

Guildhall Gainsborough  
Lincolnshire DN21 2NA  
Tel: 01427 676676 Fax: 01427 675170

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

## AGENDA

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

**PLEASE NOTE DUE TO CONTINUED SOCIAL DISTANCING REQUIREMENTS  
THE PUBLIC VIEWING GALLERY IS CURRENTLY SUSPENDED**

This Meeting will be available to watch live via: <https://west-lindsey.public-i.tv/core/portal/home>

**Notice** is hereby given that a meeting of the Council will be held in the West Lindsey Leisure Centre, The Avenue, Gainsborough, , on **Monday, 1st November, 2021 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 and sign as a correct record the Minutes of the previous Full Council Meeting held on 6 September 2021.

**(PAGES 4 - 13)**

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  
Matters Arising Schedule as at 22 October 2021.

**(PAGES 14 - 16)**

5. ANNOUNCEMENTS
- i) Chairman of Council
  - ii) Leader of the Council
  - iii) Chief Executive

6. PUBLIC QUESTION TIME  
Questions, if received, under this Scheme will be published by way of supplement.

7. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE NO. 9  
Questions submitted by Members under Procedure Rule No.9 will be published as a supplement following closure of the deadline.

8. MOTIONS PURSUANT TO COUNCIL PROCEDURE RULE NO. 10  
No motions, under Procedure Rule No.10 have been submitted for this meeting.

9. REPORTS FOR DETERMINATION

- a. Recommendation from the Licensing Committee - Gambling Act 2005  
Statement of Principles (Gambling Policy) - Approval

**(PAGES 17 - 102)**

- b. Recommendation from the Governance and Audit Committee - Adoption of a New Code of Conduct for Members

**(PAGES 103 - 128)**

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

Large Clear Print: Braille: Audio: Native Language

Ian Knowles  
Head of Paid Service  
The Guildhall  
Gainsborough

Friday, 22 October 2021

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

Large Clear Print: Braille: Audio: Native Language

# Agenda Item 2

West Lindsey District Council - 6 September 2021

## WEST LINDSEY DISTRICT COUNCIL

Minutes of the Meeting of Council held in the West Lindsey Leisure Centre, The Avenue, Gainsborough on 6 September 2021 at 7.00 pm.

**Present:** Councillor Steve England (Chairman)  
Councillor Mrs Angela Lawrence (Vice-Chairman)

|                                   |                                 |
|-----------------------------------|---------------------------------|
| Councillor Owen Bierley           | Councillor Matthew Boles        |
| Councillor Mrs Jackie Brockway    | Councillor Stephen Bunney       |
| Councillor Liz Clews              | Councillor David Cotton         |
| Councillor Christopher Darcel     | Councillor Timothy Davies       |
| Councillor Michael Devine         | Councillor David Dobbie         |
| Councillor Ian Fleetwood          | Councillor Mrs Caralyne Grimble |
| Councillor Cherie Hill            | Councillor Paul Howitt-Cowan    |
| Councillor Mrs Cordelia McCartney | Councillor Giles McNeill        |
| Councillor John McNeill           | Councillor Mrs Jessie Milne     |
| Councillor Keith Panter           | Councillor Roger Patterson      |
| Councillor Peter Morris           | Councillor Tom Regis            |
| Councillor Mrs Lesley Rollings    | Councillor Jim Snee             |
| Councillor Mrs Mandy Snee         | Councillor Robert Waller        |
| Councillor Mrs Anne Welburn       | Councillor Mrs Angela White     |
| Councillor Trevor Young           |                                 |

### **In Attendance:**

|                   |   |
|-------------------|---|
| Ian Knowles       | Chief Executive   |
| Tracey Bircumshaw | Assistant Director of Finance and Property Services and Section 151 Officer |
| Emma Redwood      | Assistant Director People and Democratic Services                           |
| Katie Storr       | Democratic Services & Elections Team Manager (Interim)                      |
| Ele Snow          | Democratic and Civic Officer  |

### **Apologies**

Councillor Mrs Tracey Coulson  
Councillor Jane Ellis  
Councillor Mrs Judy Rainsforth  
Councillor Mrs Diana Rodgers  
Councillor Jeff Summers

## **29 CHAIRMAN'S WELCOME AND MINUTE'S SILENCE FOR FORMER COUNCILLOR REG SHORE**

The Chairman welcomed all Members to the Leisure Centre, as the Authority continued to hold its Full Council meetings away from the Guildhall due to ongoing capacity restraints. The Chairman reminded Members of the fire procedures and Covid measures in place before formally opening the meeting.

Having offered Prayers for former Councillor and former Leader of the Council, Councillor Reg Shore, prior to the start of the meeting, in opening the meeting the Chairman asked that Members join him in a minute's silence, as a mark of respect. Following which, numerous tributes were made across the Chamber with former colleagues from all political persuasions speaking not only of Councillor Shore's impact in local democracy, his passion, dedication and strong principles, but also of the work he had undertaken and the impact of this work, in his teaching career. An enabler, able to assist people in fulfilling their potential; Reg would be sadly missed by all who knew him, and would be remembered fondly.

The Deputy Monitoring Officer advised the meeting of apologies received (stated above).

### **30 MINUTES OF THE PREVIOUS MEETING**

(a) Minutes of the Meeting of Full Council held on 28 June 2021

Having being moved and seconded, and with no questions raised, it was: -

**RESOLVED** that the Minutes of the Meeting of Full Council held on 28 June 2021 be confirmed and signed as a correct record.

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### **31 MEMBERS' DECLARATIONS OF INTEREST**

No declarations were made.

### **32 MATTERS ARISING**

The Chairman introduced the report advising Members that the report would be taken "as read" unless Members had any questions.

With no comments or questions and with no requirement for a vote, the Matters Arising were **DULY NOTED**.

### **33 ANNOUNCEMENTS**

#### **Chairman**

The Chairman addressed Council and was pleased to advise that, with the gradual lifting of restrictions, he had been able to carry out some civic duties.

The Chairman had had the opportunity to visit the site of the new memorial garden at Lea Fields Crematorium and had also had the pleasure of presenting a cheque to the children's hospice, the money had been raised from the kindness of bereaved relatives.

The Chairman had had the honour of raising the red ensign outside the Guildhall to honour our merchant seamen and women who were so vital to our island nation. That same day the

Chairman had visited Bransby Home for Horses to witness the remarkable work they undertake with beautiful animals, in many cases, from less than ideal circumstances. The Chairman joked about the friend for the day he had made in Womble a rescued Welsh pony with fancy for mints! He encouraged all Members to visit this amazing place.

## **Leader**

The Leader made the following address to Council:-

“Firstly and reflecting on the recent distressing events in Afghanistan, in particular from Kabul airport, may I give an absolute assurance that we, as a Council (and working collectively and collaboratively with partner organisations) will seek to play as full a part as possible in supporting the Afghan Resettlement Scheme. This has been titled ‘Operation Warm Welcome’.

I’m pleased to report that an application to the Secretary of State for Housing, Communities and Local Government for a substantial part of West Lindsey to be designated as a Rural Area under section 157(1) of the Housing Act 1985, as amended, has been successful. The principal advantage of this is to help secure the continuing provision of appropriate affordable homes.

It is especially pleasing to report that West Lindsey’s Crematorium and Operational Services teams have each been announced as finalists in the 2021 Annual Service Awards by APSE, the Association for Public Service Excellence. Almost four hundred nominations were received for the awards this year. Our Crematorium team will be defending in the category they won in 2020.

In July the Housing, Health and Care Delivery Group published an important new document called ‘Lincolnshire Homes for Independence’. It contains a wealth of data and insight into the fundamentally important role appropriate housing provision, that is homes meeting the needs of individuals and communities, plays in supporting peoples’ lifelong health and well-being.

The consultation on the draft Central Lincolnshire Local Plan closed on Tuesday, 24<sup>th</sup> August, with huge thanks due to all those who took part in it. A pre-submission plan will now be prepared by the Joint Planning Unit, based on the responses received, ready for a second public consultation next spring, after which the document will be finalised for its Examination in Public.

As colleagues will be aware the Council’s budget consultation for the financial year 2022-23 opened on Monday, 2<sup>nd</sup> August and will run until 9.00 am on Monday, 27<sup>th</sup> September. I’m really pleased that we are able to have in person conversations again this year, through attendance at the District’s markets and believe that can only increase engagement in this important process.

Finally Chairman, in regard to the Coronavirus pandemic, we now face a

period of considerable challenge and uncertainty as autumn approaches. Continued adherence to all official guidance and regular self-testing remain vital tools to help keep one another and our communities safe. Continuing to do the right things is also the best way to protect our National Health Service.”

With the permission of the Chairman, the Leader of the Opposition posed two questions to the Leader. Firstly seeking an update on the street lighting motion, submitted to the last Council meeting and secondly, when Councillors would be permitted to return to the Chamber for their Full Council Meetings, outlining his concerns regarding suitability of the alternative venues, the costs involved and the impact on the ability to hold appropriate Group Meetings.

Regarding the first matter the Chairman determined, the opportunity to raise that had passed, given it had been in the Matters Arising report earlier in the meeting when no questions had been raised.

Regarding the latter, the Chairman whilst acknowledging, current working arrangements were not ideal, and in the absence of absolute guidance from the Government regarding workplaces, he indicated he was confident the Chief Executive would make decisions appropriately and in the interest of all.

The Leader of the Opposition expressed his disappointment and the lack of willingness from the Administration to provide an update regarding street lighting motion, passed by the Council, and which was important to many residents. He commented on the noticeable absence of any media coverage regarding the motion, surmised at the reasons for this, and spoke of opportunities missed by the Leader.

The Chairman interjected and advised that he would request the Leader to respond in writing, but that Leader’s announcements were concluded and not for debate.

### **Chief Executive**

The Chief Executive addressed Council and advised he had attended at both the LGA and CIPFA virtual conferences. There had also been opportunity to continue Ward visits with Members, visiting the Wards of Lea, Saxilby, Bardney, Nettleham and Sudbrooke. It was intended at the conclusion of the ward visits, to informally feedback, learning gained from the visits, to each Ward Member.

The Chief Executive was pleased to advise that Rachael Hughes had been appointed to the role of Head of Strategy and Policy. Interviews would be held shortly for two reporting roles, which included a dedicated officer to lead the Sustainable Environment Strategy.

Reference was made to the ongoing consultation with Members regarding the frequency of the current weekly Chief Executive’s message. Members were encouraged to feedback through the voting mechanism circulated to them recently.

The Budget consultation events had commenced. The S151 Officer would be in the Gainsborough Market Place, the following day, Market Rasen the following Tuesday and Caistor that Saturday and the 18<sup>th</sup> of the month. Members were encouraged to visit the

stalls, get involved and promote the events within their communities.

Again with the permission of the Chairman, the Leader of the Opposition posed the same questions, to him as Head of Paid Service, as he had to the Leader of the Council. Seeking an understanding of why there had been no communications issued following the passing of the street light motion.

In responding, the Chief Executive advised that it had not been custom and practice of this Council to issue communications arising from Motions submitted under Rule No.10 unless that motion specifically instructed communication and promotion as part of its content.

The response was challenged, with the Chairman interjecting and reminding Councillor Young that he had previously been advised the Leader would respond in writing, bringing announcements to an end.

### **34 PUBLIC QUESTION TIME**

The Chairman advised the meeting that no public questions had been received.

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

The Chairman advised the meeting that one question pursuant to Council Procedure Rule No.9 had been submitted to the meeting. This had been circulated to all Members, separately to the agenda.

The Chairman invited, Councillor Anne Welburn, Ward Member for Cherry Willingham, to put her question to the Leader, as follows: -

“1 in 4 people will experience a mental health problem in any given year. The World Health Organisation predicts that depression will be the second most common health condition worldwide in the coming years. Mental ill health costs some £105 billion each year in England alone. People with a severe mental illness die up to 20 years younger than their peers in the UK. There is often a circular relationship between mental health and issues such as housing, employment, family problems or debt.

As a local authority, we have a crucial role to play in improving the mental health of everyone in our community and tackling some of the widest and most entrenched inequalities in health. Mental health should be a priority across all the local authority’s areas of responsibility, including housing, community safety and planning. All Councillors can play a positive role in championing mental health on an individual and strategic basis.”

Please can the Leader outline the principal actions we, as a Council, are taking to:

- Support positive mental health in our community, including in local schools, neighbourhoods, and workplaces.

- Work to reduce inequalities in mental health in our community

Thank you  
Councillor Anne Welburn”

The Leader of the Council, Councillor Owen Bierley, responded as follows: -

“Thank you for your question Councillor Welburn.

