Key Decision:**

Yes  X                      No

## Executive Summary

### 1.0 Purpose of report

- 1.1 The Council's Vision, Mission and Values have been under review since the start of 2018. This review has included full engagement with staff and members through a variety of techniques.
- 1.2 It is now necessary to crystallise what was been learnt from the review process into revised Vision and Values for the Council. This report sets out the review process which has been undertaken and a revised vision and set of values which should be adopted by the Council based on this work.
- 1.3 With regard to mission, the accepted definition is that a mission is the method by which the vision will be delivered<sup>1</sup>. In this context it is recommended that the consideration of a revised mission for the council takes place once the vision has been adopted and as part of the 2019/22 revised corporate plan.

### 2.0 Methodology

- 2.1 Early desktop research around the current Vision, Mission and Values of West Lindsey District Council carried out in preparation for this work in late 2017 showed a number of things:
  - Work with Team Managers carried out by the Institute of Customer Services in the summer of 2017 demonstrated that amongst this level of managers there was no common understanding of the Council's vision, mission and values.
  - What constituted the current vision, mission and values of the Council were not readily visible. The most recent iteration appears to be given in a 2014 version of the Corporate Plan. The current Corporate Plan does not reference them at all.
  - That the Vision for the Council itself pre-dates all the current management team and council leadership and appears to have originated in the mid-2000s.
  - What currently constitutes the vision, mission and values of the council are confused. For example one of the "missions" (although confusingly it is not specifically called the "mission") is described as "accountable leadership" which is probably more of a value.
  - The vision itself is generic and could be applied to most District Councils (although this is a danger with most visions for organisations that deliver a wide range of services).

This constituted the case for change.

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<sup>1</sup> Institute of Customer Services

- 2.2 This early work and research around the importance of vision, mission and values to an organisation led to a programme of work developing that was aimed at refreshing the vision, mission and values for the Council ahead of the production of a revised Corporate Plan in 2019.
- 2.3 In order to give a firm anchor to the work and to ensure a common understanding of what was trying to be achieved, management team adopted a common definition for “vision”, “mission” and “values” based on those used by the Institute of Customer Service. This would provide a strong link between the training by the ICS, training the Council was preparing to roll out in the future, the Customer First Programme (a major transformational change programme for the Council) and the vision, mission and values of the organisation. It would also ensure that as far as possible everyone in the organisation understands what was meant by vision, mission and values and so could engage constructively with the review process.
- 2.4 The definitions for vision, mission and values were therefore set as:
- **“Vision”**: describes where an organisation aspires to be in the future. In West Lindsey’s cases this is about describing what it wants for the **District and its people in the future**.
  - **“Mission”**: **a mission is a path to realise the vision** of the organisation. What is the organisation going to do to realise the vision that it has set itself. It was agreed by the Management Team that this would be developed through the new Corporate Plan due in draft in 2019.
  - **“Values”**: The **basic principles that an organisation and its employees uphold in delivery its vision and mission**.

These definitions were agreed by the Management Team.

- 2.5 One clear principle emerged from early work on setting vision, mission and values in an organisation (apart from having an agreed definition) and that was everyone in the organisation needed to have the opportunity to be engaged in the process of agreeing a revised vision, mission and values for the organisation.
- 2.6 Before the full programme of staff and member engagement was developed and rolled out across the organisation a pilot exercise was carried out to test how well the old vision, mission and values were known throughout the organisation. This involved faced to face interviews with approximately 5% of the workforce.
- 2.7 The pilot demonstrated a number of things;
- There was no widespread awareness of the current vision or mission of the council and this appeared to be evenly distributed across all services and management levels.
  - Knowledge of the values was a little higher which perhaps reflects the fact that they were put together by engaging a staff working

group (in 2010) and, until recently, were visible around the Guildhall.

- That face to face interviews using a structured questionnaire worked as a technique for engaging staff.

2.8 The programme of engagement was developed from this point and included the following:

- A larger exercise engaging staff through a face to face structured interview based on the pilot.
- A questionnaire on the Minerva system which was available to every member of staff.
- Workshops with staff that didn't have regular access to council systems – North Warren Road and Market Rasen depot staff.
- Workshops with Councillors.
- This process was publicised through the regular corporate updates and at the staff meeting in 2018.

### **3.0 Revised Vision and Values**

3.1 Clearly there is more work that sits behind the development of the draft visions and values given below. This is important, as the process for developing the “vision” and “values” is probably more important than the articulation of the vision and values themselves.

#### **3.2 Revised Vision:**

***“WEST LINDSEY IS A GREAT PLACE TO BE WHERE PEOPLE, BUSINESSES AND COMMUNITIES THRIVE AND CAN REACH THEIR POTENTIAL”***

#### **3.3.1 Revised Values:**

- 1. To put the customer at the centre of everything we do**
- 2. To act as one council**
- 3. To be business smart, to act on evidence and take advantage of opportunities, thinking creatively and getting things done**
- 5. To communicate effectively with all stakeholders**
- 6. To have integrity in everything we do**

3.4 That the mission be developed through the Corporate Plan review aimed at delivering the vision.

## Main Report

### 1 Introduction

1.1 The ability to visualise and articulate a possible future state for an organisation or the area or customers it serves is a vital component of successful leadership and in providing focus for what the organisation is seeking to achieve. Good visions should describe a future state the organisation wants to achieve.

1.2 The current vision for West Lindsey is:

***“West Lindsey is seen as a place where people want to live, work and invest”***

1.3 This vision was adopted sometime in the last decade. From work which has been carried out this year it has very little visibility amongst staff and members. More importantly it is fairly generic and does not give a strong sense of what a future state for the District might look like nor what the council is seeking to achieve.

1.4 The current values which have been adopted by the Council are:

- **Focus on communities and customer first**
- **Creative and business smart**
- **Can do council**
- **One council**
- **Communicate effectively**

1.5 These were refreshed through staff engagement in 2010 and were generally better known and better understood than the vision. As values for a local government organisation tend to be universal the opportunity has been taken to amend the current values rather than recommending adopting completely different ones.

1.6 There is currently no established or generally accepted “mission” adopted by the Council. This is the path to realise the vision of the organisation. Through work with Councillors and the Management Team it has been agreed that the “mission” (the path to the realisation of the vision) is best set through the work to revise the current Corporate Plan. This will set out the work the Council intends to carry out across all areas in order to realise its vision.

1.7 Neither the current vision nor values are referenced in the Corporate Plan.

1.8 A complicating factor during the staff and member engagement process was the strapline “The Entrepreneurial Council” which is neither part of the current vision or values. It is recommended that this is no longer used and is phased out.

## 2.0 The Process

2.1 The first part of the work involved a variety of techniques to involve councillors and staff in identifying what should be included in a new vision and values for the Council. These techniques were:

- Short structured interviews with a random cross section of staff building on the pilot which had been carried out in January 2018
- Workshops with the staff at the Market Rasen and Gainsborough depots
- A short questionnaire on the council's intranet for staff to fill in
- Presentations at the Executive Directors "Corporate Update" sessions and at the staff meeting
- Regularly publicity through the ICT network and the televisions located around the offices
- Two workshop sessions with Councillors
- Presentations at the leaders panel of Committee Chairs and Vice Chairs

2.2 The messages which came back regarding the vision were consistent. It was clear that most people (staff and members) regarded the district as a great place to live with many assets, however some areas and sectors were not realising their full potential. The word cloud below shows the most important words that councillors and officers considered should be part of the revised vision.



2.3 As well as covering what the vision should contain the responses also covered the "tone" the vision should take in expressing the Council's aspiration for the District. The word cloud below illustrates the tone that respondents considered the vision should take:

Enabling  
Aspirational  
Inspirational  
Forward-thinking  
Snappy Exciting  
Building-on-strengths

2.4 Following these exercises a draft vision was prepared based on the comments received through the engagement exercises. This has been tested with councillors through the leader's panel and with staff through the intranet and the use of the televisions around the Guildhall. The reactions received have been favourable and the following vision is presented for endorsement and adoption.

2.5 Vision:

***“WEST LINDSEY IS A GREAT PLACE TO BE WHERE PEOPLE, BUSINESSES AND COMMUNITIES THRIVE AND CAN REACH THEIR POTENTIAL”***

The vision recognises that the area has great strengths, however and in accordance with the comments received it also recognised that in certain areas and sectors work is necessary so that people, communities and businesses can reach their full potential. How the Council address these issues will be part of our mission and be set out in the 2019/22 Corporate Plan due next year. What the vision does is give a clear indication of what business the Council is in (assisting people, communities and businesses to thrive) and what is a West Lindsey priority – ensuring that those people, businesses and communities can reach their full potential. As stated above the Corporate Plan will detail specific actions which will show how it will deliver the vision. This will become the Council's mission.

2.6 As for values these are the basic principles which the organisation will uphold in delivering its vision. In terms of engagement undertaken the following words were identified as being important in forming the revised Council values:



2.7 These are fairly standard words to describe the values of a public sector organisation and to some extent reflect the values that are already in use. This led to the following revised values being presented for endorsement and adoption:

1. To put the customer at the centre of everything we do
2. To act as one council
3. To be business smart, to act on evidence and take advantage of opportunities, thinking creatively and getting things done
5. To communicate effectively with all stakeholders
6. To have integrity in everything we do

### 3.0 Conclusion

- 3.1 Council is therefore asked to endorse and adopt the revised vision and values as set out in the report.
- 3.2 Finally the Council has used the strapline long with its logo, of the “Entrepreneurial Council”. Whilst this was innovative when it was first adopted other Councils are now acting entrepreneurially due to financial pressures and it is recommended that the strapline is phased out.





Council

12 November 2018

**Subject: Recommendation from Licensing Committee  
Review of Gambling Policy (Statement of Principles)**

Report by:

Mark Sturgess  
Head of Paid Service

Contact Officer:

Phil Hinch  
Licensing and Land Charges Team Manager  
01427-676610  
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Purpose / Summary:

This report is in relation to the process taken and includes the comments made through the consultation process in the mandatory review of the Gambling Policy (Statement of Principles)

**RECOMMENDATION:**

**1) That Council accept the recommendation from the Licensing Committee to approve and adopt The Gambling Policy (Statement of Principles). The document will then be published in accordance with the relevant regulations and will become effective from January 2019.**

## IMPLICATIONS

**Legal:**

Please see section 6

**Financial:**

There were costs associated with the consultation process, which were relatively low and met from within existing budget provision.

Fin Ref: Fin/136/19/TJB

**Staffing:**

None as a result of this report

**Equality and Diversity including Human Rights:**

No adverse impact has been identified as a result of the wide scale consultation process.

**Risks:**

Please see section 7

**Climate Related Risks and Opportunities:**

N/A

**Background Papers:**

The following background papers were used in the preparation of this report.

<b>Title:</b>	<b>Location of Background Papers:</b>
Gambling Act 2005	Web
Gambling Commission Guidance to Licensing Authorities 5 <sup>th</sup> Edition	Licensing Office

**Call in and Urgency:**

**Is the decision one to which Rule 14 of the Scrutiny Procedure Rules apply?**

Yes  No

**Key Decision:**

Yes  No

**1 Introduction**

- 1.1 Section 349(1) of the Gambling Act 2005 requires that each Licensing Authority shall before each successive period of 3 years, prepare and publish a “statement of principles” that they propose to apply in exercising their functions under this act during that period. The current policy was adopted by Council in November 2015, therefore the required review process must be completed by the end of 2018.
- 1.2 Section 349(2) states that a Licensing Authority shall review their statement from time to time and if necessary revise the statement and publish before giving it effect.

**2. Background**

- 2.1 The Gambling Act 2005 places the responsibility for the licensing of gambling premises and the issuing of gambling permits with Local Authorities, along with the responsibility of inspection and compliance checks also.
- 2.2 Amongst other matters the 2005 Act deals with the licensing of:
- Casinos
  - Betting shops
  - Bingo halls
  - Amusement arcades
  - Gaming machines
  - Society lotteries
  - Racecourses

**3. Details of the report**

- 3.1 Section 2(1)(a)(i) of the Gambling Act 2005 defines a district council as a “Licensing Authority”.

### 3.2 Before determining the policy the Licensing Authority must consult with:

-

- The Chief Officer of Police for the licensing authority's area,
- 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 this Act.

District and Borough Councils within Lincolnshire (as with many others nationally) are in the process of reviewing their Gambling Policy and these, where relevant, may or may not be similar to some degree in content. Where there are some similarities, this can be advantageous to the gambling industry in that this may offer some consistency.

Core to the Gambling Act are the licensing objectives. These 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 manner.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

It is important to note that there are no other licensing objectives.

## 4. Consultation

4.1 The list of persons consulted when reviewing the gambling policy was deliberately wide. This enables the licensing authority to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in the policy.

4.2 The following consultation process was implemented:

- The draft revised gambling policy was placed on the West Lindsey website where it could be viewed and consultee's given the opportunity to make any comments
- Letter was emailed to WLDC Members with a link to the draft policy for them to comment upon
- A copy of the draft policy was deposited in the WLDC Guildhall reception area at the Guildhall where it was available to comment upon, if requested
- Copies of the draft policy were deposited at 4 local libraries around the district
- Letters were emailed to the relevant responsible authorities with a link to the draft policy for them to comment upon
- Revised draft policy and amendments letter emailed to Licensing Teams at other local authorities across Lincolnshire
- Letter inviting many other consultee's to take part in the

consultation process ranging from Gamblers Anonymous, Citizens Advice Bureau, The Gambling Commission, William Hill, Ladbroke's plc and The Racecourse Association

- Approximately 70 consultee's were invited to take part in the review process overall, the full list is attached at Appendix C

## **5. Responses to consultation process**

- 5.1 The consultation exercise concluded with three responses received in relation to the draft policy.
- 5.2 The comments received from the respondents can be seen within Appendix A at 1a, 1b, and 1c.
- 5.3 Although there are only three responses received, all concerns highlighted need to be given due consideration and addressed accordingly in order to reduce and/or avoid any legal challenge.
- 5.4 Gambling legislation, administration and compliance and enforcement, whilst being highly regulated by both licensing authorities and the Gambling Commission, is also very complex in nature. It is worth noting that whilst licensing authorities issue the relevant premises licenses, permits, lotteries and other authorisations, over and above that, the Gambling Commission also issue personal and operator licenses whereby they incorporate stringent checks in relation to their own processes.

## **6. Legal**

- 6.1 It is a mandatory requirement that the Licensing Authority must prepare, consult, determine and publish its Statement of Principles every 3 years or earlier if necessary. Adoption of the Statement of Principles is a Council function which cannot be delegated to a Committee or Sub-Committee.
- 6.2 Additionally, the Licensing Authority must ensure that its decisions and policies can withstand scrutiny by reference to the principle of proportionality, i.e. is the decision / action proportionate to what it wishes to achieve?

## **7. Risks**

- 7.1 Failure to adopt and publish the Statement of Principles means that the authority would not be complying with the Gambling Act 2005 and would leave any decisions made by the Licensing Authority open to challenge along with the potential to damage Council reputation.
- 7.2 Additionally, it should also be recognised that in adopting a revised draft policy, in making this decision, this can also be challenged as with any decision made by the Council. However, in order to minimise the risks of any legal challenge, the Licensing Manager discussed the concerns highlighted with the respondents (where possible) and has

given their comments due consideration within Appendix A, which is attached for Members perusal. The consultation process raised numerous concerns through this exercise, which has given the authority the opportunity to amend the original draft policy accordingly, which is now being put before Members for their approval.

## **8. Conclusion**

- 8.1 The licensing and compliance role of the Licensing Authority is important in improving the health, safety, security and welfare of the district's residents, visitors and business community.
- 8.2 The suggested amendments to the Policy have been made based on the following grounds:
- Officer experience in dealing with the 2005 Act.
  - Gambling Commission guidance to Licensing Authorities.
  - Current good practice shared with other Licensing Authorities
- 8.3 Every effort has been made to comply with the statutory process. The latest draft policy is attached at Appendix B for Council approval and formal adoption.
- 8.4 The draft policy at Appendix B was considered by the Licensing Committee on 18 September 2018 prior to recommendation to Council.

Set out below are the minutes from that meeting:

### **Minute Review of Gambling Policy (Statement of Principles)**

**10**

The Licensing and Local Land Charges Manager introduced the Review of Gambling Policy report, and read all of the points in the report to Members.

Members raised the following points:

- There were many recommendations in the consultation response from Gamcare; however it would be difficult for West Lindsey District Council (WLDC) to act as a policeman for problem gambling. Only responsible gambling outlets can be licensed;
- Out of the neighbouring and local councils, East Lindsey received four responses to their gambling consultation, West Lindsey received three, and North Kesteven received no responses;
- There were six gambling premises in West Lindsey;

Members stated that they had the highest regard for the work of the

Licensing and Local Land Charges Manager and his team.

**RESOLVED to** approve the amended draft policy and recommend to Council for formal adoption as The Gambling Policy (Statement of Principles) at the Council meeting of 12 November 2018;

8.5 Following formal adoption by Council the policy will remain in force for three years (although it can be reviewed earlier if required) after which it must be reviewed and formally adopted for a further three year period and so on.

**9. Appendices**

9.1 Appendix A Schedule of responses and the appraisal given

9.2 Appendix B Revised draft policy

9.3 Appendix C List of Consultee's

# Appendix A

## Schedule of Responses to review of Gambling Policy 2019 (Statement of Principles)

### Part I

Reference	Respondent	Comments	Appraisal	Response
Appendix 1A	Lincolnshire Fire & Rescue	<p>In respect to the consultation on the above please find my comments for Lincolnshire Fire &amp; Rescue.</p> <ul style="list-style-type: none"> <li>• A Fire Risk Assessment must be conducted when premises hold a licence under enactment – Regulatory Reform (Fire Safety) Order 2005 Article 9 (6) (b)</li> <li>• With regards employment of young person's/children in places that are subject to a licence under enactment. I think again it is worth mentioning that as a fire risk assessment must be undertaken again under Article 9 of the above legislation, the parents/carers of that child/young person must be made aware of the matters and the significant findings from a Fire Risk Assessment.</li> </ul> <p>I feel that the two comments above should be included within the final document and any other licensing polices that you have.</p>	<p>WLDC Licensing Manager discussed the response received from the author of the comments received from Lincolnshire Fire &amp; Rescue service. Bearing in mind that other primary legislation is already in place that deals with matters relating to Fire Safety e.g. <i>Regulatory Reform (Fire Safety) Order 2005</i>, both the current and revised Policy make reference to <i>avoiding duplication with other statutory/regulatory systems where possible</i>. Additionally, there is a specific reference as follows: <i>Fire or health and safety risks will not be taken into account, as these matters are dealt with by other regulations and must not form part of the consideration for the premises licence</i>.</p>	Officer suggests no change to policy.



