

# LICENSING COMMITTEE MEETING

Date: Thursday 11 November 2021  
Time: 6.30 pm  
Venue: Town Hall, High Street, Maidstone

## Membership:

Councillors Brindle, Bryant, Coates, Fort, Garten, Mrs Grigg, Hinder (Vice-Chairman), Joy, Naghi, Parfitt-Reid, Mrs Robertson, J Sams and Springett (Chairman)

*The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.*

---

<b><u>AGENDA</u></b>	<b><u>Page No.</u></b>
1. Apologies for Absence	
2. Notification of Substitute Members	
3. Urgent Items	
4. Disclosures by Members and Officers	
5. Visiting Members	
6. Disclosures of Lobbying	
7. To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
8. Minutes of the Meeting Held on 16 September 2021	1 - 5
9. Minutes of the Licensing Act 2003 Sub-Committee Meeting held on 17 September 2021	6 - 12
10. Minutes of the Licensing Act 2003 Sub-Committee Meeting held on 11 October 2021	13 - 25
11. Questions and answer session for members of the public (if any)	
12. Questions from Members to the Chairman (if any)	
13. Hackney Carriage & Private Hire - Knowledge Test	26 - 51

---

**Issued on Wednesday 3 November 2021**  
**Over/:**

**Continued**

*Alison Broom*

**Alison Broom, Chief Executive**

- |  |          |
|--|----------|
| 14. Licence Fees and Charges 2022-23                             | 52 - 64  |
| 15. Gambling Act 2005 - Statement of Licensing Policy 2022 -2025 | 65 - 121 |

## **INFORMATION FOR THE PUBLIC**

In order to ask a question at this meeting, please call **01622 602899** or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Tuesday 9 November 2021). You will need to provide the full text in writing.

If your question is accepted, you will be provided with instructions as to how you can access the meeting.

In order to make a statement in relation to an item on the agenda, please call **01622 602899** or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Tuesday 9 November 2021). You will need to tell us which agenda item you wish to speak on.

If you require this information in an alternative format please contact us, call **01622 602899** or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk).

To find out more about the work of the Committee, please visit [www.maidstone.gov.uk](http://www.maidstone.gov.uk).

## **MAIDSTONE BOROUGH COUNCIL**

### **LICENSING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON THURSDAY 16 SEPTEMBER 2021**

**Present:** Councillors Brindle, Bryant, Coates, Fort, Mrs Grigg, Hinder, Joy, Khadka, Naghi, Purle, J Sams, Springett (Chair) and Trzebinski

**Also Present:** Councillors Kimmance

15. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Garten, McKay, Parfitt-Reid and Robertson.

16. **NOTIFICATION OF SUBSTITUTE MEMBERS**

The following Substitute Members were present:

- Councillor Purle for Councillor Garten
- Councillor Coates for Councillor McKay
- Councillor Trzebinski for Councillor Parfitt-Reid
- Councillor Khadka for Councillor Robertson

17. **URGENT ITEMS**

There were no urgent items, however the Chair highlighted an incorrection on the agenda front sheet whereby the latter agenda items were shown in the wrong order.

The correct order of business was Item 14 – Gambling Act 2005 – Statement of Licensing Policy 2022-2025 and Item 15 – Street Trading Policy – Consultation Results.

18. **VISITING MEMBERS**

Councillor Kimmance was present as a Visiting Member for Item 12 – Hackney Carriage and Private Hire – Knowledge Test.

19. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members and Officers.

20. DISCLOSURES OF LOBBYING

Councillors Brindle, Joy, Khadka, Grigg, Hinder, Naghi, Purle and J Sams had been lobbied on Item 12 – Hackney Carriage and Private Hire – Knowledge Test.

21. EXEMPT ITEMS

**RESOLVED:** That all items be taken in public as proposed.

22. MINUTES OF THE MEETING HELD ON 17 JUNE 2021

**RESOLVED:** That the Minutes of the Meeting held on 17 June 2021 be approved as a correct record and signed.

23. MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEE MEETING HELD ON 22 JULY 2021

**RESOLVED:** That the Minutes of the Licensing Act 2003 Sub-Committee Meeting held on 22 July 2021 be approved as a correct record and signed.

24. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from Members of the Public.

25. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

26. HACKNEY CARRIAGE & PRIVATE HIRE - KNOWLEDGE TEST

Prior to the report's introduction Mr John Iandolo addressed the Committee on behalf of the Maidstone Taxi Trade.

The Head of Licensing Partnership introduced the report, referencing the proposal submitted on behalf of the taxi trade. The current Hackney Carriage and Private Hire Licensing Policy 2021-2026 reflected the national standards issued by the Department for Transport in July 2020, with temporary removal of the knowledge test not recommended.

In response to questions, the Head of Licensing Partnership confirmed that the inaccurate questions within the Knowledge Test had since been amended and that no candidates had been permitted to take the test until this had occurred. Those questions had been within the test since 2018. A total of 24 tests remained to be checked, with only one person currently having failed the test due to that particular question, with any candidates that had failed for that reason to be offered EQUO training and permitted to continue with their application if they wished to. The question concerning the usage of driver seatbelts would be amended or removed from the knowledge test following the trade's concerns.

The Senior Licensing Officer confirmed that all taxi drivers must undertake a DBS check and provide five-years' worth of addresses in the United Kingdom before a licence could be granted. If this was not possible, the appropriate embassy would be contacted to provide a 'Letter of Good Conduct'.

The cumulative impact of the previous inaccuracies within the knowledge test, the Covid-19 pandemic and Brexit on the number of taxi drivers available was noted by the Committee. Several Members expressed support for drivers being able to work and earn wages whilst they undertook training, as a practical solution to the problems being experienced by the trade. However, there were concerns that providing a temporary badge would be detrimental to the safety and security of passengers, as the driver's knowledge of a range of issues, for example the Council's enforcement policy, would not have been tested. The Head of Licensing Partnership confirmed that an EQUO test, which focused on safeguarding, was completed in addition to the knowledge test as part of the national standards issued in July 2020.

During the debate, Mr Iandolo was invited to answer questions from the Committee in relation to the training requirements placed on trainee taxi drivers, which included the wording of the knowledge test questions.

The Committee supported a reduction in the six-month time period during which applicants that had failed the knowledge test on three separate occasions could not retake the test, to facilitate entry into the trade with increased speed. It was felt that as the temporary six-month removal of the topography section from the knowledge test for private hire drivers was ongoing until November 2021, the trades proposal could be reconsidered once the full impact of the removal on the applicant's pass rates had been considered by the Committee. The Senior Licensing Officer stated that the pass rates had increased since its removal from the knowledge test and that the EQUO test was facilitated by an external company. The Committee requested to be provided with the same learning materials provided to all applicants for both the EQUO and Knowledge tests.

The Committee considered the suggestion of a working under a temporary licence, but this was not felt to be feasible due to its impact on the driver and operator licences already issued to various taxi companies, that would need to be amended.

**RESOLVED:** That

1. The report be noted;
2. The time limit between three unsuccessful tests and the next attempt be reduced from six-months to one-month; and
3. Consideration of the taxi trade's proposal be deferred until the next meeting, pending the results of the knowledge test that had been amended, and the results of those tests be presented to that

meeting such that the Committee can review further extending the suspension of the topography test.

27. THE LICENSING PARTNERSHIP – ANNUAL UPDATE

The Head of Licensing Partnership introduced the report which covered the period 1 April 2020 to 31 March 2021. The good performance of the partnership through the Covid-19 pandemic was highlighted.

In response to questions, the Head of Licensing Partnership confirmed that enforcement and compliance checks had been reduced whilst staff had been working from home during the pandemic. Future working arrangements and the enforcement targets set would be kept under review

The Head of Housing and Community Services confirmed that enforcement checks were being conducted and highlighted the role of the Police and Community Protection team in assisting with these visits. It was requested that any suspected breaches be reported to enable enforcement checks to take place.

The Committee wished to express their thanks to the Officers for their hard work.

**RESOLVED:** That

1. The performance of the Licensing Partnership as outlined in the report, be noted; and
2. The Head of Licensing Partnership continue to provide an annual update on the Licensing Partnership Activity each municipal year;

28. STREET TRADING POLICY - CONSULTATION RESULTS

The Senior Licensing Officer introduced the report and reiterated that a public consultation on the draft Street Trading policy, attached as Appendix 3 to the report, had taken place between the 10 February 2021 until 13 March 2021.