As a district council we have no statutory responsibility for health, which includes mental health – this responsibility lies with the NHS Lincolnshire Partnership Foundation Trust known across the system as LPFT. However as providers of key services including housing, leisure, and environmental health services and key enablers including economic development, planning and community engagement, all of which impact on the wider or social determinants of health, we play an important role in supporting the physical and mental health and well being of our residents.

The Health and Social Care White paper published earlier this year sets out the legislative proposals for the Health and Care Bill building on strong collaborations formed during the Coronavirus pandemic. District Councils have long recognised the importance of collaboration and some of the work we are currently engaged in in relation to mental health embraces a system wide approach.

Officers and Members are engaged in a number of forums and partnerships that provide opportunities to influence across the system to reduce health inequalities.

We are members of the Gainsborough Mental Health Partnership – coordinated by local Neighbourhood team (NHS)

We have Member and Officer representation at the Housing, Health and Care Delivery group.

We have a place on the Mental Health, Learning Disability and Autism Partnership Board.

Gainsborough is a pilot site for the LPFT Mental Health Transformation Programme working closely with the voluntary and community sector.

And we have a place on the Health Inequalities Programme Board, led by the NHS and ensuring a system wide approach to addressing health inequalities is embedded in the foundation of Integrated Care System development

Leaders and Chief Executives of the seven district authorities commissioned work earlier this year which has provided an emerging framework identifying the key lever areas where districts have an impact on addressing health inequalities and identifies activities which we will continue to focus on in coming years.

These include;

Economic inclusion, which reduces economic inequalities and alleviates poverty as a fundamental driver for improving mental and physical health.

Environment and Climate which seeks to ensure that the environment in Lincolnshire supports the mental wellbeing of residents.

Activity and Wellbeing, aligning district council work to that of the Active Lincs Physical Activity Blueprint with better use of green spaces, normalising and embedding physical activity, social prescribing to address inactivity, arts, culture and the use of community venues – all which impact positively on mental health.

Housing and Homelessness, where we work to provide services for the most vulnerable. Improvements in housing conditions and access to good quality housing are critical to mental health. Our work with colleagues at Lincolnshire County Council continues towards the objectives set within the Homes for Independence Blueprint, including enabling the provision of specialist accommodation for working age adults, adults with learning disabilities and mental health issues and our ageing population.

And finally Community Empowerment, which recognises and builds upon the role and expertise the voluntary and community sector have and can play in addressing inequalities in mental health.

Operationally on a day to day basis Officers work to meet the strategic aim within the Corporate Plan which is 'to reduce health inequalities and promote wellbeing across the district through the promotion of healthy lifestyles.' This is not only through the key services already mentioned as contributing to the wider determinants of health, but through other channels where we can contribute towards and support positive mental health in our communities. This may be through signposting and communication and also through links to wider partnerships and stakeholders including local businesses, schools and community groups.

Within our own workplace we actively promote positive mental health through our Health and Wellbeing central support initiative 'ONE' which offers advice and support for employees as well as events, tips and activities that support positive mental wellbeing. An example of a popular activity for staff has been a step challenge where teams of officers are encouraged to get out and about in the fresh air to increase their physical activity and move away from their desks by increasing the number of steps they take over a four-week period. The latest step challenge for Officers has commenced today and the benefits to mental health of initiatives such as this are surely to be wholly supported and welcomed.

In summary work in this important area is moving forward at pace and with purpose.

Thank you again for your question Councillor Welburn”

Councillor Welburn thanked the Leader for the response, welcomed the amount of positive work being undertaken but also urged that greater provision of footpaths, recognising their positive contribution to mental health, not be overlooked. This was a matter the Authority was keen to pursue with the County Council.

Following indications to speak, the Chairman reminded the Chamber that questions under procedure rule No.9 were not for debate by other Members.

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

The Chairman advised the meeting that no Motions, under Council Procedure Rule No.10, had been submitted to the meeting.

### **37 ANNUAL TREASURY REPORT**

The Chairman of the Corporate Policy and Resources Committee presented the annual Treasury Management Report for 2020/2021 report to Council which stood recommended by her Committee.

The report detailed the outturn position for Treasury activities, and highlighted compliance with the Council's Treasury Management Policy previously scrutinised by Governance and Audit Committee and approved by Council.

The prudential indicators, which had been monitored throughout the year by the Committee, were detailed in section 3 of the report.

Whilst interest returns had remained low and were projected to remain low for the foreseeable future, the Council had maintained an average balance of £21m in investments and had earned an average return of 0.896% resulting in interest of £0.185m, mainly due to the £3m investment in the CCLA Property Fund (£0.152m).

The Capital Financing Requirement, which represented the Council's underlying borrowing need, at the end of March was reported at £38.525m, of which external borrowing had remained consistent at £20m.

Whilst the Council policy was not to charge an annual Minimum Revenue Provision(MRP) for its investment properties, during the year a voluntary revenue provision of £707,000 had been made. The MRP made for the year against other borrowing was £0.251m, and Members noted these payments effectively reduced the Council's borrowing need.

Debate ensued and whilst accepting the report was primarily related to finance, a Member of Climate and Sustainability Working Group considered all activities had an impact on the climate, and as such, Officers should consider these matters and report the implications accordingly. For example the investments held with other banks and money markets could have climate related risks, investing in property brought with it a climate impact.

The S151 Officer responded accordingly. A Member commented on the success of CCLA investments, an opportune discovery which had paid dividends.

In response to questions, regarding promotion of recommendations, referencing comments in the earlier debate, a former Leader of the Council, outlined press activity he had undertaken in his role. Given the previous response of the Head of Paid Service, he questioned if he acted inappropriately, citing the role description of the Leader of the Council in Article 12 of the Constitution.

The Chief Executive clarified his comments, indicating they related to motions submitted under procedure rule 10, as opposed to motions arising from recommendations within reports, confirming the actions of the previous Leader in respect of promotion, had been acceptable within his role.

The response was challenged and the Chief Executive undertook to look into the matter outside of the meeting.

The Chairman of the Governance and Audit Committee, reminded Members that reports style and content was under review this year with the opportunity for Members to be engaged. Furthermore, should the constitution need revision, given the comments expressed, such matters would be considered as part of the Annual Review.

Having being moved, seconded and on being put to the vote it was: -

**RESOLVED** that the Annual Treasury Management Report and actual Prudential Indicators 2020/21 be approved.

### **38 APPOINTMENT TO VACANCY ON THE GOVERNANCE AND AUDIT COMMITTEE**

Council gave consideration to a report which sought to appoint a Member to serve on the Governance and Audit Committee, on which there was currently a vacancy, following an unconstitutional appointment having been made at the previous meeting.

**RESOLVED** that Councillor Mrs Caralyne Grimble be appointed to serve on the Governance and Audit Committee for the remainder of the 2021/22 Civic Year.

**Note:** - The Deputy Monitoring Officer left the meeting prior to consideration of the next item of business.

### **39 APPOINTMENT OF MONITORING OFFICER**

Members gave consideration to a report which sought the re-designation of the statutory position of Monitoring Officer under the provisions of the Local Government Act Housing Act 1989.

Assurance was sought that the Officer would be supported appropriately in carrying out the role and were referred to the staffing implications section of the box.

Members commented positively on the capability of the Officer proposed for appointment

and offered her congratulations in her absence.

Thanks were expressed to the outgoing Monitoring Officer, for the work he undertaken in the role, both as Monitoring Officer and Deputy.

On being put to the vote it was **RESOLVED** that: -

- (a) In accordance with the terms of Part I, 5 of the Local Government and Housing Act 1989 (as amended) and all subsequent related legislation, Emma Redwood be appointed as the Council's Monitoring Officer, with immediate effect; and
- (b) the Constitution be amended, as necessary, to reflect this revised appointment.

**Note:** The newly appointed Monitoring Officer returned to the meeting.

The meeting concluded at 7.59 pm.

Chairman

**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**

| Meeting | Full Council                                |  |   |          |              |
|---------|---|--|---|----------|--------------|
| Status  | Title                                       | Action Required  | Comments  | Due Date | Allocated To |
| Black   | <b>motion to Council - combating litter</b> | <p>extract from mins of mtg held on 2/11/20 RESOLVED that the motion as amended, be ACCEPTED and as such the Council commits to : -</p> <p>(b) by way of report to Prosperous Communities Committee, examine the merits of becoming a local authority member of the Keep Britain Tidy Network, and identify which of the campaign's including Love Parks and Charity Bins, could be introduced in the District;</p> <p>(d) by way of report to Prosperous Communities Committee, investigate whether promoting take-up of the DEFRA voluntary code amongst our fast food businesses and local business partnerships is appropriate and investigate the resource and capacity implications, of seeking their sponsorship for the introduction of a Charity Bin scheme and for a public education programme. Prosperous Communities Committee are charged with making a formal decision in respect of this aspect of the motion.</p> | <p><b>This item has now been re-scheduled for September as opposed to June as previously indicated to Members .</b></p> <p><b>Item will remain on the schedule until the report has completed its route through Committee</b></p> | 15/12/20 | Ady Selby    |

|       |  |  |   |          |                 |
|-------|--|--|---|----------|-----------------|
| Black | <b>Annual Review of Constitution</b>     | extract from mins of mtg 28/6/21<br>the amendments detailed throughout Section 2 of the report, including those detailed in Appendix 2 relating to the Planning Delegation scheme be approved, adopted and implemented with immediate effect;  | <b>all amendments referenced in the report, revised fin regs , contract regs, table of housing keeping amendments to be made and full document re-published , also changes arising from DCPS departure be made</b><br><br><b>published 18 October</b>   | 06/09/21 | Katie Storr     |
| Green | <b>motion to council - street lights</b> | extract from mins of meeting 28/6/21<br>(a) The Leader of the Council to commence robust discussions with Leading Members of the County Council with a view to seeking the re-introduction of street lighting in parts of West Lindsey, particularly into those communities we ourselves have deemed to be vulnerable; and<br><br>(b) the Leader feed back to this Council, by way of reporting to Prosperous Communities, the outcome of these discussions, potential options which could be investigated and their associated costs. | <b>A written approach has been made to the Leader and relevant portfolio holder of LCC requesting a meeting to further discuss this matter initially – a response is awaited”</b><br><br><b>Further information will be presented to The Prosperous Comms Cttee in accordance with the motion as this matter progresses”</b><br><br><b>arising report will need programming into Prosp Comms workplan .</b><br><br><b>This matter was again raised at the meeting on 6 September : -</b><br><br><b>The Leader of the Opposition expressed his disappointment and the lack of willingness from the Administration to provide an update regarding street lighting motion, passed by the Council, and which was important to many residents. He commented on the noticeable absence of any media coverage regarding the motion, surmised at the reasons for this, and spoke of opportunities missed by the Leader.</b> | 25/10/21 | Cllr. O Bierley |

|       |                     |  |  |          |             |
|-------|---------------------|--|--|----------|-------------|
|       |                     |  | <p>The Chairman interjected and advised that he would request the Leader to respond in writing, but that Leader's announcements were concluded and not for debate.</p> <p>22/10 - Up to the time of writing Lincolnshire County Council has not responded to my (the Leaders) letter; however I have been informally advised that requests for specific lighting to be turned on overnight, made through the normal channels, will be considered. This clearly remains work in progress.</p> |          |             |
| Green | neighbourhood plans | <p>extract from mins of mtg 28/6/21</p> <p>It was custom and practice for Neighbourhood Planning Groups to formally present their plans to the Council Meeting. Disappointingly, current restrictions had not made this possible, but the Chairman indicated of his intention to ensure Group representatives, were invited in due course, to meet with him at a separate event when restrictions allowed more easily.</p> | this has been logged within the Civic Work Plan  | 31/10/21 | Trudi Hayes |



Full Council

1<sup>st</sup> November 2021

**Subject: Gambling Act 2005 Statement of Principles (Gambling Policy) - Approval**

Report by:

Assistant Director – Change Management & Regulatory Services

Contact Officer:

Andy Gray  
Housing and Enforcement Manager

tracy.gavins@west-lindsey.gov.uk,  
andy.gray@west-lindsey.gov.uk

Purpose / Summary:

To approve the Gambling Act 2005 – Statement of Principles following on from public consultation and on recommendation of the Licensing Committee.

**RECOMMENDATION(S):**

**Full Council are asked to:**

- a) **accept the recommendation from Licencing Committee on 16 September 2021, and approve the Gambling Act 2005 – Statement of Principles 22-24 (Attached at Appendix 1) for adoption, with effect from 1 January 2022.**

## IMPLICATIONS

### **Legal:**

West Lindsey District Council as the licensing authority is responsible for the licensing of premises and the issue of permits and authorisation under the Gambling Act 2005.