Appendix 1B	Racecourse Association	<p>Revision of Statement of Gambling Licensing Policy - Consultation</p> <p>I am writing on behalf of the Racecourse Association, the trade association for horse racecourses in Great Britain. We have reviewed the revision of statement of gambling licensing policy for West Lindsey District Council, to which we would like the opportunity to respond on behalf of our members.</p> <p>Door Supervisors (Paragraphs 1.45 – 1.46) – The council is asked to be aware that racecourses already provide door supervisors under the Licensing Act 2003. We would request that the document recognize that there should be no duplication of the regulatory requirements and that racecourses should not have to provide additional door supervisors.</p> <p>Local Risk Assessment (Paragraphs 8 – 8.14) – The Council is asked to be aware that racecourse is not obliged to conduct a risk assessment, that is the responsibility of the operator on the track. We would request that this is specified in the in final document.</p>	Licensing Manager discussed the response from the Racecourse Association and agreed to make minor changes to the policy.	Officer suggests minor change to wording after section 8.12 as a result of feedback from the consultation process in order to reflect the response from the Racecourse Association.
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Appendix 1C	Gamcare	<p>Hello, Thank you for your email, 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.</p> <ul style="list-style-type: none"> <li>• 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 <a href="http://www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/">www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/</a></li> <li>• 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</li> </ul>	Licensing Manager tried to contact the Gamcare representative, however the person concerned was unavailable.	<p>Officer suggests no change to Policy as a result of consultation process.</p> <p>Officers have considered each item suggested within the Gamcare response and consider that their list of issues or factors are reflected within the draft policy. However this policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.</p>
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	<p>problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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?</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul> <p>We would suggest that the Local Licensing Authority primarily consider applications from GamCare Certified operators. GamCare Certification is a voluntary process comprising an</p>		
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		<p>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 #####@gamcare.org.uk</p> <p>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.</p> <p>If there is anything else we can assist with please do let us know.</p> <p>Kind regards.</p>		
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# **Gambling Act 2005 Statement of Principles**

**Licensing Committee – 18 September 2018  
Council – 12 November 2018  
Published – 03 December 2018  
Effective from – 01 January 2019**



# West Lindsey District Council Statement of Principles Gambling Act 2005

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DRAFT

**The Gambling Act 2005 applies to casinos, bingo clubs, betting shops, track betting, amusement arcades, gaming machines, prize gaming, lotteries and other forms of gambling.**

**We work with the Gambling Commission and licence gambling premises in the West Lindsey district as well as issuing permits in relation to gaming machines and other forms of gambling. The Gambling Commission is responsible for granting operating and personal licences for gambling operators and personnel working in the gambling industry.**

**Any person or business that wishes to operate a gambling business in West Lindsey, such as a betting shop or amusement arcade, must first apply for an operating licence and any relevant personal licences from the Gambling Commission. After this they can then apply to us for a premises licence.**

**The Council is required to publish a Statement of Licensing Principles in relation to gambling licensing. The policy is intended to guide decision makers, applicants, objectors and others regarding the decision making process. Whilst all applications will be judged and determined on their individual merits, the policy will be the basis of the licensing authority's decisions. It also states how the Authority will work to fulfil the licensing objectives.**

**The revised document will be presented to Council for formal approval on 12 November 2018 and will then be published and effective from January 2019.**



# West Lindsey District Council Statement of Principles Gambling Act 2005

## Part A

### 1. Introduction

- 1.1 West Lindsey District Council, (hereinafter referred to as the Licensing Authority) is responsible for the licensing of premises and the issue of permits and authorisation under the Gambling Act 2005.
- 1.2 The 2005 Act provides for 3 categories 'Operating Licences', Personal Licences' and Premises Licences'. The Council will be responsible for the issues of Premises Licences. The Gambling Commission will be responsible for the issue of Operator and Personal Licences.
- 1.3 The Authority's main functions under the 2005 Act are:
- 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 the issuing of 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 premises licensed for the sale and consumption of alcohol on the 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 (TUNs)
  - Receive occasional use notices (OUNs)
  - Provide information to the Gambling Commission regarding details of licences and permits issued (see section in this Policy Statement on exchange of information)
  - Maintain registers of the permits and licences that are issued under these functions
- 1.4 It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

- 1.5 This Policy (Statement of Principles) is intended to provide clarity to applicants, interested parties and responsible authorities on how this Licensing Authority will determine applications. Guidance is available to assist applicants: the aforementioned guidance does not form part of this Policy.

## **2. Authorised Activities**

- 2.1 'Gambling' is defined in the 2005 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 true
- 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

## **3. The Licensing Objectives**

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

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

- 3.2 In practice, the objective of protecting children from being harmed or exploited by gambling usually means preventing them from taking part in, or being in close proximity to gambling.**

- 3.3 The 2005 Act promotes safe practice at premises where gambling activities take place and this means that licensees and operators have a legal responsibility to 'protect children and other vulnerable persons from being harmed or exploited by gambling'. More information about the signs of problem gambling can be found on the GambleAware and GamCare websites. The aforementioned websites also provide general information about gambling, including how to gamble safely and where to get help if somebody or someone you know has problems with their gambling. This Authority would expect licensees and operators to acquaint themselves with the contents of the aforementioned websites.**

- 3.4 Further specific information on this Authority's recommendations and expectations, in relation to the protection of children and other vulnerable persons, can be found at Appendices 4 and 5 of this policy document.**

- 3.5 The Licensing Authority is especially mindful that it must always consider the need to protect children from sexual exploitation.
- 3.6 The Licensing Authority will consider the following when taking protecting of children and other vulnerable persons from being harmed or exploited by gambling licensing objective into account:
- Whether the operator has a specific training programme for staff to ensure they are able to identify children and vulnerable people and take appropriate action to promote this objective to exclude them from the premises or parts of the premises;
  - If the premises is an adult only environment, whether the operator has taken effective measures to implement a proof of age scheme to ensure no one under the age of 18 is admitted to the premises or restricted areas;
  - Whether the layout, lighting and fitting out of the premises have been designed so as to not attract children and other vulnerable persons who might be harmed or exploited by gambling;
  - Whether sufficient management measures are proposed or are in place to protect children and other vulnerable persons from being harmed or exploited by gambling;
  - Whether any promotional material associated with the premises could encourage the use of the premises by children or young people;
  - Whether the premises are located near to facilities that may encourage their use by vulnerable people, such as hostels for those with mental illness and/or addiction problems.
- 3.7 The Licensing Authority expects applicants to consider the measures necessary to promote the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. It is noted that neither the Act nor the Gambling Commission Guidance define the term 'vulnerable persons'. The Licensing Authority consider the term 'vulnerable persons' to include people who gamble more than they want to; people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.
- 3.8 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
- 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 Statement of Principles
  - In accordance with any relevant code of practice issued by the Gambling Commission

## **4. General Matters**

### **The Council's Vision**

- 4.1 The Council's vision is for West Lindsey to be seen as a place where people want to live, work, invest and visit. We strive to be an entrepreneurial Council; delivering growth and economic development whilst also creating safer, stronger and more resilient communities. Underpinning this, six priority areas have been identified in our Corporate Plan leading up to 2020:**

### **Open for Business**

- 4.2 The District is attractive to current and potential employers. Key to this is the delivery of appropriate housing across the District to support our growth ambitions. The growing population will attract inward investment, job creation and greater prosperity and we will also work to guarantee that businesses are effectively supported in their growth ambitions.**

### **People First**

- 4.3 Ensuring that we understand and meet the needs of our residents by taking a leading role in enabling convenient and easy access to services; providing cultural, leisure and arts facilities and working to provide suitable housing across the District.**

### **Asset Management**

- 4.4 We will use our assets to drive and facilitate and provide inward investment and to provide social benefits to our communities. We will ensure that our assets are in a good state of repair and that we strive to maximise sustainable returns on our assets.**

### **Central Lincolnshire Local Plan**

- 4.5 The adoption and implementation of a Central Lincolnshire Local Plan is of key strategic importance to the District so that our growth needs are met in a sustainable manner. We will ensure that our needs are championed and that communication of the Plan across the District is effective.**

### **Partnerships and Devolution**

- 4.6 The attainment of devolved powers and/ or greater partnership working is of great importance to the Council in order to deliver better, sustainable, yet more cost effective outcomes.**

### **Excellent, Value for Money Services**

- 4.7 Despite financial constraints, we will continue to ensure that the services we deliver are high performing at acceptable cost; with the customer at the heart of service delivery.**

## **Our District**

- 4.8 West Lindsey is one of the largest districts in England and one of the most rural in the County of Lincolnshire, which is comprised of seven district areas.**
- 4.9 The District covers 1,156km<sup>2</sup> (446 square miles), with the administrative centre in Gainsborough on the River Trent to the west, and the market towns of Caistor and Market Rasen to the east.**
- 4.10 The population of the District is spread across a large area. The mid-year estimates for 2016 give the district a population of 93,734 at a density of 81.11 people/km<sup>2</sup>.**
- 4.11 There were 40,704 households in the district as of 2017 with Gainsborough comprising the largest number of households at 9,200.**
- 4.12 There are great differences in the characteristics and levels of need across the district, with some wards experiencing the highest levels of deprivation in the country, and others being amongst the most affluent.**
- 4.13 This range of characteristics, such as wealth, accessibility, infrastructure and deprivation factors have a varied effect on the needs and aspirations of local people and the delivery of services in the District.**
- 4.14 Much more detailed information relating to demography, crime and disorder, deprivation, education, employment, health and wellbeing can be found in our State of the District Report, which is updated annually.**  
<https://www.west-lindsey.gov.uk/my-business/growth-and-regeneration/state-of-the-district/>

# West Lindsey District

- 'A' Road
- 'B' Road
- District Boundary

0 5 miles



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- 4.15 At the time of compiling this policy the Licensing Authority was responsible for the following number of premises licences and permits:

<b>Betting Premises (including tracks)</b>	<b>5</b>
<b>Bingo Premises</b>	<b>0</b>
<b>Adult Gaming Centres (AGC)</b>	<b>1</b>
<b>Family Entertainment Centres (FEC)</b>	<b>0</b>
<b>Unlicensed FEC Permit (UFEC)</b>	<b>0</b>
<b>Small Society Lotteries</b>	<b>103</b>
<b>Alcohol Licensed Premises with 2 Machines or Less</b>	<b>131</b>
<b>Alcohol Licensed Premises with 3 Machines or More</b>	<b>10</b>
<b>Club Gaming Permits</b>	<b>0</b>
<b>Club Machine Permits</b>	<b>7</b>
<b>Prize Gaming Permits</b>	<b>0</b>

- 4.16 The Licensing Authority has worked in partnership with the other councils in the county in preparing this statement of principles, which is based on the statement of principles guidance issued by the Gambling Commission.
- 4.17 The Licensing Authority recognises its duties to consider the impact of all its' functions and decisions on crime and disorder under the requirements of Section 17 of the Crime and Disorder Act 1998 in adopting this statement of principles. The Licensing Authority acknowledges the benefits to the community of properly regulating gambling in the district.
- 4.18 The Licensing Act 2003 provides the delegated and procedural arrangements for the establishment of licensing authorities.
- 4.19 Licensing committees which were established under Section 6 of the Licensing Act 2003 are also the relevant committees for the purpose of gambling functions. Therefore, the same committee that deals with applications and other issues in relation to the Licensing Act 2003 will also be responsible for premise licence applications and other issues (i.e. permits) in relation to gambling.
- 4.20 The proceedings of the licensing committee are regulated by section 9 of the 2003 Act (and regulations made under that section). Particular provision can be made for proceedings in relation to just the 2003 Act functions or just the 2005 Act functions.
- 4.21 The functions of the Licensing Authority under the Act may be carried out by the licensing committee, by a sub-committee or by one or more officers acting under delegated authority. Delegated powers shall be in accordance with the table at Appendix 1 of this document.
- 4.22 Licensing Authorities are required by the Gambling Act 2005 to publish a statement of the principles, which they proposed to apply when exercising their functions. This statement must be published at least every three years. The

statement must also be reviewed as required and any amended parts re-consulted upon, the statement must be then re-published.

4.23 The Licensing Authority consulted widely upon this statement of principles before finalising and publishing.

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

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

**4.25 The Director of Public Health is a consultee to the review of the Gambling Policy.**

4.26 The consultation will take place between 19 June and 17 August 2018 and will be published on the council's website.

4.27 The statement of principles will be submitted for approval at a meeting of the Council on 12 November 2018 and will be published via the council's website shortly after that meeting. Copies will be available from the council offices at Guildhall, Marshall's Yard, Gainsborough, Lincolnshire DN21 2NA.

4.28 Should you have any comments regarding this statement of principles document please send them via one of the following methods:

E-mail: [licensing@west-lindsey.gov.uk](mailto:licensing@west-lindsey.gov.uk)

Letter: Licensing  
West Lindsey District Council  
Guildhall  
Marshall's Yard  
Gainsborough  
Lincolnshire  
DN21 2NA

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

**4.30 Planning Permission - The Licensing Authority will only take into account relevant representations related to gambling and the three Licensing Objectives. The existence of a planning permission or building regulation approval for a premises or activity associated with gambling shall not be taken into account by the Licensing Authority in determining a Premises**



**Licence application. Similarly, the existence of a gambling licence shall not prejudice the consideration of any planning or building regulation application related to a gambling activity or premises.**

**4.31 In reaching a decision of whether or not to grant a licence, the Licensing Authority will take account of any non-compliance with other statutory requirements brought to its attention (by way of relevant representations), which undermine the licensing objectives. Non-compliance with other statutory requirements may demonstrate that the premises are unsuitable for the activities proposed or that the management of the premises is not adequate to ensure compliance with the licensing objectives**

4.32 Further information is available on West Lindsey's website [www.west-lindsey.gov.uk](http://www.west-lindsey.gov.uk) or The Gambling Commission's website [www.gamblingcommission.gov.uk/Home.aspx](http://www.gamblingcommission.gov.uk/Home.aspx)

## **5. Declaration**

5.1 In producing the statement, the Licensing 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 of principles statement.

## **6. Responsible Authorities**

6.1 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- The need for the body to be responsible for an area covering the whole of the Licensing Authority's area and
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group and
- That this body is experienced in dealing with the protection of children

6.2 The body considered competent by this Licensing Authority for this purpose is Lincolnshire Safeguarding Children Board.

## **7. Interested Parties**

7.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

7.2 "For the purposes of this part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the applications is made,

the person:

- a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities
- b) Has business interests that might be affected by the authorised activities  
or
- c) Represents persons who satisfy paragraph (a) or (b) e.g. members of parliament and ward councillors

### **Principles of determining Interested Parties:**

- 7.3 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party.
- 7.4 The Licensing Authority, in determining whether a person is an Interested Party, will consider each case on its merits. The Authority will not apply a rigid rule to its decision making. In reaching its decision, the Licensing Authority will consider factors such as
- the size of the premises
  - the nature of the premises
  - the distance of the premises from the home or workplace of the person making the representation
  - the potential impact of the premises (numbers of customers, routes likely to be taken by those visiting the premises)
  - the circumstances of the person and nature of their interests, which may be relevant to the distance from the premises
- 7.5 “Business interests” will be given its widest possible interpretation and may include partnerships, charities, faith groups and medical practices.
- 7.6 Interested parties can be people who are democratically elected such as councillors and MPs. This will include county, district and parish councillors providing they represent the ward likely to be affected. Other than these persons, the Licensing Authority will require written evidence that a person ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activity/activities and/or business interest that might be affected by the authorised activity/activities. A letter from one of these persons requesting the representation is sufficient.
- 7.7 If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the licensing committee dealing with the licence application. If there are any doubts then please contact the Committee Administration section on telephone number 01427 676595

## **8. Exchange of Information**

**8.1 In accordance with Section 350 and Schedule 6 of the Gambling Act 2005, the Council may exchange information with the following statutory bodies or individuals:**

- **A constable or police force**
- **An enforcement officer**
- **A licensing authority**
- **Her Majesty's Revenue and Customs**
- **The Gambling Appeal First Tier Tribunal**
- **The Secretary of State**
- **Scottish Ministers**
- **Any other person or body designated by the Secretary of State in accordance with the Act**

**8.2 The Council may also exchange information provided by applicants with law enforcement agencies for purposes connected with the prevention and detection of crime, but we will only share any personal details for this purpose if required to do so by law.**

8.3 The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to Licensing Authorities as well as any relevant regulations issued by the Secretary of State under powers provided in the Gambling Act 2005.

8.4 The Licensing Authority will inform the Gambling Commission without delay if:

- Information that causes the Licensing Authority to question the suitability of a person or business holding or applying to hold an operating licence is received.
- There are persistent or serious disorder problems that an operator could or should do more to prevent, so that the Commission may consider the continuing suitability of the operator to hold an Operating Licence.
- It comes to the Licensing Authority's attention that alcohol-licensed premises, clubs or institutes are playing bingo during the course of a week which involves significant stakes and prizes that that make it possible that £2,000 in seven days is being exceeded.
- Any other reasonable and relevant information that the Licensing Authority is of the opinion the Gambling Commission should be made aware of.

8.5 Should any protocols be established as regards information exchange with other bodies then they will be made available.

8.6 The council is a signatory to the joint protocol on information exchange under the provisions of Section 115 of the Crime and Disorder Act 1998 with the Lincolnshire Police and the Lincolnshire County Council. The council will seek to use that provision as appropriate.

8.7 There is an expectation that all operators share information with the Licensing Authority.

## **9. Enforcement and Inspection**

9.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

9.2 The Licensing Authority's principles are that:

It will be guided by the Gambling Commission's guidance for local authorities and, as per the Gambling Commission's guidance for local authorities, it will endeavour to be:

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

9.3 The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

9.4 As per the Gambling Commission's guidance for local authorities the Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

9.5 The Licensing Authority has implemented 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

- 9.6 This Licensing Authority may carry out risk based regular operations with other agencies including the Gambling Commission and the Police to ensure the objectives are being promoted. This includes test purchasing operations to ensure children and the vulnerable are being protected where required.
- 9.7 As a general rule the Licensing Authority will consider formal action where there is evidence that the Licensing Objectives are being adversely affected. Premises licence holders are advised that where following the receipt of a warning or warnings in relation to a Premises Licence breach or breaches, an operator subsequently breaches the licence conditions, the Licensing Authority will seek to review the premises licence.
- 9.8 The Licensing Authority keeps itself informed of developments as regards the work of the better regulation executive in its consideration of the regulatory functions of local authorities.
- 9.9 In considering enforcement action, the Licensing Authority will bear in mind the Human Rights Act, in particular:
- Article 1, Protocol 1 – peaceful enjoyment of possessions
  - Article 6 – right to a fair hearing
  - Article 8 – respect for private and family life
  - Article 10 – right to freedom of expression

## Part B – Premises Licences

### 1. General Principles

- 1.1 The Licensing Authority expects all applicants for gambling Premises Licences to ensure there is adequate provision for staff to supervise persons using the licensed premises. This is to identify those who have self-excluded, vulnerable persons, under age persons and persons who may become aggressive.
- 1.2 Applicants must take the structure and layout of the premises into account when considering their own policies and procedures. For example, where it is not possible for counter staff to supervise persons using gambling facilities such as gaming machines, the Licensing Authority would expect applicants to volunteer conditions that floor walkers will be used or that counter staff will be able to view all areas of the premises on CCTV provided to the counter area where it can be clearly seen.
- 1.3 Arrangements must be made for how staff will deal with customers who become aggressive and ejecting patrons who are, for example, self-excluded, vulnerable or under age. This will include staff training and ensuring there are appropriate numbers of staff to deal with problems.
- 1.4 Staff should be in a position to monitor entrances and gaming machines and challenges should be initiated at the earliest opportunity.
- 1.5 Where access to premises is age restricted, the Licensing Authority expects applicants to have a Challenge 21 or 25 policy in place and to train its staff in recognising acceptable forms of identification. Posters should also be displayed stating that the relevant policy is in place and that users may be challenged.
- 1.6 All applicants should keep an Incident Book in which details are recorded of persons who have self-excluded, persons who have been ejected or refused admission, persons who have been excluded by the operator, and any crime or disorder that occurs on, or in association with, the licensed premises.
- 1.7 Applicants should demonstrate how they will identify self-excluded persons.
- 1.8 Premises licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions, detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 1.9 The Licensing Authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:
  - In accordance with any relevant code of practice issued by the Gambling Commission
  - In accordance with any relevant guidance issued by the Gambling Commission
  - Reasonably consistent with the licensing objectives and

- In accordance with the Licensing Authority’s statement of licensing statement of principles
- 1.10 It is appreciated that as per the Gambling Commission’s Guidance for local authorities “moral objections to gambling are not a valid reason to reject applications for premises licences” and also that unmet demand is not a criterion for a Licensing Authority.
- 1.11 Premises Licences authorise the provision of gambling facilities on the following:
- Casino premises
  - Bingo premises
  - Betting premises (including race tracks used by betting intermediaries)
  - Adult Gaming Centres (AGCs)
  - Family Entertainment Centres (FECs)
- 1.12 **Definition of “premises”** - Premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, track or shopping mall to obtain discrete Premises Licences, where appropriate safeguards are in place. However, the Licensing Authority will pay particular attention if there are issues about sub-division of a single building or plot and will ensure that mandatory conditions relating to access between premises are observed. Each case will be judged on its individual merits.
- 1.13 The Gambling Commission states in its guidance to Licensing Authorities that “in most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. That does not mean that 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can be properly regarded as different premises”
- 1.14 This Licensing Authority takes particular note of the Gambling Commission’s Guidance for local authorities which states that:
- 1.15 Licensing authorities should 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.
- 1.16 In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

1.17 The Guidance also gives a list of factors which the Licensing Authority should be aware of, which may include:

- Do the premises have a separate registration for business rates
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

1.18 The Licensing Authority will consider these and other relevant factors in making its decision depending on all the circumstances of the case.

1.19 The Gambling Commission's relevant access provisions for each premises type are reproduced below:

#### **Casinos**

- The principal access entrance to the premises must be from a street
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No Customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

#### **Adult Gaming Centre**

- No customer must be able to access the premises directly from any other licensed gambling premises

#### **Betting Shops**

- Access must be from a street or from another premises with a betting premises licence.
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be



licensed.

### **Tracks**

- No customer should be able to access the premises directly from:
  - A casino
  - An adult gaming centre

### **Bingo Premises**

- No customer should be able to access the premises directly from:
  - A casino
  - An adult gaming centre
  - A betting premises, other than a track

### **Family Entertainment Centre**

- No customer must be able to access the premises directly from:
  - A casino
  - An adult gaming centre
  - A betting premises, other than a track

- 1.20 Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision making.
- 1.21 **Premises 'ready for gambling'** – The Gambling Commission's Guidance to Licensing Authorities states that a licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of the building or alterations required before the premises are brought into use.
- 1.22 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at the premises, this authority will determine applications on their merits, applying a two stage consideration process:
- First, whether the premises ought to be permitted to be used for gambling
  - Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 1.23 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement can be made instead.
- 1.24 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to condition, but it is not obliged to grant such a licence.
- 1.25 More detailed examples of the circumstances in which such a licence may be granted can be found in the Gambling Commissions Guidance.
- 1.26 **Location** - The 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 are relevant to its decision making. 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. Should any specific statement of principles be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such statement does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

- 1.27 **Planning** – The Gambling Commission Guidance to Licensing Authorities states: “In determining applications the Licensing Authority has a duty to take into consideration all relevant matters and not take into consideration any irrelevant matter. I.e. those not related to gambling and the licensing objectives. One example of an irrelevant factor would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.
- 1.28 This authority will not take into account any irrelevant matters as per the above Guidance. In addition this authority notes the following excerpt from the Guidance.
- 1.29 “When dealing with a premises licence application for finished buildings, the Licensing Authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under the relevant planning control and building regulation powers and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents Licensing Authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.
- 1.30 **Duplication with other regulatory regimes** - The Licensing Authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. The 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 though listen to, and consider carefully, any concerns about conditions, which cannot be met by licensees due to planning restrictions, should such a situation arise.
- 1.31 Fire or health and safety risks will not be taken into account, as these matters are dealt by other regulations and must not form part of the consideration for the premises licence.
- 1.32 **Licensing objectives** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Licensing Authority has considered the Gambling Commission's guidance to local authorities and some comments are made below.
- 1.33 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - This Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should

pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

- 1.34 **Ensuring that gambling is conducted in a fair and open way** - This Licensing Authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks section'.
- 1.35 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - As children and young persons are prohibited from the great majority of gambling they must be prevented from entering adult only gaming environments. This Licensing Objective intends to prevent children and young persons from taking part in, or being in close proximity to, gambling. Restrictions are therefore necessary when advertising gambling products that are aimed at children or advertised in such a way that makes them attractive to children. The Licensing Authority will therefore consider whether or not specific measures are needed to protect children at particular premises. Such measures may include:
- **Staff training (to include training on how to deal with suspected truants and vulnerable persons).**
  - **Provision of CCTV (with images retained for a minimum period of 28 days).**
  - **Additional requirements to provide supervision at entrances**
  - **Steps taken to segregate gambling from non-gambling areas frequented by children**
  - **The supervision of gaming machines in non-adult gambling specific premises in order to prevent children or vulnerable young persons from being harmed or exploited by gambling.**
  - **Minimum staffing levels in adult only gambling premises**
  - **Induction training for new staff and refresher training for existing staff**
  - **Maintenance of a refusals register**
  - **Proof of age schemes (e.g. Think 21)**
  - **Third party test purchasing**
  - **Location of entry to adult only gambling premises**
  - **Infra-Red Beam positioned across the entrance to the adult only gambling premises**

- 1.36** These measures will be particularly relevant on mixed use premises, and on tracks where children have freedom of movement in betting areas on race days. Other such measures may include:
- appropriate signage
  - location of machines
  - numbers of staff on duty
  - not siting child orientated machines or facilities close to the entrance to adult gaming / betting facilities
  - ensuring there is no accidental access to premises used for adult gambling
  - ensuring that all staff are suitably trained and aware of the Gambling laws, social responsibility and statutory requirements related to age restrictions on gaming machines
- 1.37** As regards ‘vulnerable persons’, it is noted that the Gambling Commission has not defined a ‘vulnerable person’ but states that it will assume that this group will include people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs. Whilst the Gambling Act does not prohibit vulnerable groups in the same manner as children and young persons, with regard to vulnerable people, the Licensing Authority will consider whether or not any measures have been taken to protect such a group. Measures such as the use of self-barring schemes, provision of information leaflets and helpline numbers for organisations such as Gamcare, should be deemed particularly appropriate. Further specific information on this Authority’s recommendations and expectations, in relation to the protection of children and other vulnerable persons, can be found at Appendices 4 and 5 of this policy document. Any such considerations will be balanced against the Licensing Authority’s aim to permit the use of premises for gambling, with each application being treated on its own merits.
- 1.38** **Conditions** - Any conditions attached to licences will be proportionate and will be:
- Relevant to the need to make the proposed building suitable as a gambling facility
  - Directly related to the premises and the type of licence applied for;
  - Fairly and reasonably related to the scale and type of premises: and
  - Reasonable in all other respects.
- 1.39** Decisions upon individual conditions will be made on a case by case basis, although there will be a number of control measures the Licensing Authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas, Child Protection Policies and Awareness Training etc. There are specific comments made in this regard under some of the licence types below.

The Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

- 1.40 This Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.
- 1.41 This authority 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 an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
  - only adults are admitted to the area where these machines are located;
  - access to the area where the machines are located is supervised;
  - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
  - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 1.42 These considerations will apply to premises including buildings where multiple premises licences are applicable.
- 1.43 This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Licensing 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.
- 1.44 It is noted that there are conditions which 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 method of operation;
  - conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
  - conditions in relation to stakes, fees, winning or prizes.
- 1.45 **Door Supervisors** - If there are concerns that premises may attract disorder or

be subject to unauthorised access by children and young persons, then the Licensing Authority may require that Door Supervisors control entrances to the premises. The Licensing Authority recognises that each premises application shall be treated on its own merit. In addition, the Licensing Authority shall take into account the previous trading history of the type of premises proposed and that any decision shall be necessary and proportionate.

- 1.46 Where door supervisors are imposed as a condition on a Premises Licence (except casino or bingo premises), Section 178 of the 2005 Act requires that any person employed in that capacity will hold a relevant licence issued by the Security Industry Authority (SIA).

## **2. Adult Gaming Centres**

- 2.1 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.
- 2.2 The Licensing Authority may expect applicants to offer their own measures to meet the licensing objectives, however appropriate measures/licence conditions may cover issues such as:
- CCTV
  - Supervision of entrances/machine areas (e.g. Use of door supervisors)
  - 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
- 2.3 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 2.4 The Licensing Authority will expect applicants to adopt an approved proof of age scheme (such as Challenge 21), for staff to be suitably trained and aware of the gambling laws, social responsibility and statutory requirements relating to age restrictions.

## **3. Licensed Family Entertainment Centres**

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

adult only gaming machine areas. Children and young persons are permitted to enter an FEC and may play on Category D machines. They are not permitted to play on Category C machines, and it is a requirement that there is clear segregation between the two types of machine, to prevent access by children and young persons to Category C machines.

**3.2 Therefore, all Category C machines must be located in an area of the premises separate from the remainder of the premises by a physical barrier, which is effective to prevent access other than through a designated entrance.**

**3.3 The Licensing authority will seek to ensure that access to the area where machines are located is supervised, the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder and the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.**

3.4 This authority will expect applicants to offer their own measures to meet the licensing objectives 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 (including the statutory requirement for Gamcare Stickers)
- Specific opening hours
- Self-barring 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
- **Appropriately trained floor walking staff with regard to the protection of children and vulnerable adults.**

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

3.6 The Licensing Authority will, as per the Gambling Commission's guidance, refer to the commission's website to see any conditions that apply to operator licences covering the way in which the area containing the category C machines should be delineated.

## **4. Casinos**

4.1 **No Casinos resolution** - Full council has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power

to do so. Should the Licensing Authority decide in the future to pass such a resolution, it will update this statement of principles with details of that resolution. Any such resolution will be made by the Full Council.

## 5. Bingo

- 5.1 This Licensing Authority notes that the Gambling Commission's Guidance states:
- 5.2 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a licence. This is a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence or multiple licence, for that or those excluded areas.
- 5.3 This authority also notes that regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.
- 5.4 Children and young persons are allowed into bingo premises; however they are not permitted to participate in the bingo and if Category B and C machines are made available for use these must be separated from areas where children and young people are allowed.
- 5.5 In accordance with the Gambling Commission's Guidance, the Licensing Authority recognises that it is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on Category D machines. Where Category C or above machines are available in the bingo premises to which children are admitted, the Licensing Authority will seek to ensure that:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
  - only adults are admitted to the area where the machines are located;
  - access to the area where the machines are located is supervised;
  - the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
  - At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 5.6 **Where bingo is permitted in alcohol-licensed premises, this must be low turnover bingo only and applicants are expected to comply with any Codes of Practice and advice issued by the Gambling Commission. High turnover bingo will require a Bingo Operating Licence. Definitions of low and high turnover bingo are available by referring to the Gambling Commission's website.**



- 5.7** With regard to turnover, where the Licensing Authority is suspicious that a licensee or club exceeds the turnover in the required 7-day period, the Licensing Authority will inform the Gambling Commission accordingly.
- 5.8** The Licensing Authority will take into account any additional guidance issued by the Gambling Commission in relation to the suitability and layout of bingo premises.

## **6. Betting Premises**

- 6.1** The Licensing Authority is responsible for issuing and monitoring Premises Licences for all betting premises. Children and young persons are not permitted entry to a premise with a Betting Premises Licence. They may, however, be permitted entry to tracks and special rules will apply. The Licensing Authority recommends that an applicant for gaming machines in betting premises considers carefully the location of betting machines to ensure that they are not in sight of the entrance of the premises.
- 6.2** The Licensing Authority expect applicants to comply with all mandatory conditions and Codes of Practice issued by the Gambling Commission. The Licensing Authority may expect applicants to offer their own measures to meet the licensing objectives, however appropriate measures/licence conditions may cover issues such as:
- **Minimum staffing levels**
  - **Induction training for new staff and refresher training for existing staff**
  - **Refusals register**
  - **Proof of age schemes**
  - **Provision of CCTV**
  - **Entry control system**
  - **Supervision of entrances/ machine areas**
  - **Self-barring schemes**
  - **Provision of information leaflets / helpline numbers for organisations such as GamCare**

**This list is not exhaustive and is merely indicative of examples measures.**

## **7. Split Premises**

- 7.1** The Gambling Commission's Guidance states that a building can, in principle, be divided into more than one premises and 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 reasonably be regarded as being different premises. An example is given of units within a shopping mall, where each unit is separate

self-contained premises contained within one building. It is also possible for licensed premises to be located next to each other.

- 7.2 The Gambling Commission state they do 'not consider that areas of a building that are artificially separated, for example by ropes or moveable partitions, can properly be regarded as separate premises'.
- 7.3 Whether different parts of a building can be reasonably regarded as different premises will depend on the circumstances of the individual building and how any division is proposed. To agree to accept applications to grant or vary a licence for a building which has been divided, the Licensing Authority will need to be satisfied the premises are genuinely separate premises, and not an artificially created additional part of single premises.
- 7.4 In considering whether different areas of a building are genuinely separate premises the Licensing Authority will take into account factors which will include:
- whether there are separate registrations for business rates in place for the premises;
  - whether the premises are owned or operated by the same person, and
  - whether the premises are operated independently of each other.
- 7.5 When considering proposals to divide a building into separate premises, the Licensing Authority will also need to be satisfied that the form of separation between the premises is appropriate.
- 7.6 The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another.
- 7.7 It may be acceptable for staff working in adjacent premises to have access through barriers between premises. The applicant must demonstrate that in providing staff access there are suitable control measures in place that will ensure the safety and security of staff and will prevent the public from using the same access point to enter the other premises.
- 7.8 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises, the Licensing Authority will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions relating to access between premises.
- 7.9 The relevant provisions of the regulations relating to access are set out in the Gambling Commission's Guidance to Licensing Authorities. There are a number of provisions on access to prevent customers from being able to enter the premises directly from other licensed premises.
- 7.10 The Guidance states "There is no definition of 'direct access' in the Act or Regulations. However, it could be said that there should be an area separating the premises concerned (for example a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access."

- 7.11 It is the Licensing Authority's opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.
- 7.12 The Licensing Authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or cashpoint machines.
- 7.13 Where the Licensing Authority is satisfied that a building can be divided into separate premises it will expect applicants to ensure that:
- the premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part
  - entrances and exits from parts of a building covered by one or more Premises Licences are separate and identifiable so the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should be possible to access the premises without going through another licensed premises or premises with a permit
  - customers should be able to participate in the activity named on the Premises Licence

This is not an exhaustive list and the Licensing Authority will consider other aspects based on the merits of the application.

## **8. Plans**

- 8.1 The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 state that a plan to accompany an application for a Premises Licence must show:
- the extent of the boundary or perimeter of the premises
  - where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building
  - where the premises forms part of a building, the location of any external or internal walls of the building which are included in the premises
  - where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel which are included in the premises
  - the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which exit leads.
- 8.2 The Regulations also state that other than in respect of a track, the plan must show 'the location and extent of any part of the premises which will be used to

provide facilities for gambling in reliance on the licence'. The Licensing Authority may, however, consider that these minimum requirements are insufficient to satisfy them in respect of the licensing objectives, Gambling Commission Guidance, Codes of Practice or its own Statement of Licensing Policy. In such cases, the Licensing Authority may ask for such additional information to be shown on the plan as it deems necessary to enable it to discharge its duties effectively.

- 8.3 If plans change in any material respect during the lifetime of the licence, the applicant will be in breach of their licence and would either need to make a fresh application under s.159 or to seek an amendment to the licence under s.187 of the Gambling Act 2005. If the changes are substantial, this may, in the opinion of the Licensing Authority, render the premises different to those to which the licence was granted. In such cases, variation of the licence under s.187 would not be possible and an application for a new application would be required under s.159.

## **9. Credit and ATMs**

- 9.1 Section 177 of the 2005 Act requires, in relation to casino and bingo premises licences, that a condition be placed on the licence prohibiting the provision of credit in connection with gambling authorised by the licence or any involvement with the provision of credit.
- 9.2 Section 177 does not, however, prevent the licensee from permitting the installation of cash dispensers (ATMs) on the premises. Such machines may accept credit cards (and debit cards) providing the arrangement is subject to a requirement that the licensee has no other commercial connection with the machine provider in relation to gambling (aside from the agreement to site the machines) and does not profit from the arrangement, nor make any payment in connection with the machines

## **10. Tracks**

- 10.1 The District contains a well-known and prestigious horseracing racetrack at Market Rasen.
- 10.2 This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Licensing Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 10.3 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from

entering areas where gaming machines (other than category D machines) are provided.