The Council have a number of functions under the Gambling Act 2005, which are referred to in section 1.3 of the Statement of Principles. Alongside this Licensing Authorities are required by the Gambling Act 2005 to publish a Statement of Principles, which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed as required and any amended parts re-consulted upon, the statement must be then re-published

### **Financial : FIN/65/22/TJB**

The costs of activities referred to within the Statement of Principles are all recoverable on a total cost recovery basis through the approved fees and charges associated with the relevant licensable activity.

### **Staffing :**

There are no staffing implications.

### **Equality and Diversity including Human Rights :**

The Statement of Principles sets out how it aligns with the Council's overall policy approach to licensing and the enforcement of licensing related matters.

### **Data Protection Implications :**

There are no data protection implications.

### **Climate Related Risks and Opportunities :**

None noted.

### **Section 17 Crime and Disorder Considerations :**

As per the Council's role as the licensing authority any premises that fall within the remit of the Gambling Act 2005 will be required to ensure that they act accordingly in relation to crime and disorder. The Council retains the right to deal with these matters in its role as the licensing authority.

**Health Implications:**

As per the Gambling Commissions Licence Conditions licensees are required to assess the local risks to the licensing objectives posed by the provision of any gambling facilities and have appropriate controls in place to manage this. These controls include measures in relation to mental health support, alongside other requirements outlined within the Statement of Principles.

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

**Risk Assessment :**

**Legislative Requirement** - The Council have a number of functions under the Gambling Act 2005, which are referred to in section 1.3 of the Statement of Principles. Alongside this Licensing Authorities are required by the Gambling Act 2005 to publish a Statement of Principles, which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed as required and any amended parts re- consulted upon, the statement must be then re-published.

**Legislative consultation requirement** – the Council is required to consult as part of its statutory obligations, failure to do this would mean that these obligations are not then met.

**Consultation Response Levels** – there is no minimum response level required, however the Council is required to consult with certain parties and will endeavour to ensure that these parties respond to the consultation.

**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**

**Key Decision:**

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

**Yes**

**No**

## **1. Introduction**

1.1. 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 full document is shown in appendix 1.

## **2. Context**

2.1. 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.

2.2. The Council work with the Gambling Commission and license 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.

2.3. 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.

2.4. 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.

## **3. Consultation**

3.1. The Statement of Principles must be published at least every three years, alongside being reviewed as required and any amended parts being re consulted upon.

3.2. The consultation took place between the 14<sup>th</sup> of June 2021 to the 6<sup>th</sup> of August 2021 and was available for comment on the Council's website and alongside this was sent directly to key stakeholders and businesses who are involved in functions related to the Act.

3.3. A number of minor wording amendments have been made, which do not affect the policy approach.

3.4. One detailed response was provided which contained a number of suggestions in relation to the wording and content of the policy. The amendments made from this are below and have been amended within the Policy.

- Page 7, Section 3.7 first paragraph: removal of the word “expect” in relation to measure necessary to promote the licensing objectives.

Replaced with “Applicants should be reasonably consistent when considering the licensing objectives referring to the protection of children and other vulnerable persons.”

- Section 4.27 has been deleted: 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.

This section has been deleted because the Statement of Principles is clear elsewhere (at paragraph 1.30) that the licensing authority will seek to avoid any duplication with other statutory / regulatory systems. The issue of fitness and propriety are matters for the Gambling Commission alone, and not the licensing authority when determining whether or not an application for a particular premises would be reasonably consistent with the licensing objectives.

- Part B 1.2 has been deleted: 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.

This section has been deleted because the Council is already asking premises to volunteer conditions but under the Gambling Act there are no provisions for this. Any risk to the licensing objectives will be identified in the operator’s own risk assessment, which is a separate document.

- Page 50, Part C 9.6: the bullet point in relation to ethnicity has been removed as it is not understood to be a risk factor in this context.

#### **4. Approval**

4.1. The statement of principles, as attached at Appendix 1 was considered by the Council’s Licensing Committee on the 16<sup>th</sup> of September 2021 where it was

**RESOLVED** that the Gambling Act 2005 – Statement of Principles be approved for **RECOMMENDATION** to Full Council, at its next meeting (1 November 2021) for final determination.

4.2 Council are therefore asked to accept the recommendation from Licencing Committee and approve the Gambling Act 2005 – Statement of Principles 22-24 for adoption, with effect for 1 January 2022.

**END**

# STATEMENT OF PRINCIPLES 2022 - 2024

## Gambling Act 2005

- Approved by Licensing Committee - tbc
- Adopted by Full Council - tbc
- Published - tbc
- Effective from 01 January 2022

Prepared April 2021

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DRAFT

## Foreword

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 license 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 01 November 2021 and will then be published and effective from 01 January 2022.

# 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 <https://www.begambleaware.org/understanding-someone-who-gambles> and GamCare <https://www.gamcare.org.uk/understanding-gambling-problems/how-can-gambling-affect-your-life/> websites. These 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 Applicants should be reasonably consistent when considering the licensing objectives referring to the protection of children and other vulnerable persons. 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, businesses and communities can thrive and reach their potential. Underpinning three key themes have been identified in our Corporate Plan leading up to 2023:

### **Our People**

- 4.2 The wellbeing and success of our residents and communities is of utmost importance to the Council. Our residents have varied and complex needs. We must ensure that we work with partner organisations, communities and residents themselves to address their issues and have a positive impact on their lives. We recognise that managing expectations in relation to time and resources available is essential.

### **Our Place**

- 4.3 West Lindsey is a predominantly rural district and it is imperative that we aim to protect what is important to current and future residents. We will achieve this by meeting the need for homes and infrastructure and diversifying the economic and employment opportunities available in the district.

### **Our Council**

- 4.4 It is the Council's strategic aim to be a well-managed and well-governed Council, delivering high quality services that demonstrate improvement and meet public aspirations. The Council is aware that, despite the challenge of reduced budgets, it has a key role to play in the current and future wellbeing of West Lindsey residents through the efficient delivery of excellent services and joint working with partners.

### **Our District**

- 4.5 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.
- 4.6 Our district covers 1,157km<sup>2</sup> (447 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.
- 4.7 The population of the district is spread across a large area. The mid-year estimates for 2019 give the district a population of 95,667 at a density of 82.69 people/km<sup>2</sup>.
- 4.8 There were 42,369 households in the district as of 2020 with Gainsborough comprising the largest number of households at 9,200.

- 4.9 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.
- 4.10 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.
- 4.11 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



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4.12 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>96</b>  |
| <b>Alcohol Licensed Premises with 2 Machines or Less</b> | <b>136</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>4</b>   |
| <b>Prize Gaming Permits</b>                              | <b>0</b>   |

- 4.13 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.
- 4.14 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.
- 4.15 The Licensing Act 2003 provides the delegated and procedural arrangements for the establishment of licensing authorities.
- 4.16 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 premises licence applications and other issues (i.e. permits) in relation to gambling.
- 4.17 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.
- 4.18 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.
- 4.19 Licensing Authorities are required by the Gambling Act 2005 to publish a

Statement of Principles, which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed as required and any amended parts re-consulted upon, the statement must be then re-published.

- 4.20 The Licensing Authority consulted widely upon this Statement of Principles before finalising and publishing.
- 4.21 The Gambling Act requires that the following parties be consulted by licensing authorities:
- The Chief Officer of Police
  - The Director of Public Health
  - 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
- 4.22 The consultation will take place between 14 June and 06 August 2021 and will be published on the council's website.
- 4.23 The Statement of Principles will be submitted for approval at a meeting of the Council on 01 November 2021 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.
- 4.24 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

- 4.25 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.
- 4.26 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 an application for a

premises licence. 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.

- 4.27 Further information is available on West Lindsey's website <https://www.west-lindsey.gov.uk/my-business/licensing/business-licences/gambling/> or The Gambling Commission's website <https://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/General-compliance/Premises-licence.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 Partnership.

## **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 Admin team via customer services on 01427 676676 or by emailing [committeeadmin@west-lindsey.gov.uk](mailto:committeeadmin@west-lindsey.gov.uk).

## **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 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

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## 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.
- 1.3 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 Records 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 should be made available to the Licensing Authority on request

Reason for amendment:

Records of these types of incidents have to be reported to the Gambling Commission daily

- 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 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:

#### **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 -** Mandatory and default conditions are attached to all premises licences. Any further conditions attached to licences will be proportionate and:
- 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 (AGC's)**

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 (FEC's)**

- 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.
- 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 Licence (in respect of a track)**

- 6.1 The district contains a well-known and prestigious horseracing racetrack at Market Rasen.
- 6.2 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.
- 6.3 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.
- 6.4 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
- 6.5 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 6.6 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.
- 6.7 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.
- 6.8 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.
- 6.9 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.
- 6.10 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)
- 6.11 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.
- 6.12 The Licensing Authority recommends an applicant seek further advice from the Gambling Commission prior to submission of their application.
- 6.13 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.
- 6.14 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.
- 6.15 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.
- 6.16 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.
- 6.17 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.
- 6.18 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.

- 6.19 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.

## **7. Betting Premises (in respect of premises other than a track)**

- 7.1 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 premises 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.
- 7.2 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.

## **8. Split Premises**

- 8.1 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.
- 8.2 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'.
- 8.3 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.
- 8.4 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.
- 8.5 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.
- 8.6 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.
- 8.7 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.
- 8.8 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.
- 8.9 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.

- 8.10 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.”
- 8.11 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.
- 8.12 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.
- 8.13 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.

## **9. Plans**

- 9.1 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.

9.2 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.

9.3 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.

## **10. Credit and ATMs**

10.1 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.

10.2 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

## **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.

## Part C – Other Consents

### 1. **Unlicensed Family Entertainment Centre Gaming Machine Permits (Statement of Principles on permits – schedule 10 paragraph 7)**

1.1 Where a premises does not hold a premises licence but wishes to provide 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 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.

- 3.5 The permit will have effect for ten years, unless it ceases to have effect, lapses or is renewed. There is no annual fee for prize gaming permits.
- 3.6 An application for renewal of a permit must be made during the period beginning six months before the permit expires and ending two months before it expires. A permit will be still valid pending renewal including an appeal against a decision not to renew. The permit must be kept on the premises and it is an offence not to produce it when requested to do so by a constable, an enforcement officer, or an authorised local authority officer. There is a right of appeal against a decision not to grant or renew a permit.

#### **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 (TUN)**

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 Commission’s 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 Poker**

### **Poker in alcohol-licensed premises**

- 8.1 The Commission actively engages with the larger national and regional organisers of poker leagues to remind them of the limited exemptions that apply to poker being offered in pubs. This authority conducts appropriate enforcement to detect and prevent infringements of such localised requirements as stake and prize limits, because the Council issued the alcohol premises licence in the first place.
- 8.2 In some poker tournaments the organisers offer 'prizes' at the end of a series of weekly games for the players with the most points. It is likely that the association of a prize with a monetary value with a game or series of games constitutes gaming. Therefore, if the eventual prize is worth more than the maximum prize set out in regulations then it could be unlawful gaming. For example, if a tournament simply involves a series of straightforward 'knockout' qualifying rounds, culminating in a 'final' game, then the winner's prize in the final – whether it comprises the stakes laid in that game, a separate prize provided by the organiser, or a combination of the two – must not exceed £100, which is the limit set by the regulations.

### **Poker under a club gaming permit**

- 8.3 A club gaming permit can only be granted to a members' club (including a miners' welfare institute), but cannot be granted to a commercial club or other alcohol-licensed premises. Other than in the case of clubs established to provide facilities for gaming of a prescribed kind (currently bridge and whist), clubs seeking club gaming permits must be established 'wholly or mainly' for purposes other than gaming. When a club gaming permit is granted there are no limits on the stakes and prizes associated with poker.
- 8.4 If a club established to provide facilities for gaming of a prescribed kind (currently bridge and whist) has a club gaming permit, it may not offer any other gaming besides bridge and whist. If such a club does not have a permit, it may provide exempt gaming provided it is not established to function for a limited period of time and it has at least 25 members. If it wishes to offer other non-exempt gaming it will require a Commission casino operating licence and any relevant personal licences.
- 8.5 The poker which a club gaming permit allows is subject to the following conditions:
- (a) In respect of equal chance gaming:
    - (i) the club must not deduct money from sums staked or won the participation fee must not exceed the amount prescribed in regulations; and
    - (ii) the game takes place on the premises and must not be linked with a game on another set of premises.
  - (b) Two games are linked if:

- the result of one game is, or may be, wholly or partly determined by reference to the result of the other game;
- the amount of winnings available in one game is wholly or partly determined by reference to the amount of participation in the other game;
- a game which is split so that part is played on one site and another part is played elsewhere is treated as two linked games
- only club members and their genuine guests participate.

(c) In respect of other games of chance:

- the games must be pontoon and chemin de fer only;
- no participation fee may be charged otherwise than in accordance with the regulations;
- no amount may be deducted from sums staked or won otherwise than in accordance with the regulations.

8.6 All three types of gaming are subject to the 48 hour rule, meaning that the games may only be played by people who have been members of the club for at least 48 hours, or have applied or been nominated for membership or are genuine guests of a member.

#### **Poker as non-commercial gaming**

8.7 This is allowed if it takes place at a non-commercial event, that is to say, if no part of the proceeds is for private profit or gain. One or more persons may benefit from the proceeds of such events if the activity is organised by or on behalf of a charity or for charitable purposes; or to enable participation in or support of athletic or cultural activities.

8.8 It would be possible to raise funds for an individual providing the proceeds were for example a wheelchair or to support a sporting endeavour. Events such as poker nights or casino nights are also permitted if they comply with the regulations and are run on a non-commercial basis.

#### **Poker as private gaming**

8.9 Poker offered as private gaming can take place anywhere to which the public do not have access, including a workplace. Domestic and residential gaming are two subsets where non-equal chance gaming is allowed.

- Domestic gaming is permitted without the need for permissions if it takes place in a private dwelling or it is on a domestic occasion and no charge or levy is made for playing.
- Residential gaming is permitted when it takes place in a hall of residence or hostel not administered in the course of a trade or business, and more than 50% of the participants are residents.

8.10 Private gaming can potentially take place on commercial premises in circumstances where a members' club hires a room in, for example, a pub or

hotel for a private function where equal chance gaming only is played. However, organisers would need to scrutinise very carefully the arrangements put in place to make sure that the particular area of the pub, hotel or other venue in which the gaming takes place is not, on the occasion of the private function, a place to which the public have access and that those participating are not selected by a process which means that, in fact, they are members of the public rather than members of the club.

- 8.11 The law in this area is complex. It is contained in SI No 3157/2007: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007. Organisers should be advised to seek their own legal advice before proceeding with the event. 29.48 It is a condition of private gaming that no charge (by whatever name called) is made for participation and Schedule 15 to the Act makes it clear that a deduction from or levy on sums staked or won by participants in gaming is a charge for participation in the gaming. It is irrelevant whether the charge is expressed to be voluntary or compulsory, particularly if customers are prevented from playing if they do not make the 'voluntary' donation, or there is strong peer pressure to make the donation.

## **9. Local Risk Assessments**

- 9.1 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.
- 9.2 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.
- 9.3 In addition, operators must undertake a local risk assessment when applying for a new premises licence.
- 9.4 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.
- 9.5 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.

9.6 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;
- 
- Deleting bullet point because it is not understood how ethnicity is a risk factor pawn broker/pay day loan businesses in the vicinity;
- other gambling premises in the vicinity.

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

9.8 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.

- 9.9 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.
- 9.10 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.
- 9.11 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).
- 9.12 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 premises 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**

- 9.13 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.
- 9.14 Local Area Information has now been compiled, please see Appendix 2 for further information which is intended to make Operators aware of local risks.

## **10. Review**

- 10.1 This Statement of Principles will remain in existence for a period of three years and will be subject to review and further consultation before December 2024. However, following consultation, the Licensing Authority may make revisions to it as deemed necessary.

## **11. Glossary**

- 11.1 A glossary of terms is attached at Appendix 3

DRAFT

# 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.<br><br>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   |

|  |  |  |   |
|--|--|--|---|
|  |  | <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>The only representations received are vexatious, frivolous, or certainly will not influence the Authority's determination of the application</p>   |
| Application for transfer of premises licence |  | <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> |
| Application for a provisional statement      |  | <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 |  | <p>Objection made and not withdrawn (Sch 12 Para 28 (2))</p> <p>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)</p> | <p>No objection made or objections have been withdrawn</p> <p>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)</p> |
| 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)   |  | <p>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.</p> <p>All cases where a counter notice may be required (S232(3))</p>   | 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, businesses and communities can thrive and reach their potential. Underpinning three key themes have been identified in our Corporate Plan leading up to 2023:

#### 1. Our People

The wellbeing and success of our residents and communities is of utmost importance to the Council. Our residents have varied and complex needs. We must ensure that we work with partner organisations, communities and residents themselves to address their issues and have a positive impact on their lives. We recognise that managing expectations in relation to time and resources available is essential.

#### 2. Our Place

West Lindsey is a predominantly rural district and it is imperative that we aim to protect what is important to current and future residents. We will achieve this by meeting the need for homes and infrastructure and diversifying the economic and employment opportunities available in the district.

#### 3. Our Council

It is the Council's strategic aim to be a well-managed and well-governed Council, delivering high quality services that demonstrate improvement and meet public aspirations. The Council is aware that, despite the challenge of reduced budgets, it has a key role to play in the current and future wellbeing of West Lindsey residents through the efficient delivery of excellent services and joint working with partners.

### 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 1,157km<sup>2</sup> (447 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 2019 give the district a population of 95,667 at a density of 82.69 people/km<sup>2</sup>. There were 42,369 households in the district as of 2020 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:

| <b>Name</b>                          | <b>Address</b>              |
|--------------------------------------|-----------------------------|
| 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  |

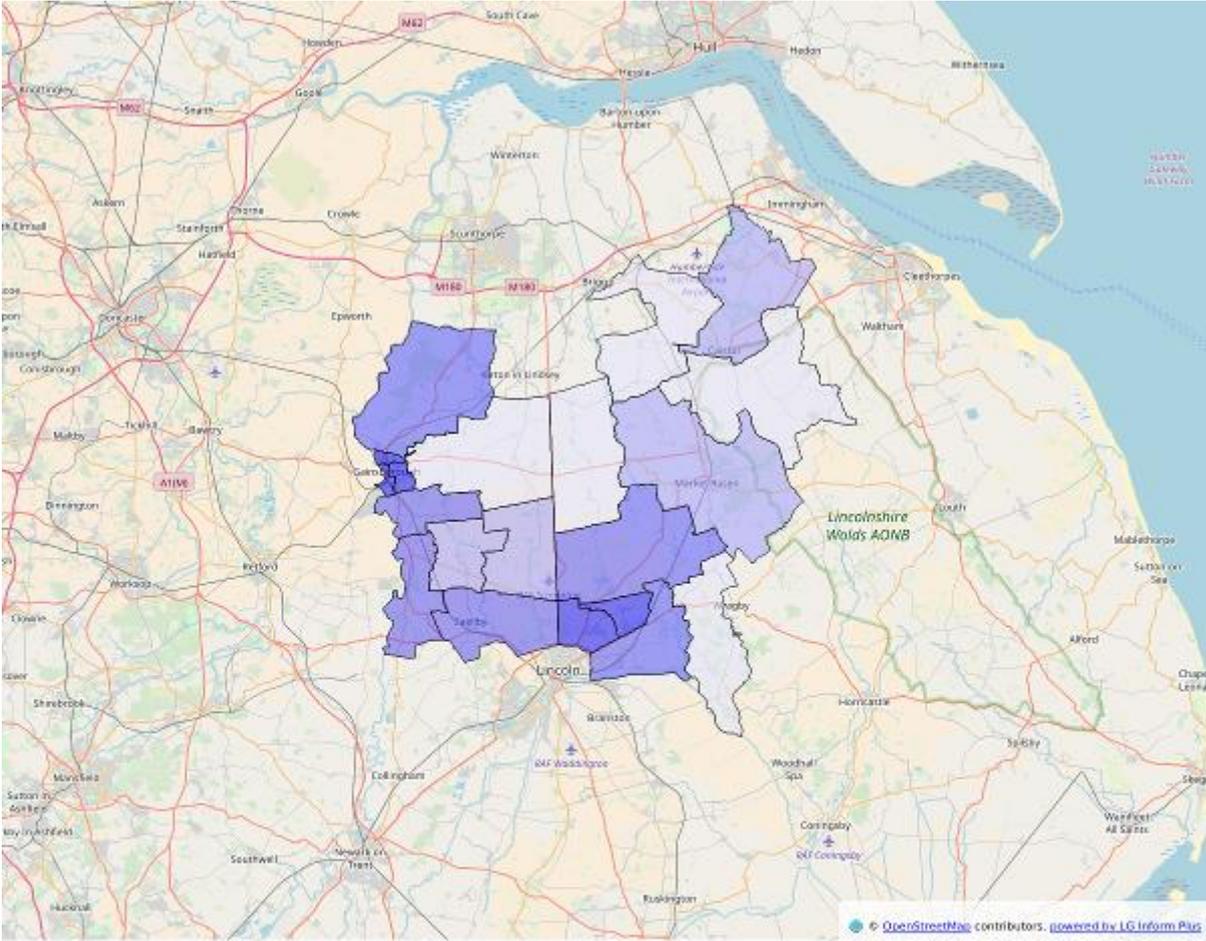
Much more detailed information relating to demography, crime and disorder, deprivation, education, employment, health and wellbeing can be found in the Council's State of the District Report, which is updated annually.

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

# Population

West Lindsey has a total population of 95,667 (2020 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.



## Age

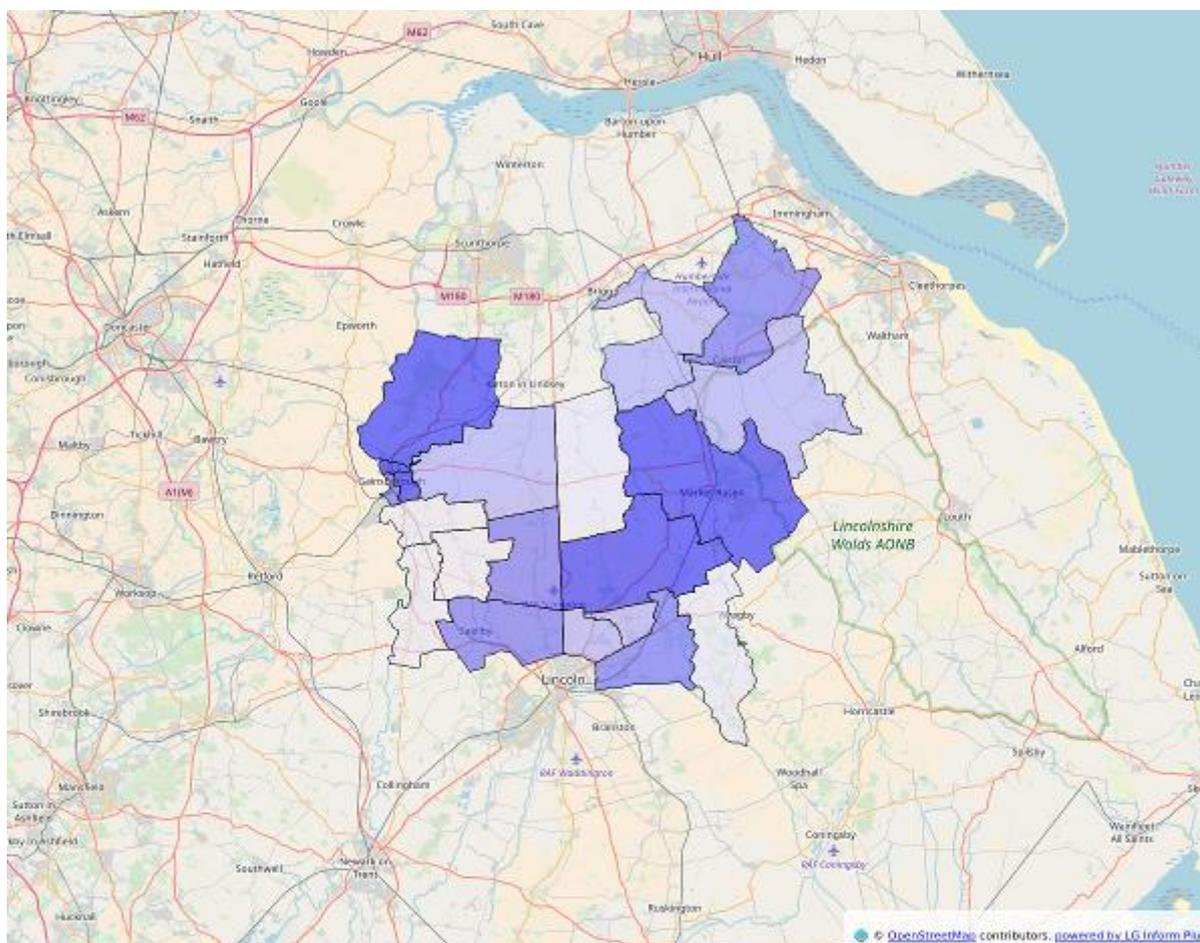
The following table provides a breakdown of age groups at ward level. Gainsborough East ward has the highest number of 0-17 year olds representing 10.49% of the population of the ward.