- 10.4 This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:
- Proof of age schemes
  - CCTV
  - Supervision of entrances/machine areas
  - Physical separation of areas
  - Location of entry
  - Notices/signage (including the statutory requirement for GamCare Stickers)
  - Specific opening hours
  - Self-barring schemes
  - Provision of information leaflets/helpline numbers for organisations such as GamCare
- 10.5 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 10.6 Gaming machines – Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
- 10.7 Betting machines – This Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.
- 10.8 Applications and plans – The Gambling Act (section 151) requires applicants to submit plans of the premises with their application, in order to ensure that the Licensing Authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the Licensing Authority to plan future premises inspection activity.
- 10.9 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.
- 10.10 Where appropriate, in order for the Licensing Authority to gain a proper understanding of what it is being asked to licence, applicants will be required to:**

- Provide a detailed plan of the grounds indicating where the betting is to take place and the location of the race track
  - In the case of dog tracks and horse racecourses, indicate the location of any fixed and mobile pool betting facilities operated by the Tote or track operator as well as any other proposed gambling facilities
  - Evidence measures taken to ensure the third Licensing Objective will be complied with
  - Indicate what arrangements are being proposed for the administration of the betting; the Gambling Commission and Licensing Authority recommend that betting takes place in areas reserved for, and identified as being for, that purpose
  - Define the areas of the track that will be used by on course operators visiting the track on race days
  - Define any temporary structures erected on the track for providing facilities for betting
  - Define the location of any gaming machines (if any)
- 10.11** Plans 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.
- 10.12** The Licensing Authority recommends an applicant seek further advice from the Gambling Commission prior to submission of their application.
- 10.13** With regard to gaming machines on tracks, the Licensing Authority will consider carefully the location of any adult gaming machines at tracks to ensure that these machines are in areas which children are excluded, though it is recognised that children and young persons are not prohibited from playing Category D machines on a track.
- 10.14** Betting and Gaming Machines on Tracks - The Licensing Authority recognises the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines. It is the responsibility of the track operator to ensure compliance with the law in preventing children from using these machines. It is for this reason the Licensing Authority may consider restricting the number and location of machines, however, each application will be considered on its own merit.
- 10.15** Self-contained betting offices on Tracks - In general, the rules that apply to betting premises away from tracks will apply to self-contained betting premises on tracks and the Licensing Authority will consider future guidance from the Gambling Commission about how such premises should be delineated, both to make it clear to the public that they are entering a 'betting office' and to prevent the entry of children and young persons. Applicants are recommended to consider the Gambling

**Commission's view that it would be preferable for all self-contained premises operated by off course betting operators on track to be the subjects of separate premises licences. This would thus ensure that there was clarity between the respective responsibilities of the track operator and the off course-betting operator running a self-contained unit on the premises.**

- 10.16 On advice from the Gambling Commission, the Licensing Authority may 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. The Licensing Authority would welcome other suitable methods.**
- 10.17 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such circumstances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.
- 10.18 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.
- 10.19 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information so that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting area subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan.

## **11 Gaming Machines**

- 11.1 Where the Licensing Authority is uncertain of whether or not a machine is a gaming machine as defined under the Act, it will seek the advice of the Gambling Commission.**
- 11.2 Where the Licensing Authority has concerns about the manufacture, supply or repair of a gaming machine it will bring this to the attention of the Gambling Commission.**
- 11.3 The Licensing Authority will expect the holder of a Permit or Premises Licence to comply with the Codes of Practice issued by the Commission on the location of, and access to, Category D machines by children and young persons and their separation from Category C and B machines where those are also located on the same premises.**

**11.4 The Licensing Authority seeks to discourage applications for Premises Licences for the sole purpose of obtaining the ancillary provision of additional gaming machines where the principal activity either does not take place or is minimal. The Licensing Authority believes that the Gambling Act 2005 intended to set restrictions on the number of gaming machines for certain premises and considers that the fact that the licence authorised the holder to provide facilities for betting or bingo means that the operator must provide those facilities to qualify for the ancillary entitlement to gaming machines. Whilst this has not yet been legally contested, the Licensing Authority fully supports this view. The Licensing Authority is aware that the Gambling Commission has amended its operator licence conditions to address the issue of the primary gambling activity.**

## **12. Travelling Fairs**

- 12.1 This Licensing Authority is responsible for deciding whether, where category D machines and/or equal chance prize gaming without a permit are 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.
- 12.2 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 12.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, applies on a calendar year basis and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land.
- 12.4 The Licensing Authority will work with its neighbouring authorities to ensure that land, which crosses our boundaries, is monitored so that the statutory limits are not exceeded.

## **13. Provisional Statements**

- 13.1 Developers may wish to apply to this authority for a Provisional Statement before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 13.2 Section 204 of the Gambling Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:
- Expects to be constructed;
  - Expects to be altered; or
  - Expects to acquire a right to occupy



- 13.3 The process for considering an application for a Provisional Statement is the same as that for a Premises Licence application. The applicant is obliged to give notice of the application in the same way as applying for a Premises Licence. Responsible Authorities and Interested Parties may make representations and there are rights of appeal.
- 13.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 13.5 The holder of the provisional statement may then apply for a Premises Licence once the premises are constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the Premises Licence application, and in terms of representations about Premises Licence applications that follow 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.
- 13.6 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 statement stage;
  - Which in the authority's opinion reflect a change in the operator's circumstances; or
  - Where the premises have not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this Licensing Authority notes that it can discuss any concerns it has with the applicant before making a decision.

## **14. Reviews**

- 14.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the Licensing Authority to decide whether the review is to be carried-out.
- 14.2 This will be on the basis of whether the request for the 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; and
  - in accordance with the authority's statement of licensing principles.
- 14.3 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representation(s) or request(s) for review.
- 14.4 The Licensing Authority can also initiate a review of a particular Premises Licence, or a particular class of Premises Licence on the basis of any reason which it thinks appropriate.
- 14.5 Once a valid application for review has been received by the Licensing Authority, representations can be made by Responsible Authorities and Interested Parties during a 28 day period. This period begins 7 days after the application was received by the Licensing Authority, who will publish notice of the application within 7 days of receipt.
- 14.6 The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 14.7 The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. If action is justified, the options open to the Licensing Authority are:
- Add, remove or amend a licence condition imposed by the Licensing Authority;
  - Exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such a condition;
  - Suspend the premises licence for a period not exceeding three months; and
  - Revoke the licence.
- 14.8 In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in Section 153 of the Act, as well as any relevant representation.
- 14.9 In particular, the Licensing Authority may also initiate a review of a Premises Licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 14.10 Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:
- The licence holder
  - The applicant for review (if any)
  - The Gambling Commission

- Any person who made a representation
- The Chief Officer of Police or Chief Constable
- Her Majesty's Commissioners for Revenue and Customs.

## **15. Appeals**

- 15.1 There is a right of appeal both for applicants and those who have made relevant representations or applied for a review. This appeal must be lodged within a period of 21 days from the day on which the applicant was notified by the Licensing Authority of the decision and must be made to Lincoln Magistrates' Court.

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

### 1. Unlicensed Family Entertainment Centre Gaming Machine Permits (statement of principles on permits – schedule 10 para 7)

1.1 Where a premise does not hold a premises licence but wishes to provide Category D gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

#### 1.2 This Licensing Authority notes that:

- The Gambling Act 2005 states that a Licensing Authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the commission.
- The Gambling Commission's guidance for local authorities also states: "In their three year licensing statement of principles statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits licensing authorities will want to give weight to child protection issues.

1.3 Guidance also states: "...An application for a permit may be granted only 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...Licensing authorities might wish to consider asking applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act) and **the applicant to do this by producing a Basic Disclosure and Barring Service (DBS) Certificate dated within one calendar month of the date of the application being submitted to the Licensing Authority; and**
- that staff are trained to have a full understanding of the maximum stakes and prizes."

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

1.4 **Statement of Principles** - This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The 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 being on the premises, or children causing perceived problems on/around the premises.

- 1.5 N.B. Applicants and permit holders are reminded that there is no provision within the Gambling Act 2005 and associated regulations which enable the transfer of a permit from one person to another, therefore the new operator will need to apply for the permit.**

## **2. Alcohol Licensed Premises Gaming Machine Permits and Notifications**

- 2.1 Notifications of 2 or less machines** There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, from a bar, (without a requirement that alcohol is served only with food) to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

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

- 2.2 Permits for 3 or more machines** If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that 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.” 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 harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets and helpline numbers for organisations such as GamCare.

- 2.3** A plan must accompany applications indicating where and what type, of gambling machines are to be provided. This plan may take the form of an amendment to the plan attached to the Premises Licence issued under the Licensing Act 2003.

- 2.4 It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 2.5 It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 2.6 It should also be noted that the holder of a permit must comply with any code of practice issued by the Gambling Commission about the location and operation of the machine.

### **3. Prize Gaming Permits**

- 3.1 This Licensing Authority notes that the Gambling Act 2005 states that a Licensing Authority may “prepare a statement of principles that they propose to apply in exercising their functions under this schedule” which “may, in particular, specify matters that the Licensing Authority propose to consider in determining the suitability of the applicant for a permit”.
- 3.2 This Licensing Authority has prepared a Statement of Principles which is 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 that the gaming offered is within the law
  - clear policies that outline steps to be taken to protect children from harm
- 3.3 In making its decision on an application for this permit the Licensing Authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 3.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:
- The limits on participation fees, as set out in regulations, must be complied with;
  - All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
  - The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
  - Participation in the gaming must not entitle the player to take part in any other gambling.

## 4. Club Gaming and Club Machines Permits

- 4.1 Members clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club gaming machines permit. The club gaming permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in regulations. A club gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).
- 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. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."
- 4.3 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:
- a) the applicant does not fulfil the requirements for a members' or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
  - b) the applicant's premises are used wholly or mainly by children and/or young persons;
  - c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
  - d) a permit held by the applicant has been cancelled in the previous ten years; or
  - e) an objection has been lodged by the Commission or the police.
- 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 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:
- a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
  - b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
  - c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

4.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any

relevant provision of a code of practice about the location and operation of gaming machines.

**4.6 Licensing 2003: Review of a Club Premises Certificate or a Premises Licence for a Commercial Club – Where the Licensing Authority is considering the review of a Club Premises Certificate or a Premises Licence, and that club holds a Club Gaming or Club Machine Permit, the Licensing Authority may, where appropriate, at the same time decide to review the status of the permit.**

**4.7 N.B. - Gaming in Commercial Clubs - A commercial club is a club that is established as a commercial enterprise and differs from a members' club that is conducted for the benefit of its members. Commercial Clubs may only apply for Club Machine Permits, not Club Gaming Permits. The Licensing Authority expects Commercial Club licence holders to comply with the Gambling Commission's Codes of Practice and the Secretary of State's statutory stakes and prizes limits.**

## **5. Temporary Use Notices**

- 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. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 5.2 The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence i.e. a non-remote casino Operating Licence.
- 5.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 5.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission's Guidance to Local Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of a "set of premises" the Licensing Authority needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 5.5 The Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commissions Guidance to Licensing Authorities.



## **6. Occasional Use Notices**

- 6.1 It is noted that 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.

## **7. Lotteries**

- 7.1 The Licensing Authority registers and deals with Small Society Lotteries. Promoting or facilitating a lottery falls within one of the following categories:
- Licensed Lotteries (requiring an Operating Licence from the Gambling Commission);
  - Small Society Lotteries (registered with the Licensing Authority); and
  - Exempt Lotteries
- 7.2 Lotteries permitted to be conducted without a licence from the Gambling Commission and these are:
- Small Society Lotteries (registered with the Licensing Authority);
  - Incidental Non-Commercial Lotteries;
  - Private Lotteries: (Private Society Lottery, Work Lottery, Residents' Lottery);
  - Customer Lotteries
- 7.3 Societies may organise lotteries if they are licensed by the Gambling Commission, registered with the Licensing Authority or fall within the exempt category. The Licensing Authority recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within. However, guidance notes with regard to all lotteries, limits placed on small society lotteries and information setting out financial limits is available by contacting the Licensing Authority.
- 7.4 Applicants for lottery licences must apply to the Licensing Authority in the area where their principal office is located. Where the Licensing Authority believes that the Society's principal office is situated in another area it will inform the Society as soon as possible and where possible, will inform the other Licensing Authority.
- 7.5 The Licensing Authority will keep a Public Register of all applications and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority. As soon as the entry on the Register is completed, the Licensing Authority will notify the applicant of registration.
- 7.6 The Licensing Authority will ask applicants to set out the purposes for which the Society is established and will ask the Society to declare that they represent a bona fide non-commercial society and have no relevant convictions. The Licensing Authority may seek further information from the Society and in

particular may require a copy of the society's constitution.

- 7.7 Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion.
- 7.8 The Licensing Authority may revoke the registered status of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.
- 7.9 With regards to where Small Society Lottery tickets may be sold, the Licensing Authority applies the following guidance criteria to all Small Society Lotteries it registers:
- Tickets should not be sold in a street. (Street includes any bridge, road, lane, footway, subway, square, court or passage (including passages through enclosed premises such as shopping malls)
  - Tickets may be sold from a kiosk, in a shop or door-to-door.
- 7.10 This approach is consistent with the operating licence conditions imposed by the Gambling Commission upon operators of large lotteries.

## **8. Local Risk Assessments**

- 8.1 **It is a requirement of the Gambling Commission's 'Licence Conditions and Codes of Practice' (LCCP) for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy document.**
- 8.2 **The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:**
- **to take account of significant changes in local circumstance, including those identified in this policy;**
  - **when there are significant changes at a licensee's premises that may affect their mitigation of local risks;**
  - **when applying for a variation of a premises licence.**
- 8.3 **In addition, operators must undertake a local risk assessment when applying for a new premises licence.**
- 8.4 **The Local Risk Assessment should indicate the provision of gambling**

facilities at each individual premises, and set out the policies, procedures and control measures that the operator has in place to mitigate those risks.

- 8.5** This Authority will expect that the manager of the gambling premises in question (and wherever possible the local staff) are involved in the formulation of the local risk assessment. It is also expected that a copy of the finalised local risk assessment will be kept at the gambling premises in question and be made available to staff (and inspecting officers) at all times.
- 8.6** This Authority will expect the local risk assessment to consider as a minimum:
- whether the premises is in an area of deprivation;
  - whether the premises is in an area subject to high levels of crime and/or disorder;
  - the demographics of the area in relation to vulnerable groups;
  - the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather;
  - significant presence of young children, both residents and visitors;
  - high unemployment area;
  - nearby homeless hostels;
  - nearby gambling, alcohol, drug or mental health support facility;
  - the area has a high number of rough sleepers/homeless people;
  - the area has a specific ethnic population;
  - pawn broker/pay day loan businesses in the vicinity;
  - other gambling premises in the vicinity.
- 8.7** The local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.
- 8.8** Other matters that the assessment may include:
- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
  - Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
  - The layout of the premises so that staff have an unobstructed view of persons using the premises.
  - The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.

- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self- exclusion schemes, window displays and advertisements not to entice passers-by, etc.
  - The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality.
  - Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.
- 8.9 Such information may be used to inform the decision the Licensing Authority makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.
- 8.10 This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.
- 8.11 A copy of the Local Risk Assessment should be submitted to the Licensing Authority when an operator applies for a new gambling premises licence or a variation to an existing premises licence. The Local Risk Assessment should also be presented at such other time as the Licensing Authority may require (e.g. during the annual premises compliance check).
- 8.12 Other than at the time of applications and annual compliance checks, this Authority may also require risk assessments to be submitted (or revisited) when there has been a significant change in local circumstances or at a particular premise that might affect the mitigation of local risk.

***N.B. The Licensing Authority accept that racecourses do not need to complete a local area risk assessment, as it is for those standing on the track and the operating betting premises to do this.***

#### **Local Area**

- 8.13 Operators may wish to make themselves aware of the demographics of the local area before submitting an application. A better knowledge of the local area will increase the awareness of local risks to operators which will need to be addressed in their risk assessments. This may prove useful when submitting a new application, or in an application to vary a licence by helping mitigate any concerns highlighted.
- 8.14 Local Area Information has now been compiled, please see Appendix 2 for further information which is intended to make Operators aware of local risks.

## **9. Review**

- 9.1 The statement of principles will remain in existence for a period of three years and will be subject to review and further consultation before December 2021. However, following consultation, the Licensing Authority may make revisions to it as deemed necessary.

## **10. Glossary**

- 10.1 A glossary of terms is attached at Appendix 3

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# Appendix 1: Summary of Licensing Authority Delegations Permitted under the Gambling Act

## Gambling Act 2005 – Proposed Scheme of Delegation

1. The power of the Licensing Authority
  - a) as a responsible authority, to make representations in respect of premises licences under Part 8 of the Act;
  - b) to propose to attach a condition to a premises licence in accordance with section 169(1)(a) of the Act in addition to the mandatory or default conditions;
  - c) to propose the exclusion of a default condition from a premises licence under S169(1)(b) of the Act;
  - d) as a responsible authority, to request a review of a premises licence under sections 197 or 200 of the Act;
  - e) to give a notice of objection to a temporary use notice under S221 of the Act;
  - f) to serve notification of intended refusal of any of the following:-
    - i. Family Entertainment Centre Gaming Machine Permit (Sch 10 Para 10)
    - ii. Prize gaming Permits (Sch 14 Para 11)
    - iii. Licensed Premises Gaming Machine Permits (Sch 13 Para 6) And also, in the latter case, notice of intention to grant the application but for a smaller number of machines than specified and/or a different category of machines from that specified in the application.
  - g) Serve notification of lapse of a Family Entertainment Centre Gaming Machine Permit (Sch 10 Para 14 and 15 (1)(b));
  - h) Serve notice of intention to cancel or vary any of the following:-
    - i. Club Gaming permit or Club Gaming Machine permit (Sch 12 Para 21)
    - ii. Licensed Premises Gaming Machine permits (Sch 13 Para 16)
  - i) Create and amend the Authority's application procedures in relation to applications for the following in accordance with any relevant legislation:-
    - i. Family Entertainment Centre Gaming Machine Permits (sch10 paras 5 and 7)
    - ii. Licensed Premises gaming Machine Permits (Sch 13 Para 2)
    - iii. Prize Gaming Permits (Sch 14 paras 6 and 8); and
  - j) To appoint authorised persons under s 304 of the Act Determine that any representations received under Part 8 of the Act are vexatious, frivolous, or certainly will not influence the Authority's determination of an application; and
  - k) Reject all or part of any application for a review of a premises licence in accordance with Section 198 of the Act - shall be delegated to the Head of Paid Service.

2. In relation to the following matters in the attached table the Authority will, in the majority of cases, adhere to the table of delegated functions set out below. This table indicates the lowest level of the Authority which will normally exercise the delegation though the Authority reserves the right, where appropriate, for any particular matter to be dealt with at a higher level whilst having due regard to statutory requirements. For example, an Officer may choose not to exercise their delegated power and refer the matter to the Sub-Committee or the Sub-Committee itself may choose to refer the matter to the Full Committee.