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

|                                | Geographical area, land only measurements | Total population | Total female population | Total male population |
|--------------------------------|---|------------------|-------------------------|-----------------------|
|                                | 2018                                      | 2018             | 2018                    | 2018                  |
|                                | Hectares                                  | People           | People                  | People                |
| <b>Bardney</b>                 | 6,255.72                                  | 2,636            | 1,337                   | 1,299                 |
| <b>Caistor and Yarborough</b>  | 6,930.63                                  | 5,425            | 2,830                   | 2,595                 |
| <b>Cherry Willingham</b>       | 4,561.18                                  | 7,542            | 3,953                   | 3,689                 |
| <b>Dunholme and Welton</b>     | 9,535.60                                  | 8,479            | 4,364                   | 4,115                 |
| <b>Gainsborough East</b>       | 293.81                                    | 7,807            | 4,080                   | 3,727                 |
| <b>Gainsborough North</b>      | 239.45                                    | 7,380            | 3,801                   | 3,579                 |
| <b>Gainsborough South-West</b> | 437.10                                    | 5,488            | 2,734                   | 2,754                 |
| <b>Hemswell</b>                | 9,593.48                                  | 2,852            | 1,377                   | 1,475                 |
| <b>Kelsey Wold</b>             | 7,926.32                                  | 2,746            | 1,373                   | 1,373                 |
| <b>Lea</b>                     | 2,818.09                                  | 2,112            | 1,127                   | 985                   |
| <b>Market Rasen</b>            | 15,310.58                                 | 8,935            | 4,559                   | 4,376                 |
| <b>Nettleham</b>               | 1,945.98                                  | 4,093            | 2,135                   | 1,958                 |

|                              | Geographical area, land only measurements | Total population | Total female population | Total male population |
|------------------------------|---|------------------|-------------------------|-----------------------|
|                              | 2018                                      | 2018             | 2018                    | 2018                  |
|                              | Hectares                                  | People           | People                  | People                |
| <b>Saxilby</b>               | 5,111.49                                  | 5,572            | 2,838                   | 2,734                 |
| <b>Scampton</b>              | 5,092.64                                  | 2,867            | 1,390                   | 1,477                 |
| <b>Scotter and Blyton</b>    | 10,245.62                                 | 7,774            | 4,000                   | 3,774                 |
| <b>Stow</b>                  | 3,328.55                                  | 2,329            | 1,192                   | 1,137                 |
| <b>Sudbrooke</b>             | 1,348.34                                  | 2,681            | 1,374                   | 1,307                 |
| <b>Torksey</b>               | 4,349.78                                  | 2,967            | 1,469                   | 1,498                 |
| <b>Waddingham and Spital</b> | 7,816.05                                  | 2,505            | 1,219                   | 1,286                 |
| <b>Wold View</b>             | 12,431.32                                 | 2,579            | 1,292                   | 1,287                 |
| <b>Total</b>                 | -   | 94,869           | 48,444                  | 46,425                |

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).



**Dependent children: All ages (2011)**

- $\geq 759 < 1,071$
- $\geq 408 < 759$
- $\geq 287 < 408$
- $\geq 217 < 287$

## 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.

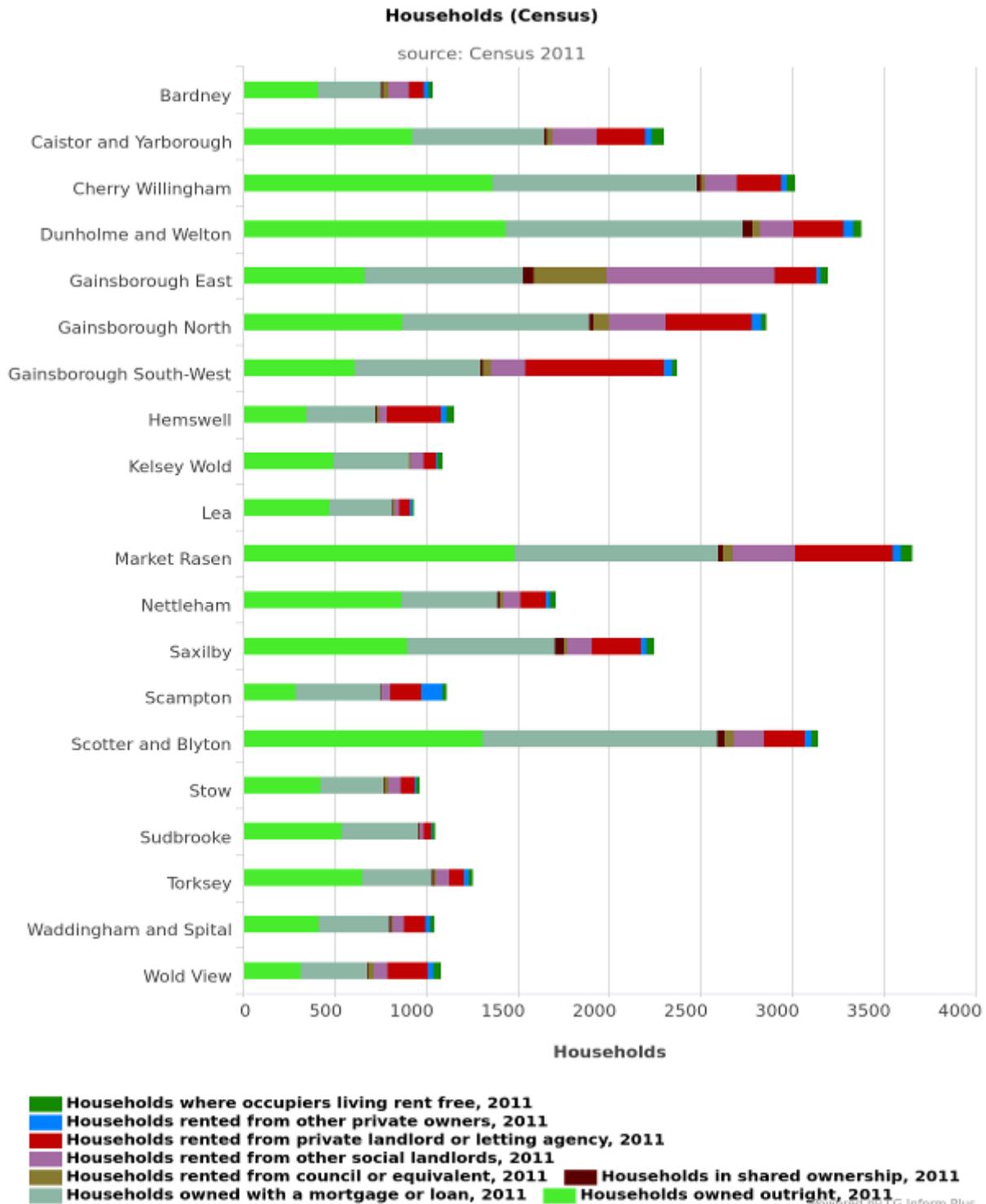
|                                | Residents who are White | Residents who are Mixed / Multiple ethnic groups | Residents who are Asian / Asian British | Residents who are Black / African / Caribbean / Black British | Residents who are Other ethnic group |
|--------------------------------|-------------------------|--|---|---|--------------------------------------|
|                                | 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>Residents who are White</b> | <b>Residents who are Mixed / Multiple ethnic groups</b> | <b>Residents who are Asian / Asian British</b> | <b>Residents who are Black / African / Caribbean / Black British</b> | <b>Residents who are Other ethnic group</b> |
|------------------------------|--------------------------------|---|--|--|---|
|                              | <b>2011</b>                    | <b>2011</b>   | <b>2011</b>                                    | <b>2011</b>  | <b>2011</b>                                 |
|                              | <b>People</b>                  | <b>People</b>   | <b>People</b>                                  | <b>People</b>  | <b>People</b>                               |
| <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   |
| <b>Total</b>                 | <b>88,046</b>                  | <b>639</b>  | <b>729</b>                                     | <b>227</b>   | <b>69</b>                                   |

## Housing

In total, there are 42,369 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.

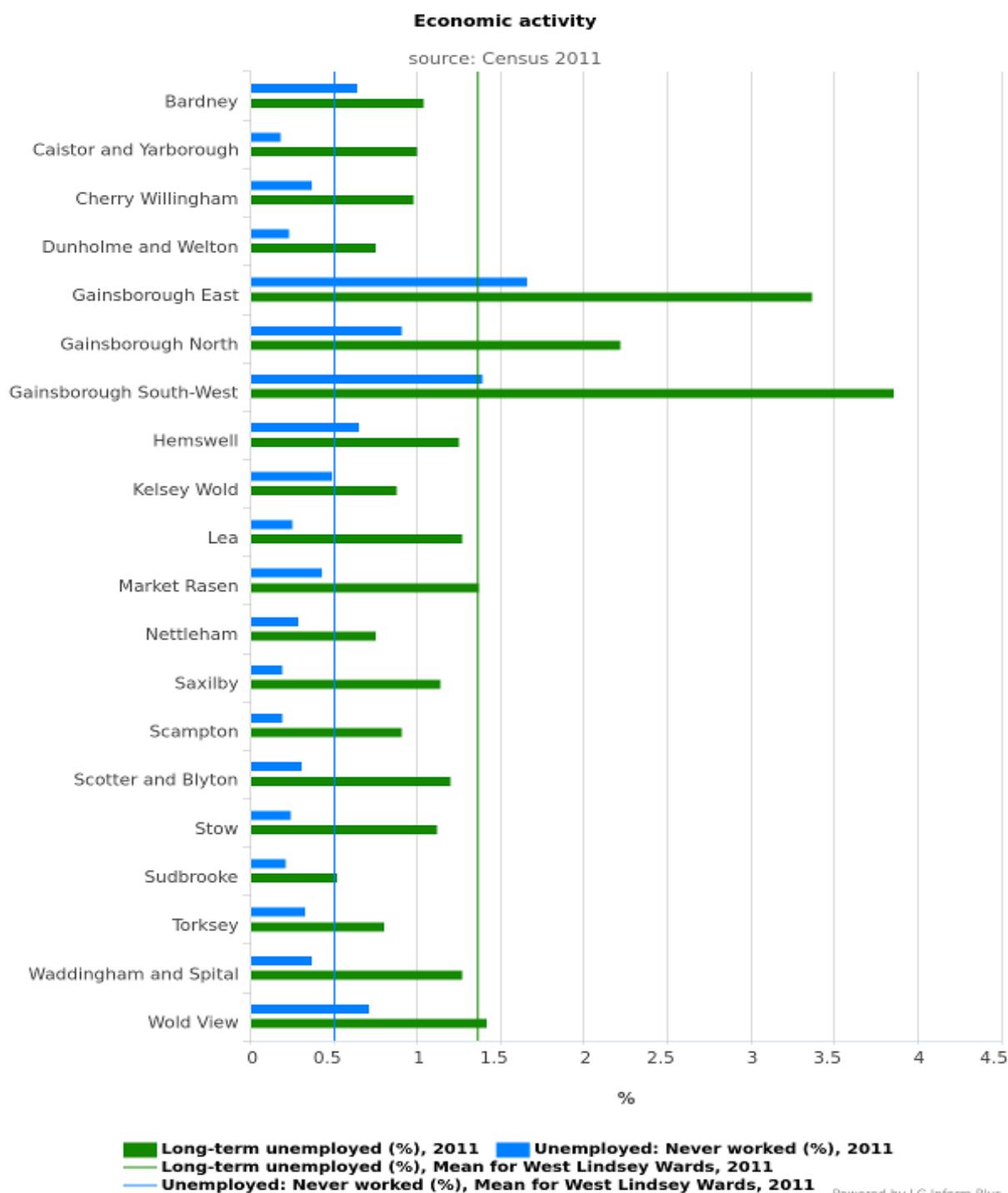
Gainsborough East ward has 918 households of other types of social renting, which is the highest number for any ward in West Lindsey.



## Employment

As of December 2019, there were 46,000 economically active people resident in West Lindsey. Of these, 45,400 (or 81.8%) were in employment, up from 74.9% the previous year. This is significantly higher than the regional (76.9%) and national average (75.8%).

The bar chart below shows a breakdown of economic activity by ward in comparison to the average for the district as a whole. This is based on Census data from 2011, which is the most recent available.



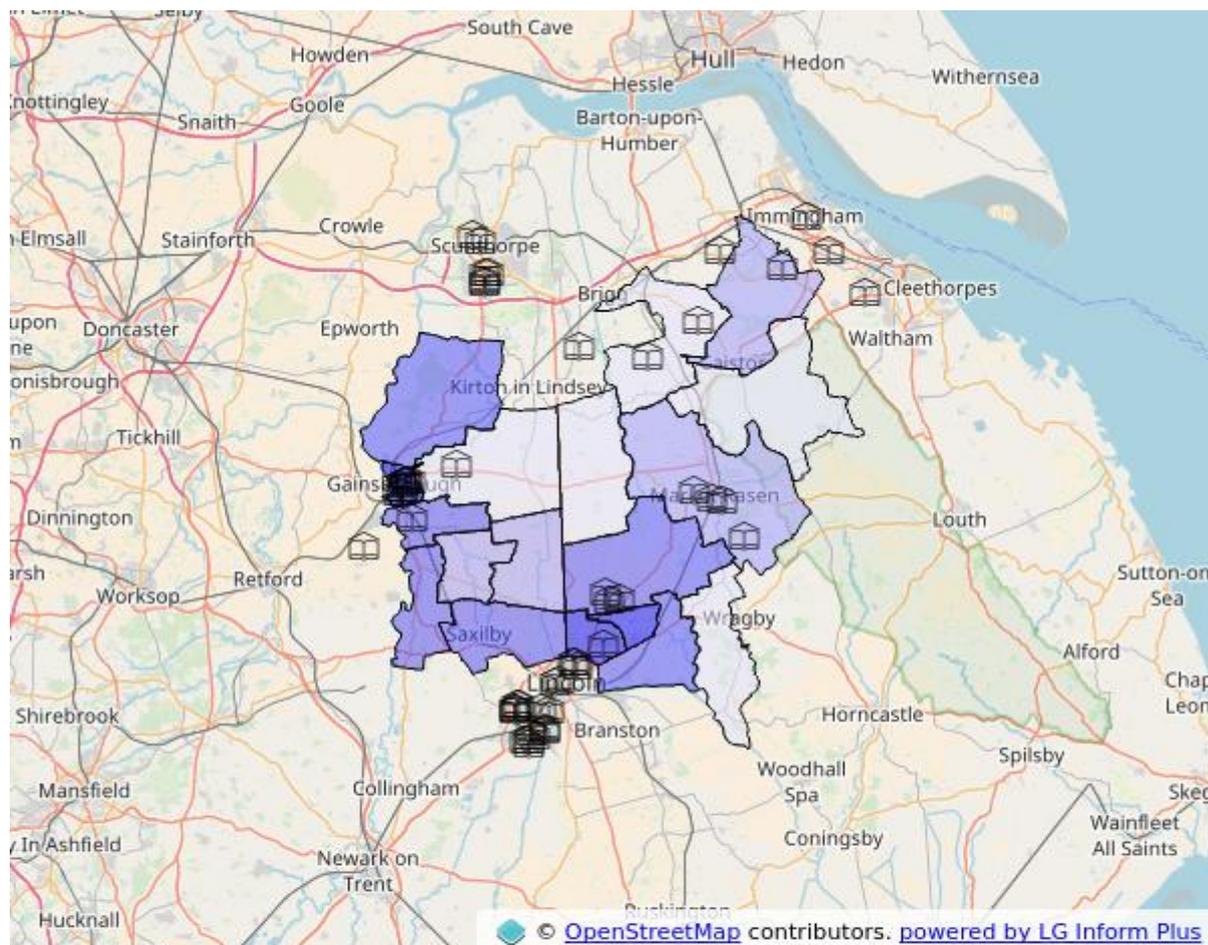
## Education

For the first time, the gap between the skills profile for West Lindsey and the rest of the country has narrowed. In 2019, 40,600 people (76.3%) gained at least a level 2 qualification (equivalent to 5 good GCSEs), which is higher than both the regional (74.4%) and national average (75.6%) for the first time. The gap that exists for post-16 education has narrowed with 28,300 people (53.1%) gaining a Level 3 qualification (equivalent to A Level) compared to 56.4% for the East Midlands and 58.5% for the country 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 although it has declined for the first time since 2012; down by 3.7% on the previous year. There are currently 17,600 people in the district that hold at least a level 4 qualification.

| <b>Educational attainment as a % of people aged 16-64 (2019)</b> |                     |                                    |                      |                |
|--|---------------------|------------------------------------|----------------------|----------------|
|  | <b>West Lindsey</b> | <b>% change from previous year</b> | <b>East Midlands</b> | <b>England</b> |
| <b>No qualifications</b>   | Suppressed          | N/A                                | 7.0%                 | 6.7%           |
| <b>Level 1 and above</b>   | 90.9%               | + 8.4%                             | 85.5%                | 85.6%          |
| <b>Level 2 and above</b>   | 76.3%               | + 6.4%                             | 74.4%                | 75.6%          |
| <b>Level 3 and above</b>   | 53.1%               | + 6.1%                             | 56.4%                | 58.5%          |
| <b>Level 4 and above</b>   | 36.7%               | - 3.7%                             | 32.1%                | 38.6%          |
| <b>Other qualifications</b>                                      | Suppressed          | N/A                                | 7.8%                 | 6.8%           |

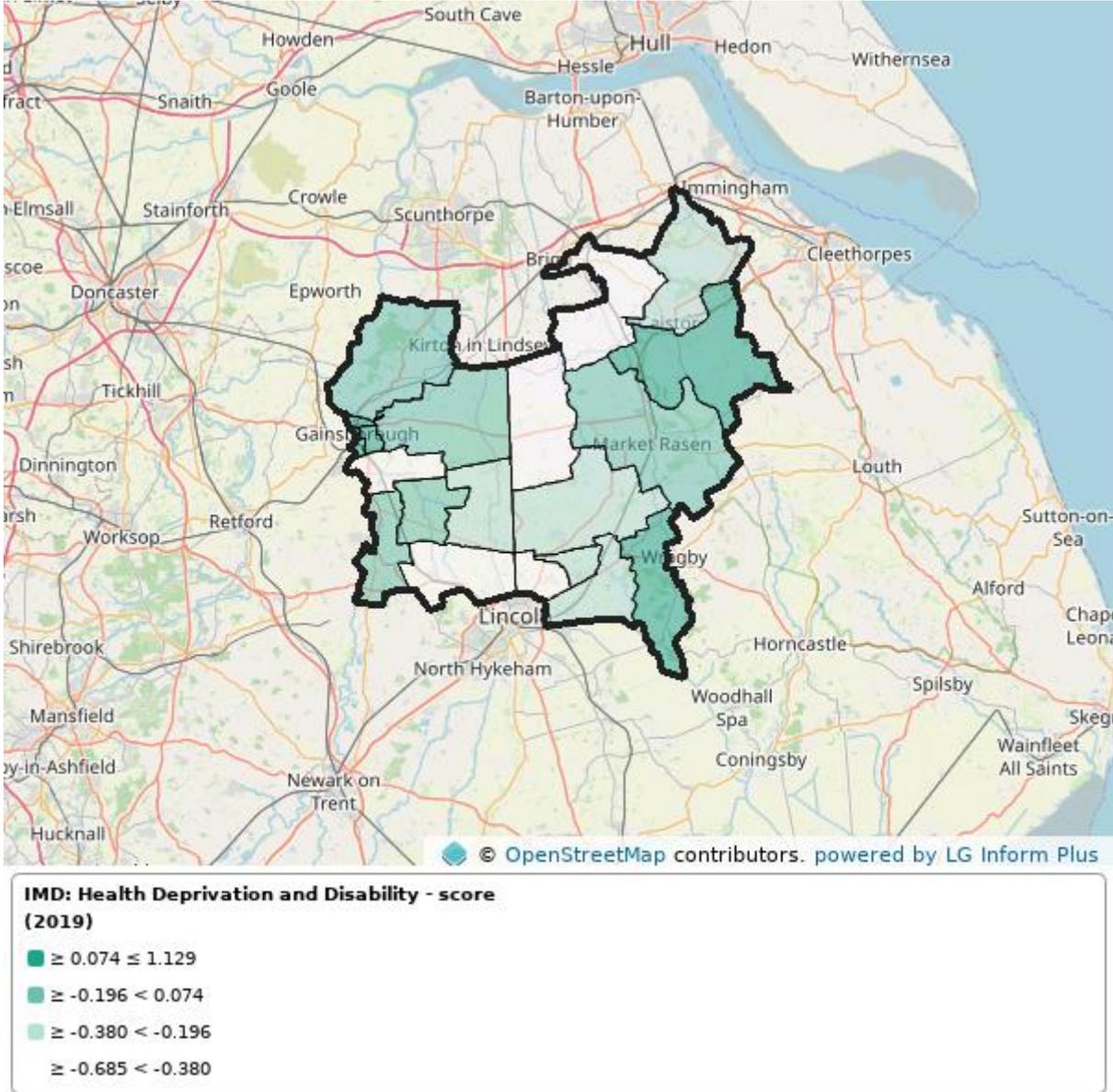
The map below shows the location of all schools in West Lindsey.



| Population density (2016)   | Amenities   |
|---|---|
| <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #000080; margin-right: 5px;"></span> <math>\geq 1.75 \leq 30.17</math> persons per hectare</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #0000FF; margin-right: 5px;"></span> <math>\geq 0.74 &lt; 1.75</math> persons per hectare</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #4169E1; margin-right: 5px;"></span> <math>\geq 0.53 &lt; 0.74</math> persons per hectare</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #9999FF; margin-right: 5px;"></span> <math>\geq 0.23 &lt; 0.53</math> persons per hectare</li> </ul> | <ul style="list-style-type: none"> <li> School</li> </ul> |

# Health

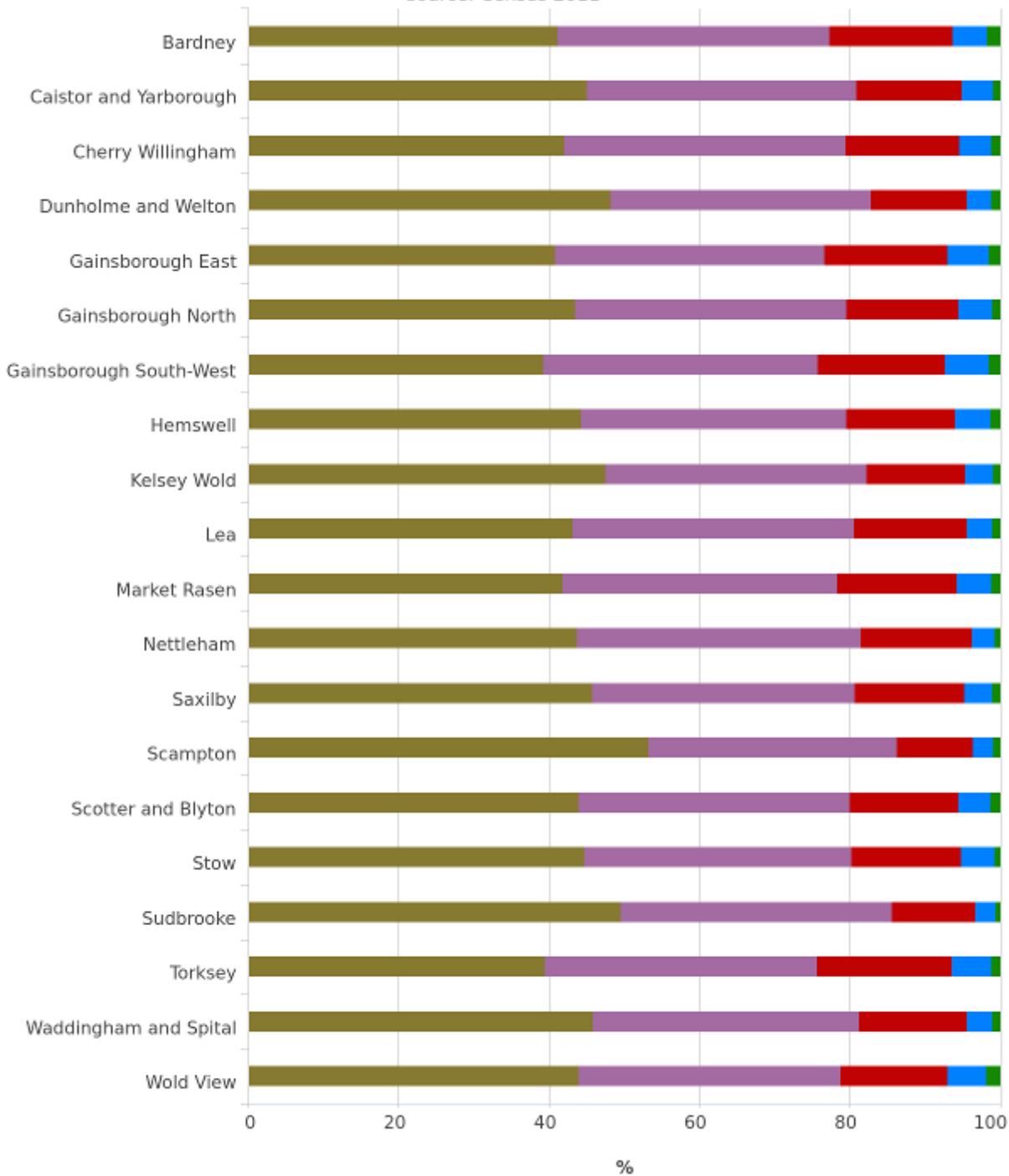
The chart below shows the general health of residents by each ward in West Lindsey, as self-reported in the 2011 Census. Wold View ward has the highest percentage of residents in West Lindsey who report they are in very bad health (1.8%). The map below shows the most recent (2019) health and disability deprivation score in West Lindsey broken down by ward.