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Sub-committee of Licensing Committee</b>	<b>Head of Paid Service</b>
Final approval of three year licensing statement of principles	All Cases		
Statement of principles not to permit casinos	All Cases		
Fee setting (when appropriate)	All Cases		
Application for premises licence (including applications for re-instatement under S195)		Representation made and not withdrawn (S154 (4)(a))and/or where the Licensing Authority considers that a condition should be added to the licence under S169(1)(a) or a default condition should be excluded under section 169(1)(b) unless the applicant and any persons making representations agree to this course of action and that a hearing is unnecessary	No representation made or representations have been withdrawn.  The only representations received are vexatious, frivolous, or certainly will not influence the Authority's determination of the application.
Application to vary premises licence		Representation made and not withdrawn (S154 (4)(b)) and/or where the Licensing Authority considers that a condition should be default condition	No representation made or representations have been withdrawn  The only representations received are

		<p>added to the licence under S169(1)(a) or a should be excluded under section 169(1)(b) unless the applicant and any persons making representations agree to this course of action and that a hearing is unnecessary (S187(3))</p> <p>If the application for variation is to remove a default condition and there are no reps and there are no proposals by the Authority to otherwise alter the conditions this could be dealt with at officer level without a hearing</p>	<p>vexatious, frivolous, or certainly will not influence the Authority's determination of the application</p>
<p>Application for transfer of premises licence</p>		<p>Representation made by the Commission S154 (4) (c)</p> <p>Representations made and not withdrawn under S161</p>	<p>All other cases where no representation made by the Commission, including cases where the only representations received are vexatious, frivolous, or certainly will not influence the Authority's determination of the application</p>
<p>Application for a provisional statement</p>		<p>Representation made and not withdrawn S154 (4)(d) and/or where the Licensing Authority considers that a condition should be added to the licence under S169(1)(a) or a</p>	<p>No representation made or representations have been withdrawn</p>



		default condition should be excluded under section 169(1)(b)	
Revocation of a premises licence due to non-payment of an annual fee. S193			All Cases
Review of a premises Licence		All cases go to Licensing Sub Committee S154 (4)(e)	
Application for Club Gaming/Club machine permits, renewals and variations (including those leading to cancellation of permit) under Sch12 Para 15		Objection made and not withdrawn (Sch 12 Para 28 (2))  Refusal of permit proposed on the grounds listed in Sch 12 paragraph 6(1)(a)-(d) , or paragraph 10(3) as applicable unless Authority and all relevant parties agree that a hearing is unnecessary (Sch 12 Para 7)	No objection made or objections have been withdrawn  Refusal of permit proposed on the grounds listed in Sch 12 paragraph 6(1)(a)-(d) or paragraph 10(3) as applicable, where Authority and all relevant parties agree a hearing is unnecessary (Sch 12 Para 7)
Cancellation of Club Gaming /Club Machine Permits under Schedule 12 Paragraph 21		All Cases	
Consideration of Temporary Use Notices (including notices modified under section 223)		All cases where an objection notice has been received unless each person who would be entitled to make representations agrees that a hearing is unnecessary.  All cases where a counter notice may be required (S232(3))	All other cases
Decision to give a counter notice to a temporary use notice		All Cases	

Applications for other permits registrations. and notifications		All cases where the officer serves notice of intention of refusal and representations are received or proposes to grant for lesser number of machines.	All cases except where the officer serves notice of intention of refusal and representations are received or proposes to grant for lesser number of machines.
Cancellation of licensed premises gaming machine permits. Sch 13 paragraph 16		All Cases	
Cancellation of licensed premises gaming machine permits for non-payment of fee			All Cases
Registration of small society lotteries		Where officers believe there is a reason to refuse the application for registration	All other cases
Cancellation of a small society lottery due to non-payment of annual fee			All cases

N.B. - The summary of Licensing Authority delegations permitted under the Gambling Act 2005, contained within Appendix 1 above, is for information purposes only and does not form part of the Statement of Principles. The delegations may be amended at any time without further consultation.



# **Appendix 2**

## **West Lindsey Area Profile**



## **Introduction**

This report provides a summary of the latest available information on the demographic and socio-economic make-up of the 20 wards in West Lindsey. It looks at the population structure and provides information on the economy, housing, employment, crime and deprivation. Where possible, the information is presented at ward level. The report is to be used in conjunction with the Council's Gambling Policy to aid stakeholders in their decision making.

## **West Lindsey District Council's Vision**

The Council's vision is for West Lindsey to be seen as a place where people want to live, work, invest and visit. We strive to be an entrepreneurial Council; delivering growth and economic development whilst also creating safer, stronger and more resilient communities. Underpinning this, six priority areas have been identified in our Corporate Plan leading up to 2020:

### **1. Open for Business**

The District is attractive to current and potential employers. Key to this is the delivery of appropriate housing across the District to support our growth ambitions. The growing population will attract inward investment, job creation and greater prosperity and we will also work to guarantee that businesses are effectively supported in their growth ambitions.

### **2. People First**

Ensuring that we understand and meet the needs of our residents by taking a leading role in enabling convenient and easy access to services; providing cultural, leisure and arts facilities and working to provide suitable housing across the District.

### **3. Asset Management**

We will use our assets to drive and facilitate and provide inward investment and to provide social benefits to our communities. We will ensure that our assets are in a good state of repair and that we strive to maximise sustainable returns on our assets.

### **4. Central Lincolnshire Local Plan**

The adoption and implementation of a Central Lincolnshire Local Plan is of key strategic importance to the District so that our growth needs are met in a sustainable manner. We will ensure that our needs are championed and that communication of the Plan across the District is effective.

### **5. Partnerships and Devolution**

The attainment of devolved powers and/ or greater partnership working is of great importance to the Council in order to deliver better, sustainable, yet more cost effective outcomes.

### **6. Excellent, Value for Money Services**

Despite financial constraints, we will continue to ensure that the services we deliver are high performing at acceptable cost; with the customer at the heart of service delivery.

## Our District

West Lindsey is one of the largest districts in England and one of the most rural in the County of Lincolnshire, which is comprised of seven district areas.

The District covers 1,156km<sup>2</sup> (446 square miles), with the administrative centre in Gainsborough on the River Trent to the west, and the market towns of Caistor and Market Rasen to the east.

The population of the District is spread across a large area. The mid-year estimates for 2016 give the district a population of 93,734 at a density of 81.11 people/km<sup>2</sup>.

There were 40,704 households in the district as of 2017 with Gainsborough comprising the largest number of households at 9,200.

There are great differences in the characteristics and levels of need across the district, with some wards experiencing the highest levels of deprivation in the country, and others being amongst the most affluent.

This range of characteristics, such as wealth, accessibility, infrastructure and deprivation factors have a varied effect on the needs and aspirations of local people and the delivery of services in the District.

There are currently six gambling venues in the District and these are listed in the table below:

Name	Address
Ladbrokes Betting Shop	Market Street, Gainsborough.
William Hill Betting Shop	Market Street, Gainsborough.
Betfred Betting Shop	Silver Street, Gainsborough.
Cashino Gaming - Adult Gaming Centre	Silver Street, Gainsborough.
Market Rasen Racecourse	Legsby Road, Market Rasen.
Don Noble Betting Shop	Market Place, Market Rasen.

Much more detailed information relating to demography, crime and disorder, deprivation, education, employment, health and wellbeing can be found in the Council's State of the District Report, which is updated annually.

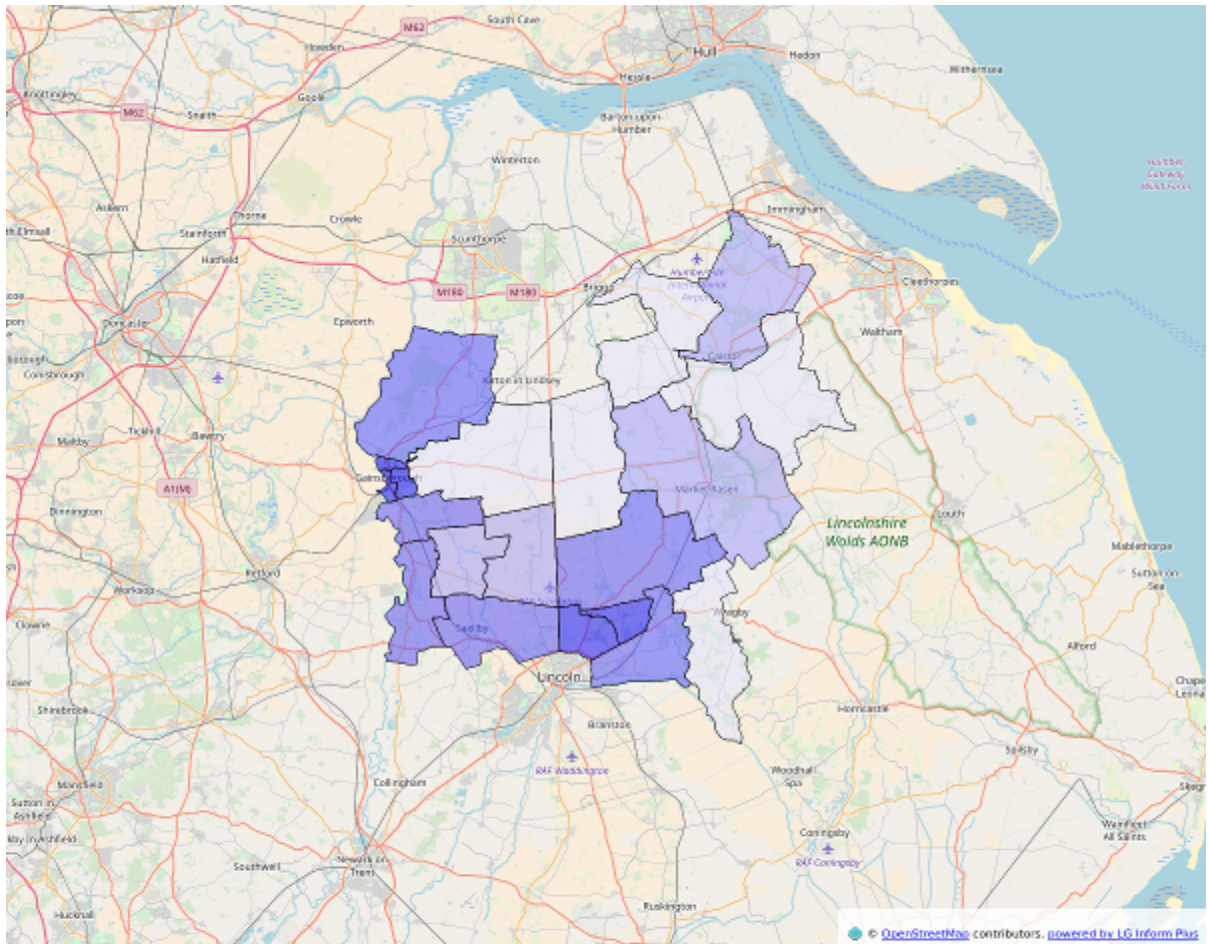
<https://www.west-lindsey.gov.uk/my-business/growth-and-regeneration/state-of-the-district/>



## Population

West Lindsey has a total population of 93,900 (2016 mid-year estimate). The ward with the largest population is Market Rasen, representing 9.47% of the total resident population of the district.

The most densely populated ward is Gainsborough North with 30.17 persons per hectare, the least densely populated ward is Wold View with 0.23 persons per hectare.



### Population density (2016)

- $\geq 1.75 \leq 30.17$  persons per hectare
- $\geq 0.74 < 1.75$  persons per hectare
- $\geq 0.53 < 0.74$  persons per hectare
- $\geq 0.23 < 0.53$  persons per hectare

	Geographical area, land only measurements	Total resident population	Percentage Of all usual residents - male	Percentage Of all usual residents - female
	2016	2015	2011	2011
	Hectares	People	%	%
<b>Bardney</b>	6,256.94	2,554	47.8	52.2
<b>Caistor and Yarborough</b>	8,114.28	5,402	48.8	51.2
<b>Cherry Willingham</b>	4,612.14	7,582	48.6	51.4
<b>Dunholme and Welton</b>	10,104.91	8,247	48.3	51.7
<b>Gainsborough East</b>	472.39	7,926	47.9	52.1
<b>Gainsborough North</b>	239.58	7,049	48.2	51.8
<b>Gainsborough South-West</b>	258.74	5,256	50.5	49.5
<b>Hemswell</b>	9,592.40	2,968	50.5	49.5
<b>Kelsey Wold</b>	7,929.53	2,652	49.6	50.4
<b>Lea</b>	2,819.11	2,113	47.3	52.7
<b>Market Rasen</b>	14,739.74	8,833	48.9	51.1
<b>Nettleham</b>	1,945.98	3,959	46.8	53.2
<b>Saxilby</b>	5,507.70	5,308	48.9	51.1
<b>Scampton</b>	5,091.57	2,950	49.7	50.3
<b>Scotter and Blyton</b>	10,246.43	7,577	48.6	51.4
<b>Stow</b>	3,328.50	2,294	49.1	50.9
<b>Sudbrooke</b>	1,297.21	2,662	48.0	52.0
<b>Torksey</b>	3,952.34	2,876	49.4	50.6
<b>Waddingham and Spital</b>	7,815.89	2,457	50.3	49.7
<b>Wold View</b>	11,247.82	2,589	49.7	50.3

## Age

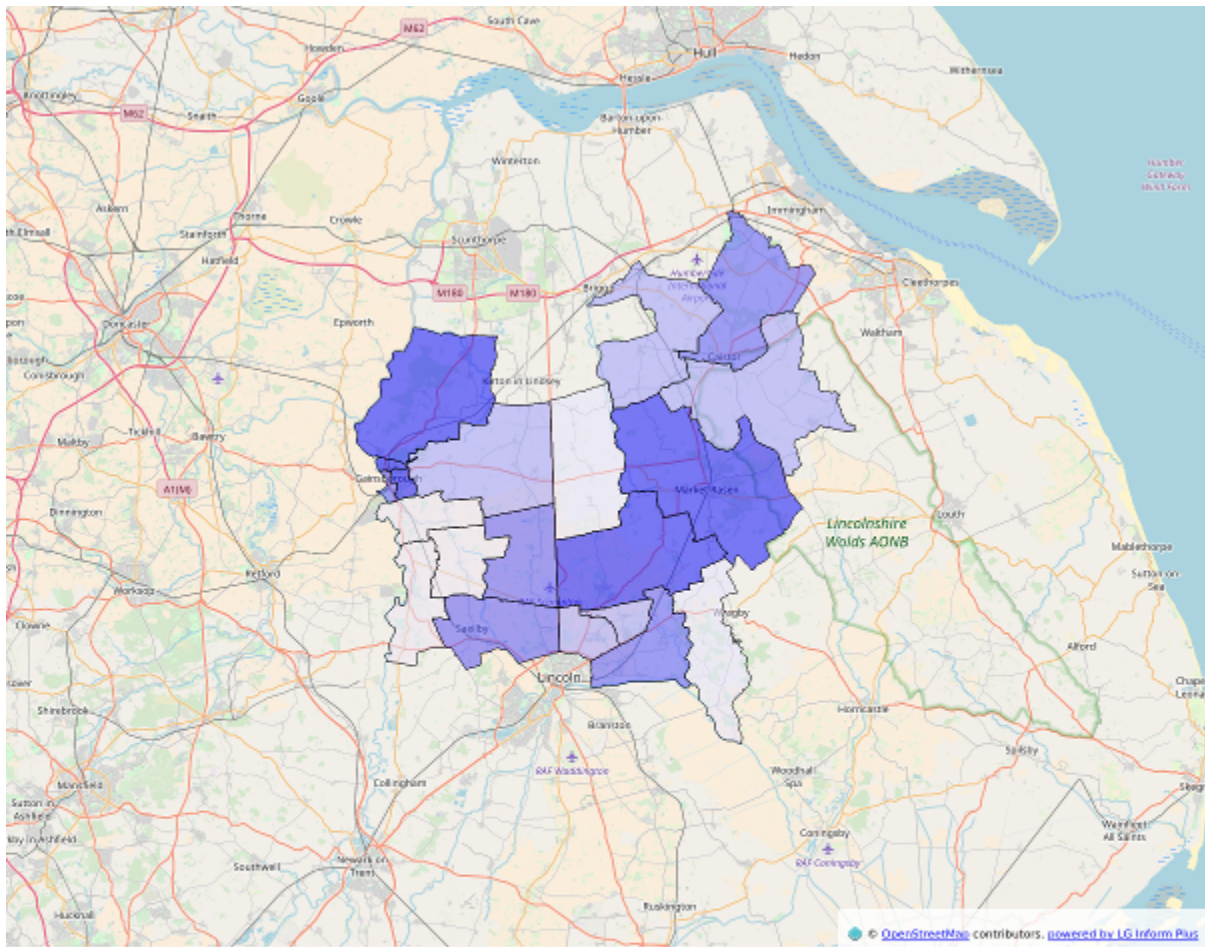
The following table provides a breakdown of age groups at ward level. Gainsborough East ward has the highest number of 0-17 year olds representing 10.49% of the population of the ward.

Market Rasen ward has the highest number of people aged 65 and over representing 10.54% of the total population of the ward.

	Population aged 0 to 17 (census)	Population aged 18 to 64 (census)	Population aged 65 and over (census)
	2011	2011	2011
	People	People	People
<b>Bardney</b>	407	1,418	525
<b>Caistor and Yarborough</b>	944	3,044	1,178
<b>Cherry Willingham</b>	1,272	3,994	1,771
<b>Dunholme and Welton</b>	1,870	4,811	1,541
<b>Gainsborough East</b>	1,887	4,418	1,185
<b>Gainsborough North</b>	1,531	4,037	1,057
<b>Gainsborough South-West</b>	962	3,080	810
<b>Hemswell</b>	599	1,766	485
<b>Kelsey Wold</b>	534	1,662	468
<b>Lea</b>	357	1,216	567
<b>Market Rasen</b>	1,575	4,692	1,974
<b>Nettleham</b>	684	2,098	1,105
<b>Saxilby</b>	858	3,003	1,215
<b>Scampton</b>	747	1,792	334
<b>Scotter and Blyton</b>	1,411	4,455	1,606
<b>Stow</b>	406	1,350	466
<b>Sudbrooke</b>	560	1,501	587
<b>Torksey</b>	402	1,519	869
<b>Waddingham and Spital</b>	456	1,540	456
<b>Wold View</b>	534	1,586	532



The map below shows the number of households with dependent children for all wards in West Lindsey. The Dunholme and Welton Ward has the highest number of households with dependent children (1,071) whilst Lea has the lowest number (217).