# Health and disability deprivation score in West Lindsey by ward

## Health of the population

source: Census 2011

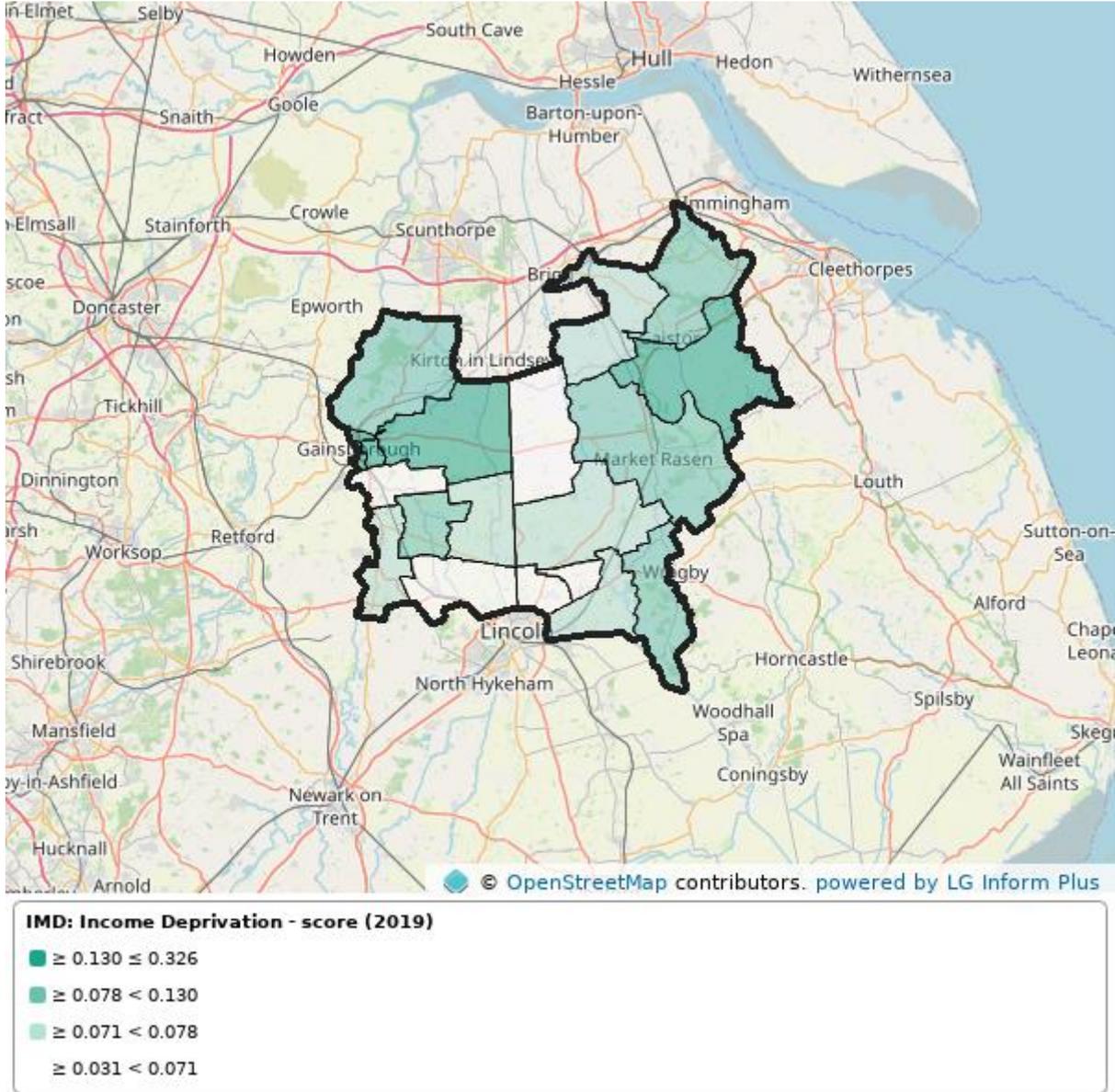


■ Very bad health (%), 2011 
 ■ Bad health (%), 2011 
 ■ Fair health (%), 2011 
 ■ Good health (%), 2011 
 ■ Very good health (%), 2011

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# Deprivation

The Index of Multiple Deprivation 2019 (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

Crime rates continue to increase in West Lindsey and Lincolnshire Police recorded the overall crime rate for the district as 55.67 per 1,000 of the population in 2019, an increase from 50.89 in 2017; 45.7 per 1,000 in 2016; 40.0 during 2015 and 39.5 in 2014. Overall, West Lindsey has the third lowest crime rate in the County. There were 5,737 recorded crimes in the 12 months to December 2019, an increase of 778 on 2018.

Amongst individual crimes, major types include theft offences and burglary, criminal damage and arson, shoplifting and violent crime.

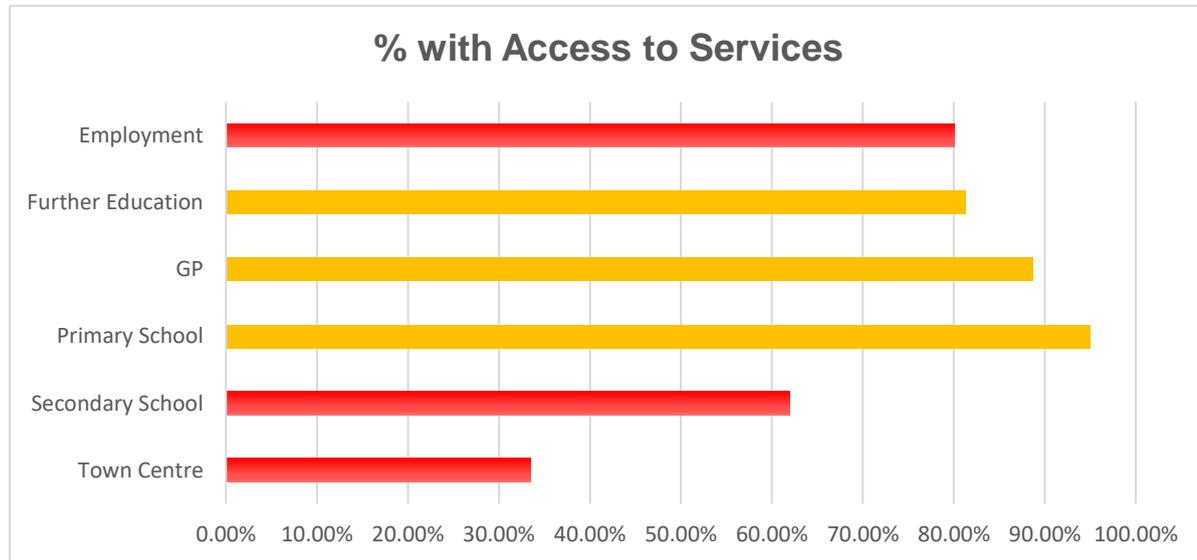
The table below shows a breakdown of crime by type. With the exception of bicycle theft and homicide, all categories of crime have experienced an increase over the last twelve months with stalking and harassment offences seeing the biggest increase, up from 26 in 2018 to 407 in 2019.

| Category   | Dec 2015     | Dec 2016     | Dec 2017     | Dec 2018     | Dec 2019     |
|--|--------------|--------------|--------------|--------------|--------------|
| All other theft offences                           | 594          | 566          | 703          | 695          | 710          |
| Bicycle theft                                      | 45           | 55           | 77           | 50           | 45           |
| Criminal damage and arson                          | 568          | 704          | 781          | 810          | 832          |
| Death and serious injury caused by illegal driving | 0            | 0            | 1            | 1            | 3            |
| Domestic burglary                                  | 269          | 322          | 507          | 471          | 489          |
| Drug offences                                      | 107          | 101          | 135          | 120          | 131          |
| Homicide   | 0            | 2            | 0            | 1            | 1            |
| Miscellaneous crimes against society               | 65           | 63           | 88           | 107          | 115          |
| Non-domestic burglary                              | 519          | 553          | 316          | 176          | 191          |
| Possession of weapons offences                     | 32           | 29           | 29           | 50           | 62           |
| Public order offences                              | 103          | 77           | 102          | 265          | 304          |
| Robbery  | 34           | 16           | 32           | 26           | 34           |
| Sex offences                                       | 95           | 136          | 147          | 212          | 237          |
| Shoplifting  | 367          | 364          | 584          | 437          | 485          |
| Stalking and harassment offences                   | 50           | 94           | 98           | 26           | 407          |
| Theft from the person                              | 16           | 19           | 16           | 16           | 19           |
| Vehicle offences                                   | 333          | 532          | 465          | 328          | 342          |
| Violence with injury                               | 332          | 386          | 433          | 562          | 607          |
| Violence without injury                            | 172          | 232          | 256          | 606          | 723          |
| <b>West Lindsey Total</b>                          | <b>3,369</b> | <b>4,251</b> | <b>4,770</b> | <b>4,959</b> | <b>5,737</b> |

## 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.



## 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](#)

[LG Inform Plus](#)

**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 is 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)<br/>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

### 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 premises 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**

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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**Guildhall  
Marshall's Yard  
Gainsborough  
Lincolnshire  
DN21 2NA**

**[www.west-lindsey.gov.uk](http://www.west-lindsey.gov.uk)**



**Full Council**

**1 November 2021**

**Subject: Recommendation from the Governance and Audit Committee-  
Adoption of a New Code of Conduct for Members**

Report by:

Monitoring Officer

Contact Officer:

Emma Redwood  
Assistant Director for People and Democratic  
(Interim) and Monitoring Officer  
emma.redwood@west-lindsey.gov.uk

Katie Storr  
Democratic Services & Elections Team Manager  
(Interim)  
katie.storr@west-lindsey.gov.uk

Purpose / Summary:

To consider the recommendation from the  
Governance and Audit Committee

This report presents the LGA's New Model Code  
of Conduct following its National Launch in  
January 2021 and supporting guidance (issued  
July 2021).

Both the Standards Sub-Committee and the  
Governance and Audit Committee are  
recommending to Full Council that the Code'(and  
supporting guidance notes) be adopted by West  
Lindsey District Council (and subsequently the  
Parishes of the District ) as the standard by which  
all Councillors should be expected to adhere to.

**RECOMMENDATION(S):**

- (1) That Full Council accept the recommendation from the Governance  
and Audit Committee and in doing so: -**

- **adopts the LGAs model code of Conduct and associated Guidance Notes as the Authority's Code of Conduct, with immediate effect.**
- **Encourages All Parish Council's across the District to adopt West Lindsey's new Code of Conduct by May 2022**
- **Approves the implementation of the roll-out process detailed in Section 3 ; and**
- **support the Standards Sub-Committee's previous recommendation that "Officers be requested to continue lobbying Government Ministers for a change in legislation to allow for the decriminalisation of "interests", and the re-introduction of proper meaningful sanctions" and request the Leader of the Council write to relevant Ministers to further highlight this important point.**

## IMPLICATIONS

### **Legal:**

As prescribed by the Localism Act 2011 - The Council is required to have a Code of Conduct which as a minimum meets the Nolan principles.

### **Financial : FIN/82/22/TJB**

Any additional costs, which are anticipated to be minimal, associated with workshops and training events will be met within existing budgets.

### **Staffing :**

There will be additional work short term ensuring both district and parish councillors are engaged with this process through a series of workshops and training events.

### **Equality and Diversity including Human Rights :**

None directly arising from the report.

### **Data Protection Implications :**

None directly arising from the report

### **Climate Related Risks and Opportunities :**

None directly arising from the report – However associated work in promoting the Codes uptake and training of Members will be held virtually wherever possible reducing travel across the District.

### **Section 17 Crime and Disorder Considerations :**

None directly arising from the report.

### **Health Implications:**

None directly arising from the report.