## Ethnicity

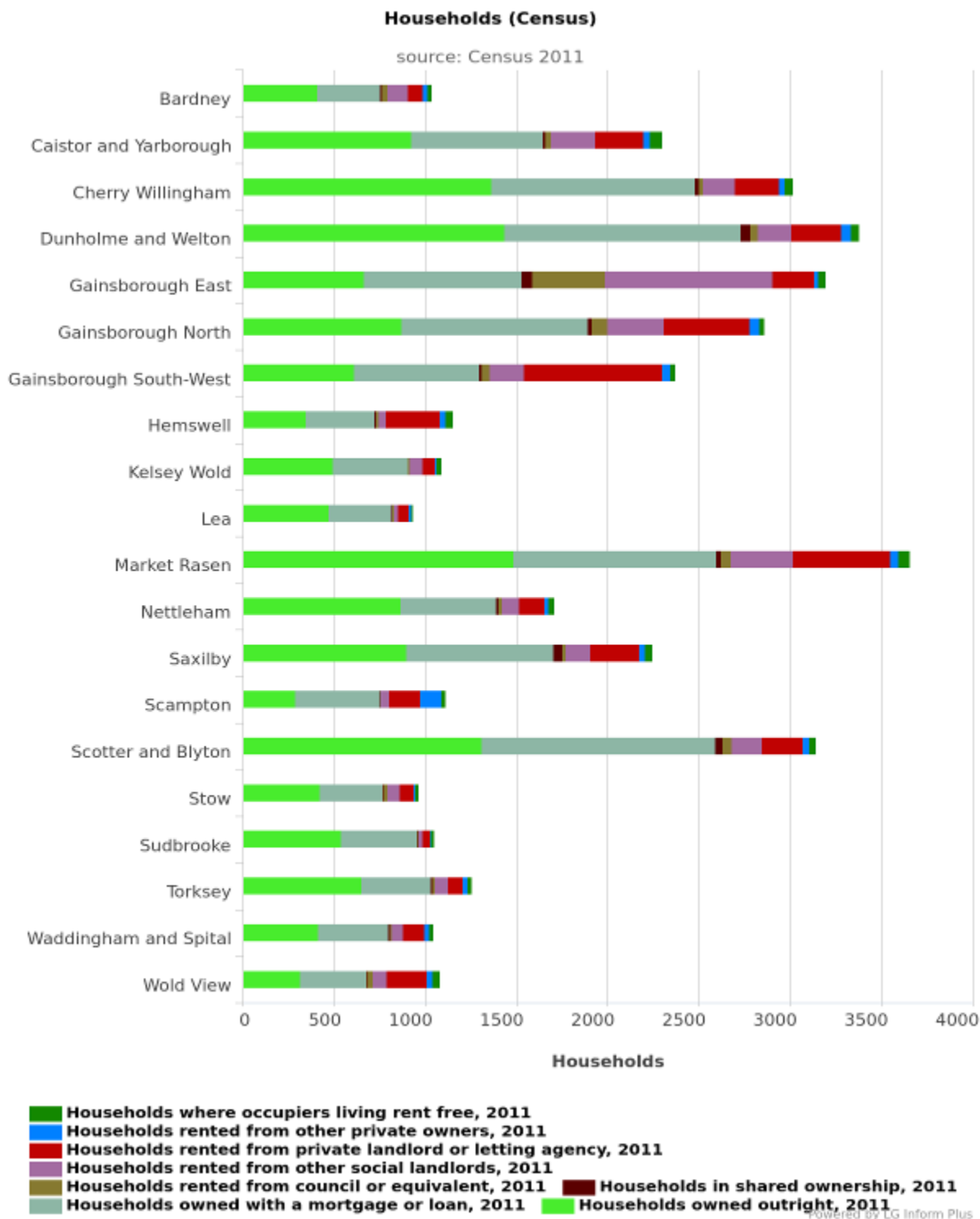
The following table shows the ethnicity groupings for each ward in the District. Gainsborough South-West ward has the highest number of Asian / Asian British residents in the District, as well as the highest number of Black / African / Caribbean /Black British residents.

	Residents who are White	Residents who are Mixed/multiple ethnic groups	Residents who are Asian/Asian British	Residents who are Black/African/Caribbean/Black British	Residents who are Other ethnic group
	2011	2011	2011	2011	2011
	People	People	People	People	People
<b>Bardney</b>	2,328	14	4	3	1
<b>Caistor and Yarborough</b>	5,118	26	13	9	0
<b>Cherry Willingham</b>	6,901	47	57	30	2
<b>Dunholme and Welton</b>	8,070	67	67	10	8
<b>Gainsborough East</b>	7,341	70	45	34	0
<b>Gainsborough North</b>	6,484	51	75	11	4
<b>Gainsborough South-West</b>	4,653	65	83	40	11
<b>Hemswell</b>	2,797	17	31	3	2
<b>Kelsey Wold</b>	2,613	19	22	6	4
<b>Lea</b>	2,116	12	9	2	1
<b>Market Rasen</b>	8,102	48	49	38	4
<b>Nettleham</b>	3,810	24	48	5	0
<b>Saxilby</b>	4,993	32	33	10	8
<b>Scampton</b>	2,835	19	14	4	1
<b>Scotter and Blyton</b>	7,364	23	76	6	3
<b>Stow</b>	2,210	6	5	0	1
<b>Sudbrooke</b>	2,503	44	74	12	15
<b>Torksey</b>	2,765	17	6	1	1
<b>Waddingham and Spital</b>	2,433	16	2	1	0
<b>Wold View</b>	2,610	22	16	2	2

## Housing

In total, there are 38,385 households in West Lindsey. The following chart shows households for each ward in the District broken down by tenure. Gainsborough East ward has 400 households rented from the council, which is the highest number for any ward in the district.

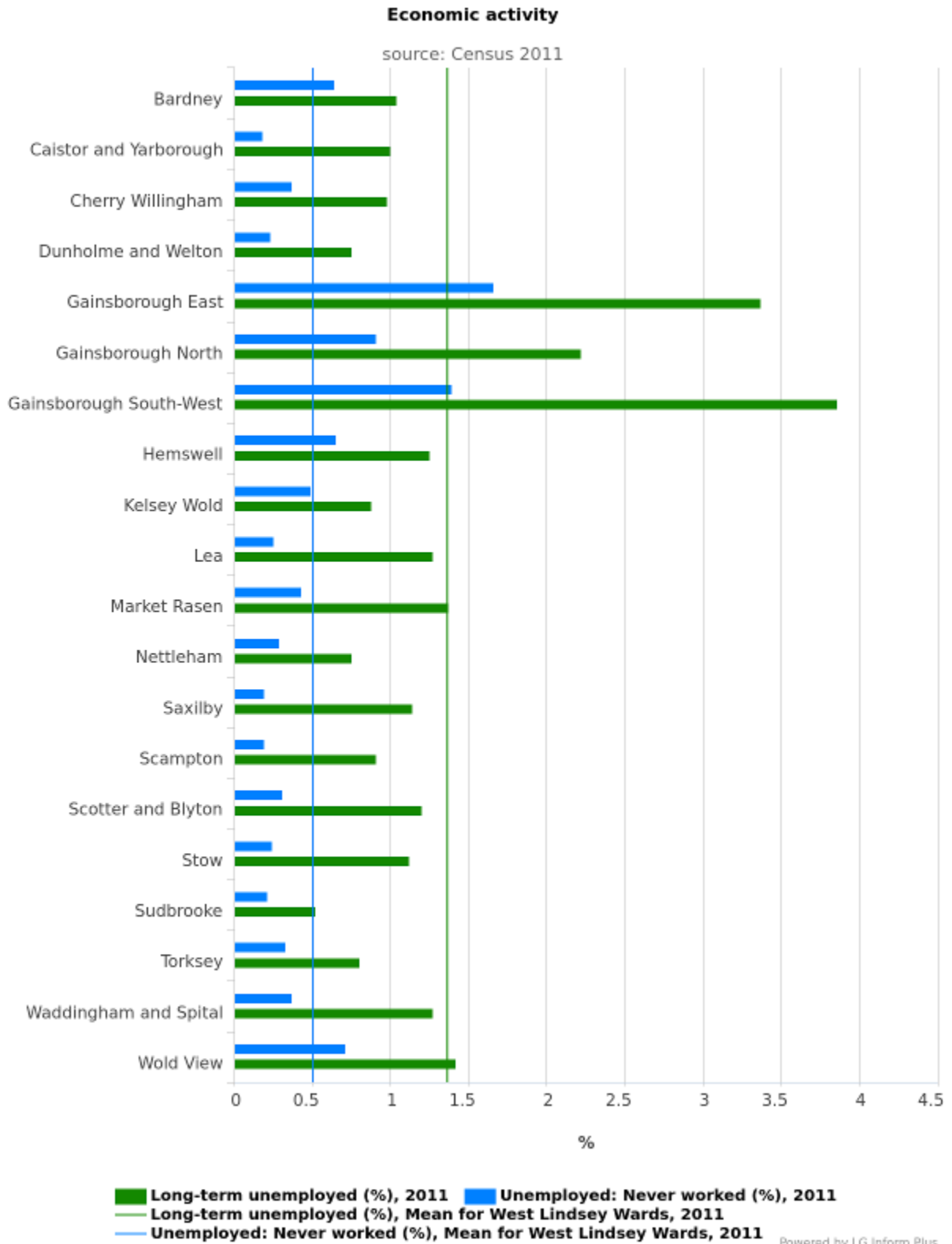
Gainsborough East ward has 918 households of other types of social renting, which is the highest number for any ward in West Lindsey.



## Employment

Overall, the proportion of working-age residents in the district stands at 67.5%. Gainsborough East ward has the highest percentage of residents in West Lindsey who are long term unemployed.

The bar chart below shows a breakdown of economic activity by ward in comparison to the average for the district as a whole.



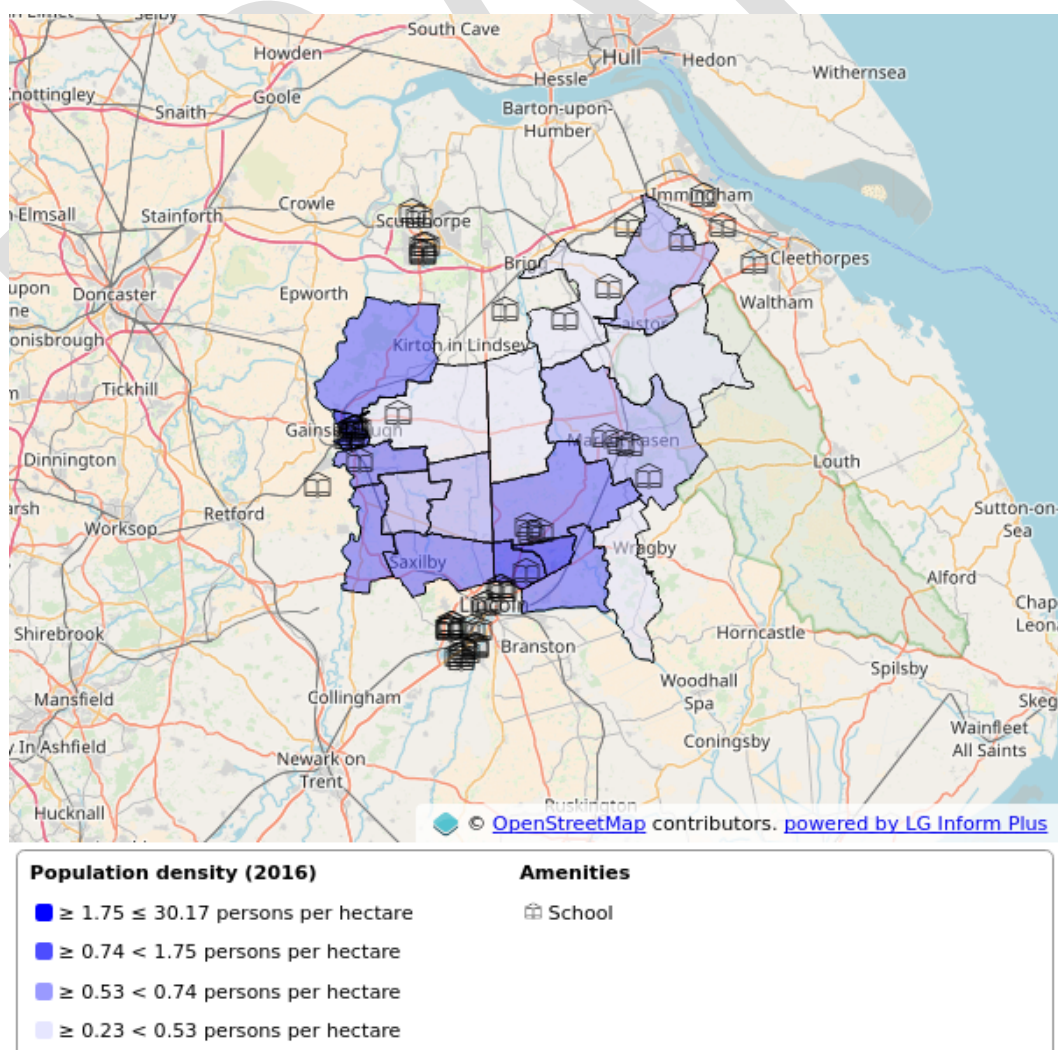
## Education

Overall, West Lindsey has a lower skills profile compared to the East Midlands region and England as a whole. Over the past decade, the proportion of the population with a level 4 qualification (equivalent to HND, degree level or higher) has fluctuated, however it has steadily increased since 2012 narrowing the gap between West Lindsey and the national average.

In 2017, just under 70% of pupils attained 5 A\*-C (including Maths and English) GCSEs, broadly in line with the rest of the East Midlands but lower than the national average. The proportion of the working age population that hold no formal qualifications has risen noticeably from 7.8% in 2015 to 10.8% in 2017.

Educational Attainment (2017) as a % of people aged 16-64			
	West Lindsey	East Midlands	England
<b>No Qualifications</b>	10.8%	8.2%	7.7%
<b>Level 1 and above</b>	82.5%	83.6%	85.4%
<b>Level 2 and above</b>	69.9%	70.9%	74.7%
<b>Level 3 and above</b>	47%	52%	57.2%
<b>Level 4 and above</b>	36.7%	32.1%	38.6%
<b>Other qualifications</b>	6.7%	8.2%	6.9%

The map below shows the location of all schools in West Lindsey.

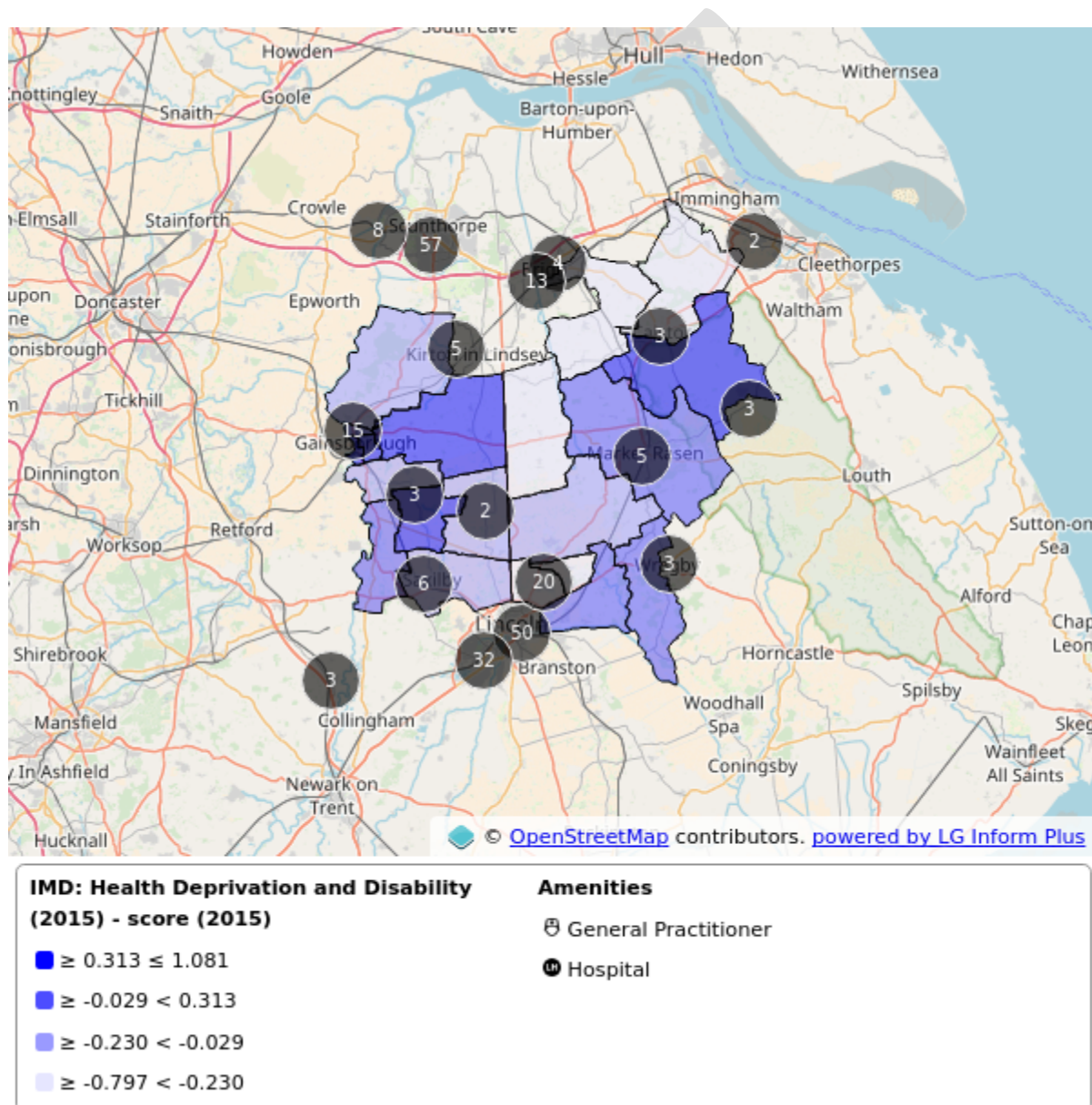




## Health

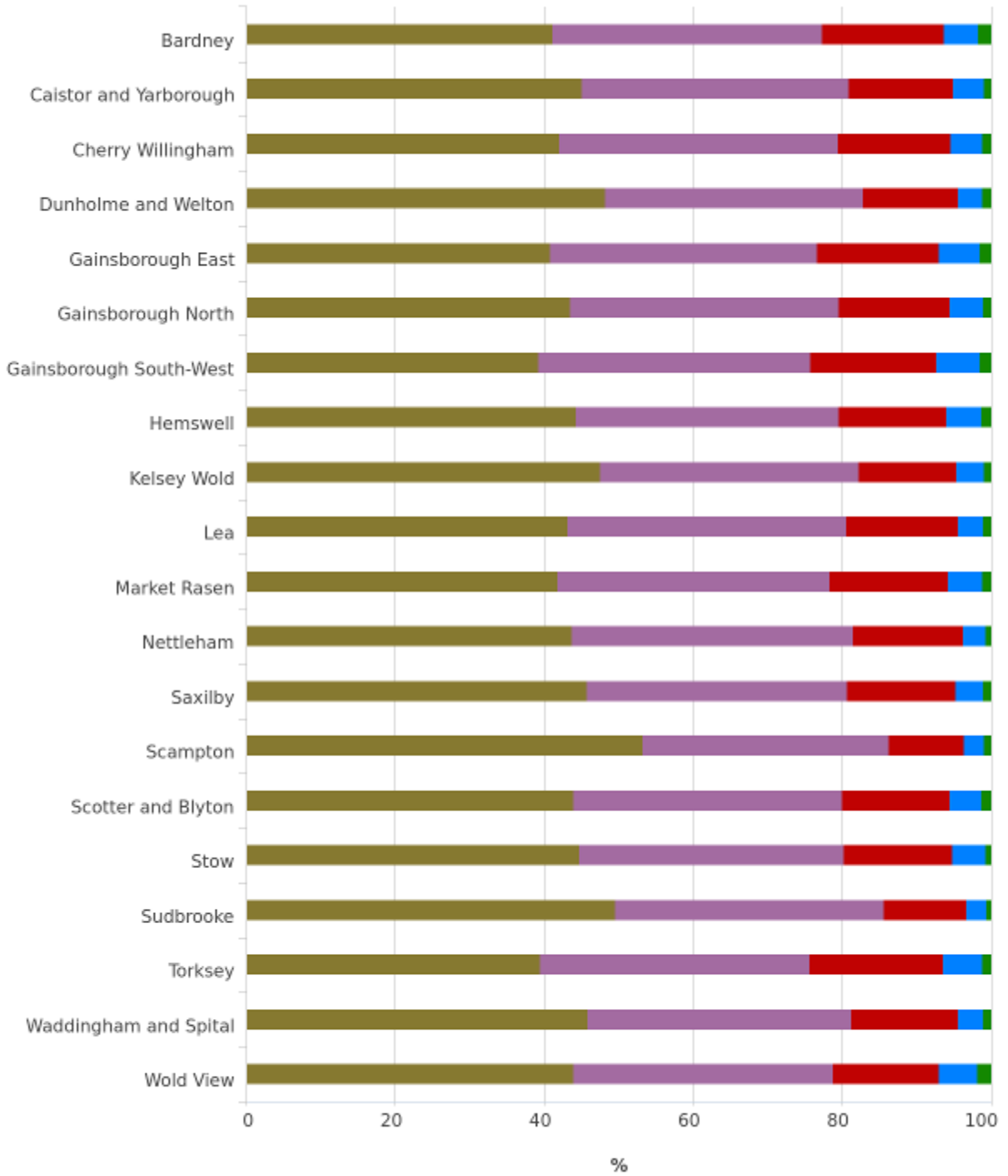
The chart below shows the general health of residents by each ward in West Lindsey, as self-reported in the 2011 Census. Wold View ward has the highest percentage of residents in West Lindsey who report they are in very bad health (1.8%). The map below shows the health and disability deprivation score in West Lindsey broken down by lower super output area (LSOA), overlaid with the location of GP surgeries and hospitals in the district.

### Health and Disability Deprivation score in West Lindsey by LSOA



### Health of the population

source: Census 2011

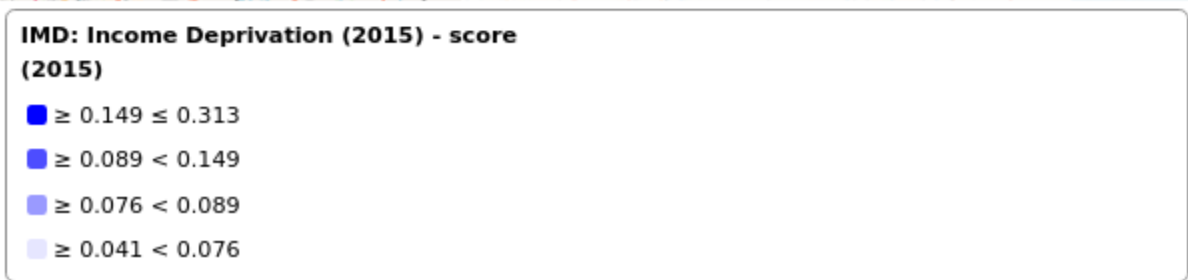
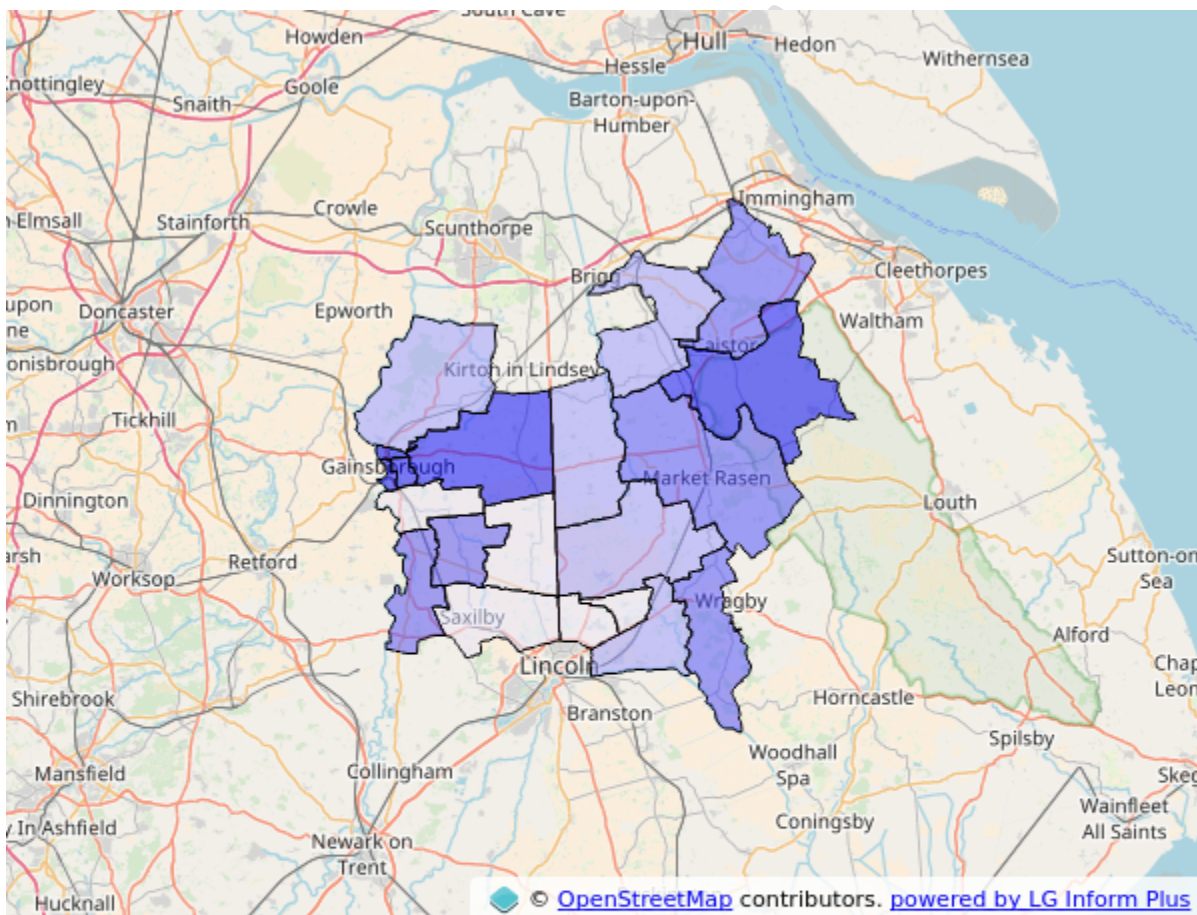


■ Very bad health (%), 2011   
 ■ Bad health (%), 2011   
 ■ Fair health (%), 2011  
■ Good health (%), 2011   
 ■ Very good health (%), 2011

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## Deprivation

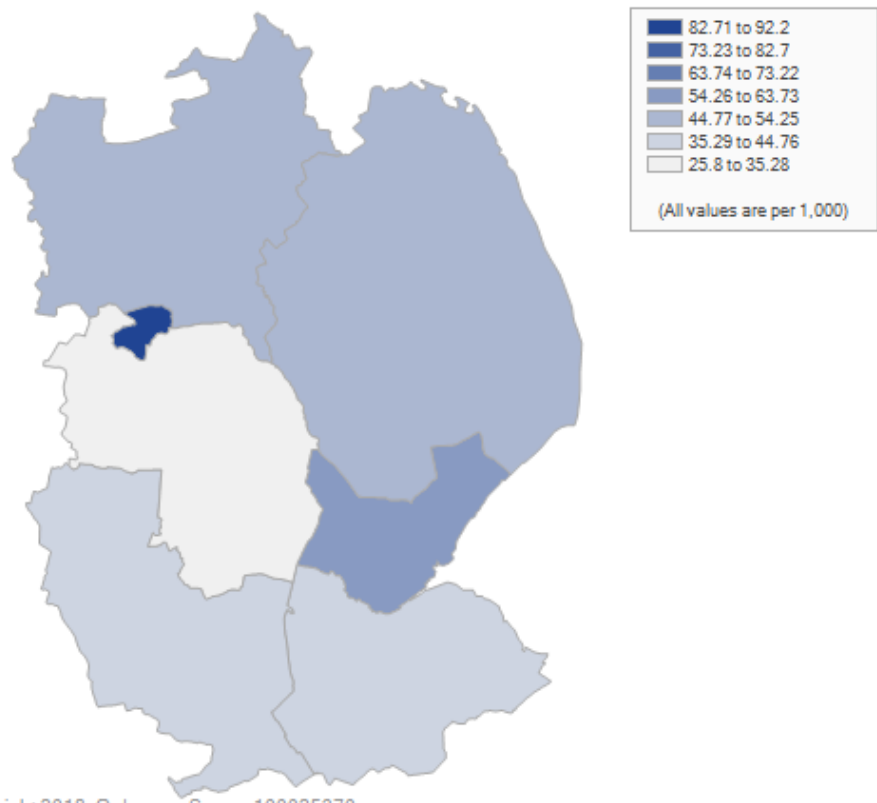
The Index of Multiple Deprivation 2015 (IMD) is the official measure of relative deprivation for small area in England. The IMD ranks every small area in England from 1 (most deprived area) to 32,844 (least deprived area). The score combines information from seven areas of income deprivation, employment deprivation, health deprivation and disability, education, skills and training deprivation, barriers to housing and services, living environment deprivation and crime. The higher the score, the more deprived an area is. Information in the map below is broken down to ward level. The higher the score, the more deprived the area.





## Crime

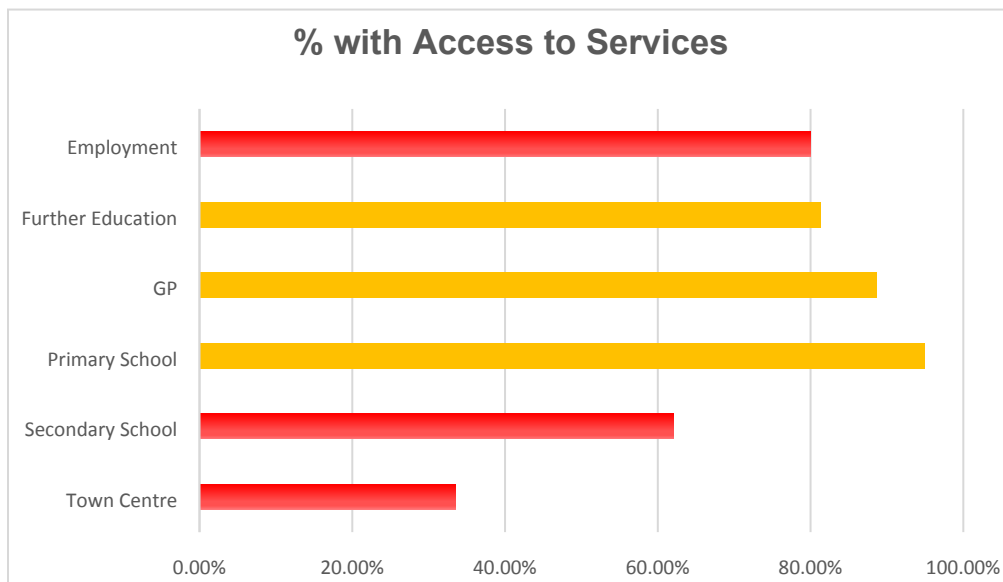
As of December 2017, the crime rate for the district stood at 46.5 (per 1,000 of the population). Anti-social behavior accounts for the majority of the crime rate at 21.7, followed by burglary (9.9) and criminal damage and arson (7.5). It is not possible to break crime down by ward level, however, the map below shows how West Lindsey's overall crime rate compared to the rest of Lincolnshire.



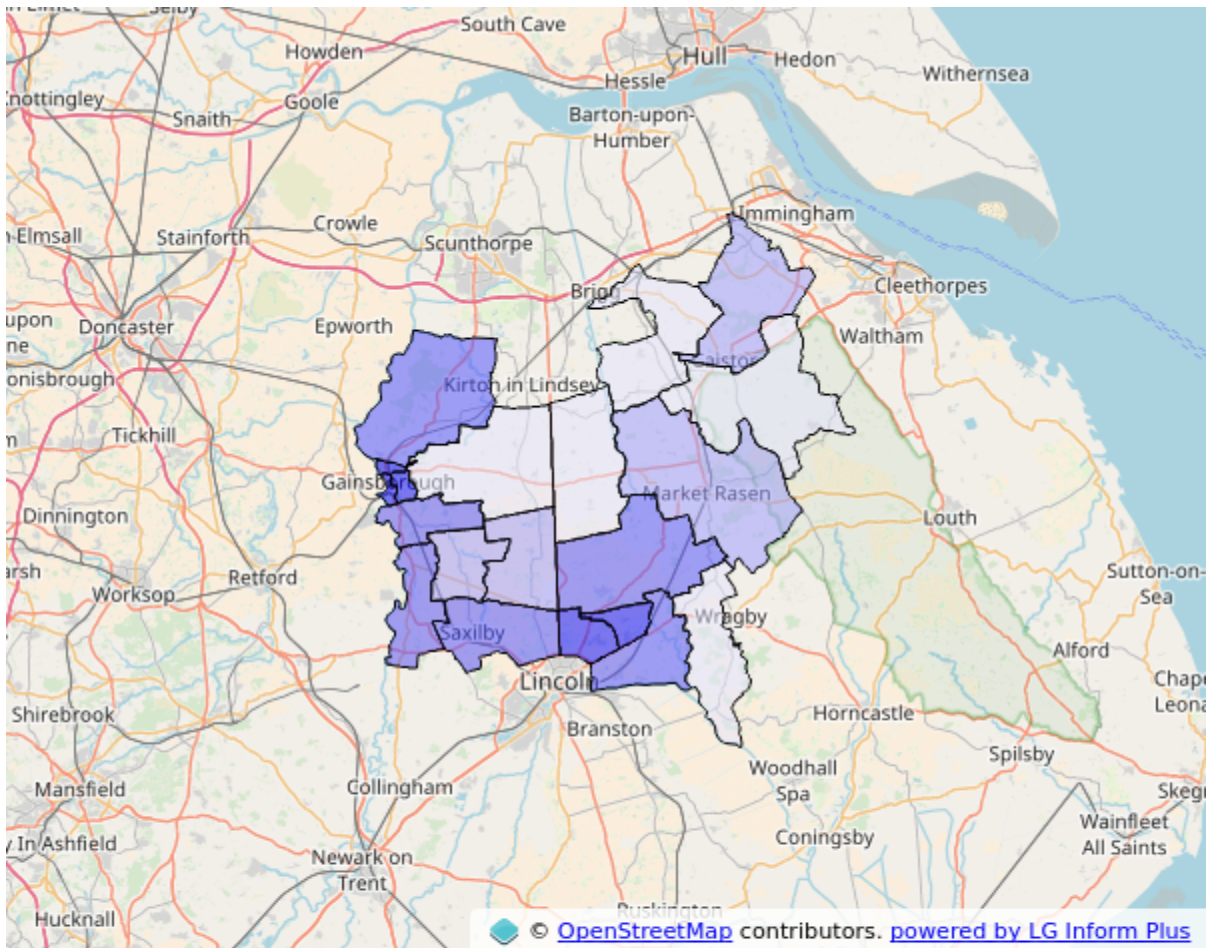
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## Access to Services

With the exception of Gainsborough and Market Rasen, access to services such as local shops, schools and urban amenities is generally moderate to poor compared to the rest of the County, as detailed in the chart below.



However, car ownership is higher than the regional or national average. Overall, access to public transport is good and the map below shows the location of bus stops in the district.



## References

This report was generated using data from:

[Nomis; mid-year population estimates](#)

[Office for National Statistics; Census 2011](#)

[Office for National Statistics; UK Standard Area Measurements \(SAM\)](#)

[Lincolnshire Research Observatory](#)

**N.B.** The data contained within the Local Area Profile is provided as supporting information in relation to the review of the Gambling Policy (Statement of Principles) and was the most up to date information at the time that the Gambling Policy (Statement of Principles) was under the review process. The document is an appendix to the Gambling Policy (Statement of Principles) and therefore does not form part of the actual policy and from time to time the information will be updated accordingly, without the need to carry out further consultation.

## Appendix 3: Glossary of Terms under The Gambling Act 2005

<b>Council</b>	West Lindsey District Council
<b>Applications</b>	Applications for licences and permits as stated in the Statement of Principles
<b>Notifications</b>	Notifications of temporary and occasional use notices
<b>Act</b>	The Gambling Act 2005
<b>Regulations</b>	Regulations made under the Gambling Act 2005
<b>Premises</b>	Any place, including a vehicle, vessel or moveable structure
<b>Premises Licence</b>	Issued by the Licensing Authority to authorise premises to be used for the activities as defined by Section 150 of the Gambling Act
<b>Operator Licence</b>	Issued by the Gambling Commission to organisations and individuals who are providing facilities for gambling as defined by Section 65 of the Gambling Act
<b>Personal Licence</b>	Issued by the Gambling Commission to certain categories of people working in the gambling industry as defined by Section 127 of the Gambling Act
<b>Family Entertainment Centre</b>	<p>The Act creates two classes of Family Entertainment Centres</p> <ul style="list-style-type: none"> <li>• Licensed: which provide category C and D gaming machines and require a premises licence</li> <li>• Unlicensed: which provide category D gaming machines in reliance on a Gaming machine Permit</li> </ul>
<b>Adult Gaming Centre</b>	Premises which provide category B, C and D gaming machines and require an operating licence and a premises licence
<b>Gaming Machine</b>	A machine which is designed or adapted for use by individuals to gamble as defined by Section 235 of the Gambling Act
<b>Betting Machine</b>	A machine designed or adapted for use to bet on future real events as defined by Section 235(2)(c) of the Gambling Act
<b>Remote Gambling</b>	Gambling in which persons participate by the use of remote communication as defined by Section 4 of the Gambling Act

<b>Remote Communication</b>	<p>Communication using:</p> <ul style="list-style-type: none"> <li>• The internet</li> <li>• Telephone</li> <li>• Television Radio, or</li> <li>• any other type of electronic or other technology as defined by Section 4(2) of the Gambling Act</li> </ul>
<b>Travelling Fair</b>	<p>A fair wholly or principally providing amusements and that has been provided wholly or principally by persons who travel from place to place for the purpose of providing fairs, and on a site used for fairs for no more than 27 days per calendar year as defined by Section 286 of the Gambling Act</p>
<b>Money Prize Machine</b>	<p>A machine in respect of which every prize which can be won as a result of using the machine is a money prize as defined in regulation 3(7) of the Categories of Gaming Machine (Amendment) Regulations 2009</p>
<b>Non- Money Prize Machine</b>	<p>A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize as defined in regulation 3(7) of the Categories of Gaming Machine (Amendment) Regulations 2009. For non-money prize machines in general, the maximum stake (charge for use) must be no more than 30 pence, and the maximum prize value must be no more than £8</p>
<b>Crane Grab Machine</b>	<p>A crane grab machine is defined as a non-money prize machine in respect of which two conditions are satisfied. The first is that every prize which can be won as a result of using the machine consists of an individual physical object (such as a stuffed toy). The second is that whether or not a person using the machine wins a prize is determined by the person's success or failure in manipulating a device forming part of the machine so as to separate and keep separate one or more physical objects from a group of such objects. The maximum stake may be anything up to and including £1, and the maximum prize value may be anything up to and including £50</p>
<b>Coin Pusher or Penny Fall Machine</b>	<p>These machines are commonly found in seaside arcades and are defined in regulation 2(3) of the Categories of Gaming Machine Regulations 2007 with the additional requirement that the machine be neither a money-prize nor a non-money prize machine. The maximum stake may be anything up to and including 10 pence, and the maximum prize value may be anything up to and including £15</p>