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

Standards Sub Committee Report July 2021

<https://democracy.west-lindsey.gov.uk/documents/s25426/LGA%20New%20Model%20Code%20Conduct%20to%20consider%20recommending%20its%20adoption.pdf>

**Risk Assessment :**

**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**

**Key Decision:**

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

**Yes**

**No**

## **1 Introduction**

- 1.1 The Standards Sub-Committee at Its meeting on 15 July considered a report which presented the LGAs new Model Code of Conduct and, associated Guidance Notes.
- 1.2 The Committee gave consideration to the benefits and merits of adopting this new Model as the Code of Conduct and as a result of its deliberations recommended to the Governance and Audit Committee that the LGA's model Code of Conduct be adopted in Full by West Lindsey District Council , as the Code by which its Elected Members should abide.
- 1.3 The Governance and Audit Committee considered the Standards Sub Committee recommendation at their meeting on 28 September 2021
- 1.4 The report considered by the Governance Audit Committee, can be viewed at:-

<https://democracy.west-lindsey.gov.uk/documents/s26161/Adoption%20of%20a%20New%20Code%20of%20Conduct%20for%20Members.pdf>

- 1.5 It sets out the background as to why the LGA considered a new Code was required, the process which had been undertaken in developing the new Code and the involvement the Standards Sub-Committee and Officers have had in that process to-date.

## **2. Resulting Code of Conduct and Reasons for recommending adoption.**

- 2.1 The resulting new Model Code of Conduct is attached at Appendix A and supporting guidance can be viewed via the following link <https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#general-principles-of-councillor-conduct>

### **2.2 The New Code Covers**

- Respect
- Bullying, harassment and discrimination
- Respect for the impartiality of officers of the council
- Confidentiality and access to information
- Disrepute
- Use of position
- Use of local authority resources and facilities
- Complying with the Code of Conduct
- Protecting councillors' reputation and the reputation of the local authority
- Gifts and hospitality
- Declaration of interests wider than the DPI Regulations

- Strengthens emphasis on intimidation, abuse and bullying
  - Reiterates that all forms of councillor communications are included, including social media
  - Improves guidance re gifts, hospitality and conflict of interests
  - Has a wider scope
- 2.3 Members will be aware that West Lindsey over recent years has extensively revised its Code of Conduct having recognised that a Nolan Principle only Code (LGA's previous model) did not suffice, re-introducing much of its previous Code, as far as legislation permitted.
- 2.4 This work was undertaken throughout 2017 culminating with West Lindsey District Council adopting its current Code of Conduct in May 2018.
- 2.5 As a result, West Lindsey's current Code already includes many of the "new" provisions including respect, bullying, compromising officers, bringing the authority in disrepute, confidentiality, reference to social media and local provision requiring the declaration of wider interests in respect of planning decisions. It also has a clear scope on when the Code can be applied.
- 2.6 Whilst the lack of sanctions cannot be addressed through the Code, due to legislation changes being required, the new model code does now place a requirement on Councillors to comply with any sanction if they are found to have breached the Code of Conduct. It also makes it a mandatory requirement for all Councillors to undertake Standards /Code of Conduct Training. These are new requirements
- 2.7 West Lindsey's ethos of declarations of interest wider than the legal requirements" of the Localism Act/ DPI Regulations is also supported within the LGA's New Model Code, albeit the requirements are slightly different and there will need to be a process of re-educating and re-training members appropriately.
- 2.8 The new code recognises the following interests
- A Disclosable Pecuniary Interest – as defined in the DPI Regs 2012 (no change)
  - B Other Registrable Interests
  - C Non-registrable interests (currently personal / and local provision prejudicial in our adopted code )
- 2.9 Whilst moving to the new Model Code of Conduct is not a mandatory requirement, and arguably its places very few additional requirements on our Members, due to the significant revisions agreed in 2018, a national single code for all elected members, with clear wording and additional guidance, working examples and explanatory text is something both the Standards Sub-Committee and Governance and Audit Committee believe should be welcomed.

- 2.10 A reasonable, clear, national standard for all can only be seen as an improvement.
- 2.11 Further Benefits of adopting the LGA Code are
- Greater consistency of approach to standards cases
  - Potential for higher standards of conduct
  - Addresses specific areas of concern raised through the consultation
  - Reduces levels of complexity around particular issues
  - Introduces more robust safeguards needed to strengthen a locally determined system
  - Importantly recognises that Councillors should be able to undertake their role without being intimidated, abused, bullied or threatened by anyone including the general public.
- 2.12 The guidance will provide both those subject to the Code and those charged with assessing complaints made under Code, with clear expectations and a commonly understood interpretation; something it is considered has not been provided since the introduction of the Localism Act.
- 2.13 Guidance notes are something the Standards Sub-Committee have previously advocated for and whilst Officers had begun to develop West Lindsey specific ones work halted, pending the development of new model code.
- 2.14 The Code, together with the Guidance have been designed to protect our democratic role, encourage good conduct, and safeguard the public trust and confidence in the role of councillor in local government. While it sets out the minimum standards of behaviour expected, it is designed to encourage councillors to model the high standards expected of councillors, to be mutually respectful even if they have personal or political difference, to provide a personal check and balance, and to set out the types of conduct that could lead to complaints being made of behaviour falling below the standards expected of Councillors. It is also to protect councillors, the public and the local authority officers and the reputation of local government.
- 2.15 Members have had the opportunity to engage in a training and information session on the new Code in advance of the Council meeting, facilitated by the Codes writers Hoey Ainscough Associates.
- 2.16 It is therefore recommended, from the Governance Audit Committee that West Lindsey District Council's Full Council should adopt the LGA Model Code in its entirety including the guidance and supporting notes.

### 3. Parish Council Adoption

- 3.1 Council will be aware that Parish Councils are also required to have and adopt a Code of Conduct , which must as a minimum address the Nolan Principles.
- 3.2 Currently across the District 49 Parishes have adopted WLDC's current Code, 19 have adopted the NALC Code and 5 have codes of their own.
- 3.3 Should Full Council, be supportive of the District Council adopting the LGA Model Code of Conduct, work will need to be undertaken with the Parishes with a view to encouraging them to also adopt the Model Code.
- 3.4 It should be noted that NALC have indicated their intention to withdraw their current model Code, instead promoting the LGA Model Code as the standard to work to.
- 3.5 Officers have recently attend a LALC event, attended by Parish Clerks and outlined the work the authority is currently doing in respect of this matter.
- 3.6 Set out below is a timetable of associated work to be undertaken in adopting and implementing the new Code of Conduct both within the District Council and subsequently across its Parishes.

| Action   | Date             |
|--|------------------|
| Recommendation from the Standards Sub- Committee Submitted to the Governance and Audit   | September 2021   |
| Full Member Workshop / Training for District Councillors - to present the Code in advance of formal adoption – VIRTUAL   | October 2021     |
| Recommendation from the Governance and Audit Committee submitted to Full Council with the Code adopted by the District   | November 2021    |
| Communications to Parish and Town Councils   | November 2021    |
| Series of Workshops / Training to be held with Parish Councils to raise awareness and encourage adoption. These may be cluster events or attendance at individual Parishes Virtual arrangements will be used wherever possible | Jan – March 2022 |
| All Parishes to have adopted the Code by their AGM in May 2022 and advised the DC accordingly  | May 2022         |

|                 |                   |
|-----------------|-------------------|
| Position Review | June 2022         |
| Follow up work  | June 2022 onwards |

- 3.7 The Governance and Audit Committee have recommended Council support the programme and time-line of associated work to be undertaken in the event that adoption of a new Code is supported.

#### **4 Continued Lobbying for regime change**

- 4.1 Whilst the creation of a Code wider the Nolan principles is to be supported and welcomed , the biggest change to regime will be realised by changes to legislation particularly in respect of sanctions.
- 4.2 An appropriate Code is only half the tools an MO requires to be effective. The re-introduction of sanctions is something the Standards Sub-Committee and Officers have been lobbying for a number of years and have raised again in all consultation responses relating to the Code's development.
- 4.3 In order to raise the profile of this matter, the Governance and Audit Committee have supported the Standards Sub-Committee's recommendation from previous meetings that "Officers be requested to continue lobbying Government Ministers for a change in legislation to allow for the decriminalisation of "interests", and the re- introduction of proper meaningful sanctions".
- 4.4 The Committee have recommended that Council offer similar support and request the Leader writes to the relevant Ministers to further highlight this important point.

#### **5 Recommendations:-**

**That Full Council accept the recommendation from the Governance and Audit Committee and in doing so: -**

- **adopts the LGAs model code of Conduct and associated Guidance Notes as the Authority's Code of Conduct, with immediate effect.**
- **Encourages All Parish Council's across the District to adopt West Lindsey's new Code of Conduct by May 2022**
- **Approves the implementation of the roll-out process detailed in Section 3 ; and**
- **supports the Standards Sub-Committee's previous recommendation that "Officers be requested to continue lobbying Government Ministers for a change in legislation to**

**allow for the decriminalisation of “interests”, and the re-introduction of proper meaningful sanctions” and request the Leader of the Council write to relevant Ministers to further highlight this important point.**



## **Local Government Association**

### **Model Councillor Code of Conduct 2020**

#### **Joint statement**

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

## **Introduction**

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

## **Definitions**

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

## **Purpose of the Code of Conduct**

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

## **General principles of councillor conduct**

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

## **Application of the Code of Conduct**

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring

Officer.

## **Standards of councillor conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **General Conduct**

#### **1. Respect**

##### **As a councillor:**

**1.1 I treat other councillors and members of the public with respect.**

**1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

#### **2. Bullying, harassment and discrimination**

##### **As a councillor:**

**2.1 I do not bully any person.**

**2.2 I do not harass any person.**

**2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and

contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

### **3. Impartiality of officers of the council**

**As a councillor:**

#### **3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

### **4. Confidentiality and access to information**

**As a councillor:**

#### **4.1 I do not disclose information:**

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - i. I have received the consent of a person authorised to give it;**
  - ii. I am required by law to do so;**
  - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
  - iv. the disclosure is:**
    - 1. reasonable and in the public interest; and**
    - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
    - 3. I have consulted the Monitoring Officer prior to its release.**

#### **4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

#### **4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## **5. Disrepute**

**As a councillor:**

### **5.1 I do not bring my role or local authority into disrepute.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

## **6. Use of position**

**As a councillor:**

### **6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## **7. Use of local authority resources and facilities**

**As a councillor:**

### **7.1 I do not misuse council resources.**

### **7.2 I will, when using the resources of the local authority or authorising their use by others:**

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport

- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## **8. Complying with the Code of Conduct**

### **As a Councillor:**

**8.1 I undertake Code of Conduct training provided by my local authority.**

**8.2 I cooperate with any Code of Conduct investigation and/or determination.**

**8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

**8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

### **Protecting your reputation and the reputation of the local authority**

## **9. Interests**

### **As a councillor:**

**9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

**Appendix B sets** out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

## **10. Gifts and hospitality**

### **As a councillor:**

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
  
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
  
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

## **Appendices**

### **Appendix A – The Seven Principles of Public Life**

The principles are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

**"Disclosable Pecuniary Interest"** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it ]

### Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

## Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
  - a. your own financial interest or well-being;
  - b. a financial interest or well-being of a relative or close associate; or
  - c. a financial interest or wellbeing of a body included under Other Registerable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
  - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. [Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

### Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

| <b>Subject</b>   | <b>Description</b>  |
|--|---|
| <b>Employment, office, trade, profession or vocation</b> | Any employment, office, trade, profession or vocation carried on for profit or gain.  |
| <b>Sponsorship</b>                                       | Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.<br>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. |
| <b>Contracts</b>   | Any contract made between the councillor or his/her spouse or civil partner or the person with whom the   |

|                            |   |
|----------------------------|---|
|                            | <p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>   |
| <b>Land and Property</b>   | <p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>  |
| <b>Licenses</b>            | <p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>   |
| <b>Corporate tenancies</b> | <p>Any tenancy where (to the councillor’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>   |
| <b>Securities</b>          | <p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p> |

|  |  |
|--|--|
|  | spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class. |
|--|--|

\* 'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**Table 2: Other Registrable Interests**

You must register as an Other Registrable Interest :

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
  - (i) exercising functions of a public nature
  - (ii) directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management

## Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

**Best practice 1:** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

**Best practice 2:** Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

**Best practice 3:** Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

**Best practice 4:** An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

**Best practice 5:** Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

**Best practice 6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

**Best practice 7:** Local authorities should have access to at least two Independent Persons.

**Best practice 8:** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

**Best practice 9:** Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

**Best practice 10:** A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

**Best practice 11:** Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

**Best practice 12:** Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

**Best practice 13:** A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

**Best practice 14:** Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

**Best practice 15:** Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

***The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.***