<p><b>Other Categories of Gaming Machines</b></p>	<p>With effect from July 2011:</p> <p>A – No category A gaming machines are currently permitted</p> <p>B1 – Maximum Stake: £5, Maximum Prize: £10,000</p> <p>B2 – Maximum Stake: £100 (in multiples of £10) Maximum Prize: £500 <b>subject to change</b></p> <p>B3A – Maximum Stake: £2 Maximum Prize: £500</p> <p>B3 – Maximum Stake: £2, Maximum Prize: £500</p> <p>B4 – Maximum Stake: £2, Maximum Prize: £400</p> <p>C – Maximum Stake: £1, Maximum Prize: £100</p> <p>D – (money prize, other than a coin pusher or penny falls machine) Maximum Stake: 10p Maximum Prize:£5</p> <p>D – combined money and non – money prize (other than a coin pusher or penny falls machine) Maximum Stake: 10p Maximum Prize:£8 (of which no more than £5 may be a money prize)</p> <p>D – combined money and non – money prize (coin pusher or penny falls machine) Maximum Stake: 20p Maximum Prize:£20 (of which no more than £10 may be a money prize)</p>
<p><b>Code of Practice</b></p>	<p>Means any relevant code of practice under section 24 of the Gambling Act 2005</p>
<p><b>Responsible Authority</b></p>	<p>For the purposes of this Act, the following are responsible authorities in relation to premises:</p> <ol style="list-style-type: none"> <li>1. The Licensing Authority in whose area the premises are wholly or mainly situated (the District of West Lindsey);</li> <li>2. The Gambling Commission;</li> <li>3. Lincolnshire Police;</li> <li>4. Lincolnshire Fire and Rescue Service;</li> <li>5. Planning Department, West Lindsey District Council;</li> <li>6. Environmental Protection Team, West Lindsey District Council</li> <li>7. Lincolnshire Safe Guarding Children’s Board, Lincolnshire County Council;</li> <li>8. HM Customs and Excise</li> </ol>
<p><b>Interested Party</b></p>	<p>For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:-</p> <ol style="list-style-type: none"> <li>a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities;</li> <li>b) Has business interests that might be affected by the authorised activities;</li> <li>c) Represents persons who</li> <li>d) satisfy a) or b) above</li> </ol>

## Appendix 4: Safeguarding of Children

### West Lindsey District Council – Gambling Policy (Statement of Principles) 2019

#### What are the risks to children?

The risks will vary, depending on the type of gambling activities taking place at the premises. For example, at Adult Gaming Centres, Off-Course (High Street) Betting Premises or Casinos, safeguarding systems should be in place to prevent young people gaining access to the premises.

If children are permitted access to adult gambling activities, they may be at risk of being:

- exposed to information or advertisements encouraging them to gamble
- allowed, or invited to, gamble or bet in a commercial setting
- allowed to purchase and consume alcohol (casino premises)
- financially exploited.

They may also witness, or be involved in, other dangerous or threatening behaviour.

#### Managing the risks

To prevent children and young people accessing adult gambling activities, stringent safeguarding measures should be in place, examples of such measures could include:

- the Challenge 25 scheme operated by all door and bar staff and only recognised proof of age accepted (for example photo driving licence or passport; PASS cards)
- all points of entry monitored by security staff/CCTV
- signage prominently displayed at all points of entry regarding the prohibition of under 18's
- signage displayed on machines highlighting age restrictions
- signage prominently displayed in bar areas regarding the law and the sale of alcohol
- operating a membership scheme
- all staff being trained to be vigilant and respond if a child gains illegal access to premises.

If a premises offers a range of gambling activities (for example, a licensed Family Entertainment Centre or Bingo Premises) premises must operate systems to ensure that under 18's are prevented from accessing areas where adult activities (such as betting or high stakes gambling) take place; or where adult gaming machines are located.

The measures set out above should be used to help the public clearly identify from which areas children are prohibited.

If a premise offers a variety of activities, it may be necessary to operate the following systems:

- designated family-friendly areas using physical barriers/cordons to segregate these from restricted areas

- points of access/egress located for easy supervision by staff and regularly monitored
- signage displayed to indicate access rules
- signage to remind parents/adults of their responsibilities
- use of screens
- use of the Challenge 25 scheme
- assigning at least one member of staff as a 'Children's Safeguarding Lead'

Premises should ensure that the environment to which they allow children access is safe and suitable.

Action should be taken if adults demonstrate irresponsible behaviour, such as showing signs of intoxication, using strong or offensive language, threatening behaviour, or violence towards others or towards machinery.

Adults accompanying children should be encouraged to supervise them, to minimise the risk of children being exposed to inappropriate or dangerous behaviour or gaining access to prohibited areas of the premises.

### **The employment of children and young people**

The Gambling Act 2005 does not prohibit the employment of children and young people at some premises.

However, it does restrict the type of tasks and areas to which children and young people may have access and it is important that premises comply with these restrictions, as failure to do so may result in committing an offence; for example, it is an offence to employ children and young people to provide facilities for gambling, or to perform a function in relation to a gaming machine, at any time.

Children should not be exposed to gambling as they carry out their employment functions.



## **Appendix 5: Safeguarding of Vulnerable Adults**

### **West Lindsey District Council – Gambling Policy (Statement of Principles) 2019**

The Gambling Commission puts a high priority on the social responsibilities operators have to protect vulnerable adults from the harm associated with gambling; and policies must be in place to support the protection of vulnerable adults.

#### **Who is a vulnerable adult?**

Adults may be vulnerable if, for example, they are taking certain types of prescribed medication which may impair their judgement or prevent them making informed, balanced decisions about gambling; or if they are intoxicated from misusing drugs or alcohol.

If an adult has mental health issues, a mental impairment or problems with addiction, they may also be vulnerable as they may have difficulty controlling their activities or behaviour, or understanding the players' guides to games.

#### **What are the risks to vulnerable adults?**

If vulnerable adults are not supported within the gambling environment they may be at risk of:

- gambling beyond their financial means
- problems with addiction
- financial exploitation
- causing, or being a victim of dangerous, abusive or threatening behaviour
- physical, emotional or accidental harm.

These difficulties may have a serious impact upon the person's relationships, home life or employment.

#### **Managing the risks and being socially responsible**

Premises should consider the following steps:

- Designate a member of staff to lead on problem gambling issues.
- Train staff on how to recognise and respond to indicators of concern.
- Staff should be trained to recognise the signs of persons becoming aggressive and how to deal with such situations whilst maintaining their own safety.
- Information should be made readily/discreetly available to customers on how to gamble responsibly and seek help in respect of problem gambling.
- Offer a self-exclusion, or self limit scheme, enabling individuals to restrict the amount of time or money they spend.
- When offering membership schemes, the details of a contactable person should be required in the event of an emergency.

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## Appendix C: List of Consultees GA2005

- All other district council licensing teams within Lincolnshire
- Caistor Town Council
- Gainsborough Town Council
- Market Rasen Town Council
- Lincolnshire Safeguarding Children's Board
- Lincolnshire Social Services
- Lincolnshire Primary Care Trust
- Public Health Directorate
- Planning Services
- Trading Standards
- Environmental Protection
- M.P.
  
- Lincolnshire Police
- Lincolnshire Fire and Rescue, (response received)
- Citizens Advice Bureau
- Any other persons via WLDC Website and Reception Area
  
- Gambling Commission,
- British Racehorse Association (response received)
- The Bingo Association,
- Association of British Bookmakers
- William Hill
- Betfred
- Don Noble
- Cashino Gaming
- Market Rasen Racecourse
  
- GAMESTEC
- GamCare, (response received)
- MIND
- Samaritans
- Caistor Library, Hard copies to Libraries
- Gainsborough Library, Hard copies to Libraries
- Market Rasen Library, Hard copies to Libraries
- Nettleham Library, Hard copies to Libraries
- All Council WLDC Members
- Solicitors – Fraser Brown & Poppleston Allen
- Kurnia Licensing Consultants,





Council

12 November 2018

**Subject: Amendments to the Constitution**

Report by:

Monitoring Officer

Contact Officer:

Alan Robinson  
Monitoring Officer  
01427 676509  
[Alan.robinson@west-lindsey.gov.uk](mailto:Alan.robinson@west-lindsey.gov.uk)

Purpose / Summary:

To agree a number of minor amendments to the Constitution.

These relate to the introduction of the New Animal Welfare Regulations and also amendments to permit consideration being given to cancelling meetings during significant National Events or Emergencies

**RECOMMENDATION(S):**

Members are asked to: -

- 1) approve the amendments to the Constitution as set out in Appendices A and B

## IMPLICATIONS

**Legal:**

**Financial : FIN/140/19**

There are no financial implications arising from this report.

**Staffing :**

No Implications

**Equality and Diversity including Human Rights :**

No Implications

**Risk Assessment :**

No Implications

**Climate Related Risks and Opportunities :**

No Implications

**Title and Location of any Background Papers used in the preparation of this report:**

Wherever possible please provide a hyperlink to the background paper/s  
If a document is confidential and not for public viewing it should not be listed.

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

**Yes**

**No**

**x**

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

**x**

**No**

## **1 Introduction**

- 1.1 A number of minor amendments are required to the Constitution.
- 1.2 These relate to the introduction of the New Animal Welfare Regulations and also amendments to permit consideration being given to cancelling meetings during periods of national mourning/emergencies.

## **2. Animal Welfare Regulations**

2.1 The Animal Welfare (licensing of activities involving animals) (England) Regulations 2018 (to be referred to as ‘the Regulations’ from this point on) came into effect on 1<sup>st</sup> October 2018.

2.2 The Regulations will be the primary legislation for the licensing of the following animal activities;

- Animal Boarding (Catteries and Kennels)
- Home Boarding of Dogs
- Dog day care
- Dog breeding
- Riding establishments
- Sales of animals (formerly pet shops)
- Performing animals (formerly a registration administered by LCC)

2.3 The regulations will amend or repeal the following legislation:

- The Breeding of Dogs Act 1973 – Repealed
- The Breeding of Dogs Act 1991(b) - Repealed
- The Pet Animals Act 1951 - Amended
- Breeding and Selling of Dogs (Welfare) Act 1999 - Repealed
- Riding Establishments Acts 1964 & 1970 - Amended
- Performing Animals (Regulation) Act 1925 – Amended
- Animal Boarding Establishments Act 1963 – Amended
- Local Government Act 1974 – Amended
- Dangerous Wild Animals Act 1976 – Amended
- Zoo Licensing Act 1981 – Amended

2.4 All animal activities, as set out in 1.2 above will be subject to the same regime. Conditions are nationally set for each defined activity as contained within the Regulations and any Appeals of the Council’s decisions in relation to these activities will be heard by First Tier Tribunal.

2.5 In order for Officers to be able to operate under the new regulations a number of minor amendments are required to the Constitution.

2.6 The amended affected pages are set out at Appendix A

2.7 In summary these amendments will permit the Executive Director of Operations (and any other Officer he chooses to sub-delegate this function to) to Grant, Renew, Vary, Suspend, Refuse, or Revoke a Licence applied for under the Animal Welfare Regulations 2018.

2.8 The Executive Director of Operations will also have delegated powers to deal with any appeals made against “star ratings” in relation to Animal establishments.

**3. The Effect of Significant National Events or Emergencies on Council and Committee meetings.**

3.1 Teams across the Council are often asked to prepare protocols to be followed in the event of a significant national event or emergency, in doing so consideration has had to be given to the effect on Council and Committee meetings during such periods.

3.2 The Head of Paid Service currently has delegations to cancel meetings in the event of extreme inclement weather, insufficient business to warrant a meeting or other unforeseen circumstances.

3.3 It is considered prudent and a “belt and braces approach” to extend this delegation to cover periods of national mourning/emergencies.

3.4 The amended affected page is attached at Appendix B

**4 Recommendations**

4.1 Members are asked to approve the amendments to the Constitution as set out in Appendices A and B



## Executive Director of Operations

1. To be the authorising officer for surveillance under the Regulation of Investigatory Powers Act 2000 and as such can make requests for the Magistrates' Court to consider applications made under RIPA.

### Public Protection

1. To decide, approve, determine, consider representations and applications, grant, **renew**, vary, issue, relax, refuse, revoke, suspend, withdraw licences, make and amend licence conditions, registrations, certificates, permits, awards and authorisations in relation to the following legislation listed in section **43**.
2. To be the Company Director of WLDC Trading Ltd and its Sure Staff subsidiaries (Sure Staff Lincs Ltd and WLDC Staffing Services Ltd)
3. To appoint, authorise, nominate, named persons to
  - (a) Administer, exercise powers, give direction, exercise the powers of entry, agree notices, act, take enforcement action including prosecutions, serving notice, carrying out work in default, including cost recovery
  - (b) Act as inspectors
  - (c) Act as a competent person
  - (d) Act in a statutory role
  - (e) Administer the provisions
  - (f) Determine confidential matters

Under the provisions in the acts, regulations, and any associated orders and regulations listed in paragraph **4** below.

4. The powers in paragraph **32** above apply to the following legislation:

Town Police Clauses Act 1847 & 1889 incorporated by the Public Health Act 1875.  
Local Government Act 1972 s101 Lotteries,  
Police, Factories, etc (Miscellaneous Provisions) Act 1916  
Performing Animals Act 1925 (**Amendment**) **Regulations 2018**  
Public Health Act 1936  
House to House Collections Act 1939  
National Assistance Act 1948 as amended by the National Assistance (Amendment) Act 1951.  
Prevention of Damage by Pests Act 1949

Pet Animals Act 1954 ~~(Amendment) Regulations 2018~~  
Hypnotism Act 1952  
Caravan Sites and Control of Development Act 1960 (As amended by the Mobile Homes Act 2013)  
Public Health Act 1961  
Animal Boarding Establishments Act 1963 (Amendment) Regulations 2018  
Scrap Metal Dealers Act 2013  
Riding Establishments Act 1964 and 1970 (Amendment) Regulations 2018  
Slaughter of Poultry Act 1967  
The Agriculture (Miscellaneous Provisions) Act 1968  
European Communities Act 1972  
~~Breeding of Dogs Act 1973~~  
Control of Pollution Act 1974  
Health and Safety at Work etc Act 1974  
Local Land Charges Act 1975  
Dangerous Wild Animals Act 1976 (Amendment) Regulations 2018  
Land Drainage Act 1976  
Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847  
Land Charges Rules 1977  
Refuse Disposal (Amenity) Act 1978  
Zoo Licensing Act, 1981  
Animal Health Act 1981  
Local Government (Miscellaneous Provisions) Act 1982  
Control of Asbestos Work Regulations and the Asbestos (Licensing) Regulations 1983.  
Building Act 1984  
Public Health (Control of Diseases) Act 1984  
Food and Environment Protection Act 1985  
Natural Mineral Waters Regulations 1985  
Control of Pesticides Regulations 1986  
Public Health (Infectious Diseases) Regulations 1988  
Health & Safety (Enforcing Authority) Regulations 1989  
Food Safety Act 1990  
Environmental Protection Act 1990.  
~~Breeding of Dogs Act 1991~~  
Water Industry Act 1991  
Dangerous Dogs Act 1991  
Private Water Supplies Regulations 1991  
Land Drainage Act 1991  
Controlled Waste Regulations 1992  
Clean Air Act 1993  
Noise and Statutory Nuisance Act 1993  
Sunday Trading Act 1994  
Criminal Justice and Public Order Act 1994  
Environment Act 1995

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Noise Act 1996  
Crime and Disorder Act 1998  
~~Breeding and Sale of Dogs (Welfare Act)~~  
1999 Vehicle (Crime) Act 2001  
Police Reform Act 2002  
Licensing Act 2003  
Anti-social Behaviour Act 2003  
Food Safety Act 1990 (Amendment) Regulations 2004  
General Food Regulations 2004  
Christmas Day (Trading) Act 2004  
Official Feed and Food Controls (England) (Regulations 2005)  
Clean Neighbourhoods and Environment Act 2005  
Animal Welfare Act 2006  
Health Act 2006  
Gambling Act 2005  
Sunbeds (Regulation) Act 2010  
Food Hygiene (England) Regulations 2013  
Food Information Regulations 2014  
Anti-Social Behaviour, Crime and Policing Act 2014  
The Microchipping of Dogs (England) Regulations 2015  
Animal Welfare (licensing of activities involving animals) (England) Regulations 2018

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5. To enter into Agreements relating to the adoption of sewers.

6. To deal with and adjudicate on complaints about high hedges under the Anti- Social Behaviour Act 2003.

7. To deal with complaints made against “star ratings” in relation to Animal establishments under the Animal Welfare (licensing of activities involving animals) (England) Regulations 2018

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8. In relation to hackney carriage and private hire vehicles – to determine applications for a short term exemption (3 months) on medical grounds for drivers who cannot fulfil duties under the Equality Act (**note** - longer terms exemptions will need to be considered by the Regulatory Sub-Committee).

9. Licensing Act 2003 – Delegated Authority be granted to Head of Paid Service to dispense with the need for a hearing when relevant representations are made in relation to the determination of a premises licence 18(3), variation of a premises licence 35(3), determination of a club premises certificate 85(3) and prior to the hearing the relevant representation(s) are subsequently withdrawn, and the authority, the applicant, and each person who has made such representation(s) agree that the hearing is unnecessary.

Sections 18(4)(a), 18(4)(b), 35(4)(a), 72(4)(a)(b) and 85(4)(a) apply as the necessary steps to deal with the application; to promote the

licensing objectives and add/modify conditions.

Justice and Public Order Act 1994 as deemed to be necessary and appropriate on behalf of the Council.

**(Limits on delegations:** Following consultation with the Chairman of the Prosperous Communities Committee).

9. In the event of extreme inclement weather; or insufficient business to warrant calling a meeting or other unforeseen circumstance including periods of national mourning/national emergencies to cancel or postpone a meeting of the Council, a committee, sub-committee etc. or, where business dictates that a meeting, not already set out in the timetable, be required to be held, that meeting be called, in consultation with the relevant Chairman.
10. To establish and maintain an accountability framework to implement devolved management arrangements.
11. To determine and publicise a description of the overall structure of the Council showing the management structure and deployment of officers.
12. To add entries to the Capital Programme provided that they are fully externally funded in consultation with the Leader of the Council and the Chief Finance Officer.
13. In the absence of the Head of Paid Service the delegated powers in 1-12 above may be exercised by a designated deputy.
14. To call concurrent meetings of the policy committees when it is considered prudent and efficient to do so in accordance with the agreed protocol.

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