The Senior Licensing Officer referenced the feedback shown within Appendix 2 to the report, which indicated that the policy was easy to understand.

In response to questions, the Head of Housing and Community Services confirmed that a separate User Guide for the policy would be made available.

**RESOLVED:** That

1. The consultation responses as shown in Appendix 2 to the report, be noted; and

2. The Communities, Housing and Environment Committee be recommended to approve the draft Street Trading policy, as attached at Appendix 3 to the report.

29. GAMBLING ACT 2005 - STATEMENT OF LICENSING POLICY 2022 -2025

The Senior Licensing Officer introduced the report and stated that the Council's 'Gambling Act 2005, Statement of Principles 2022-2025' had been comprehensively reviewed in 2018. The Gambling Commission had issued guidance in May 2021, however there were no changes required to the current Statement of Principles in place.

It was requested that the current policy be subject to a public consultation between the 27 September 2021 until the 24 October 2021. This would allow a review of any comments received, to meet the implementation deadline of January 2022.

**RESOLVED:** That

1. The Gambling Act 2005 Statement of Principles 2022-2025, be considered; and
2. Officers be instructed to carry out the public consultation as described in the report.

30. DURATION OF MEETING

6.30 p.m. to 8.26 p.m.

# Agenda Item 9

## **MAIDSTONE BOROUGH COUNCIL**

### **Licensing Act 2003 Sub Committee**

#### **MINUTES OF THE MEETING HELD ON FRIDAY 17 SEPTEMBER 2021**

**Present:** Councillors Brindle, Mrs Grigg (Chair) and Naghi

8. APOLOGIES FOR ABSENCE

There were no apologies.

9. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

10. ELECTION OF THE CHAIRMAN

**RESOLVED:** That Councillor Grigg be elected as Chair for the duration of the meeting.

11. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

12. DISCLOSURES OF LOBBYING

Councillor Brindle had been lobbied on Item 7 – Application to vary a premise licence under the Licensing Act 2003 for Tap 17, 17 High Street, Staplehurst, Kent, TN27 9NH.

13. EXEMPT ITEMS

**RESOLVED:** That all items be taken in public as proposed.

14. APPLICATION TO VARY A PREMISE LICENCE UNDER THE LICENSING ACT 2003 FOR TAP 17, 17 HIGH STREET, STAPLEHURST, KENT , TN27 9NH

The persons participating in the hearing were identified as follows:

Chairman – Councillor Grigg

Committee Member – Councillor Brindle

Committee Member – Councillor Naghi

Legal Advisor – Mr Robin Harris



Senior Licensing Officer – Lorraine Neale (in attendance virtually)

Democratic Services Officer – Miss Oliviya Parfitt

Applicant – Mrs Kelli Newman

All parties confirmed that they were aware of the Sub-Committee hearing procedure and had each received a copy of the hearing procedure document.

The Sub-Committee agreed to proceed in the absence of the objector and noted the additional comments received that had been distributed to the panel Members. The Sub-Committee confirmed that they had read the papers.

The Chair explained that:

- The Sub-Committee would allow all parties to put their case fully and make full submissions within a reasonable time frame.
- The procedure would take the form of a discussion led by the Sub-Committee and they would usually permit cross-examination conducted within a reasonable timeframe.
- Any person attending the hearing who behaved in a disruptive manner may be directed to leave the hearing by the Sub-Committee (including temporarily) after which, such person may submit to the Sub-Committee over the Instant messaging facilitating any information which that person would have been entitled to give orally had the person not been required to leave the meeting. If this is not possible, they may be permitted to speak at the Chair's Invitation.

The Chair enquired whether any draft conditions had been agreed between the applicant and other parties; no draft conditions had been agreed.

The Senior Licensing Officer introduced the report and noted a correction to the premises' address as shown, which was located in 'Headcorn' rather than 'Staplehurst'. The variation application was outlined, with specific attention drawn to the objection received at Appendix 4 to the report and the further comments received via email.

The applicant was invited to make their opening statement and stated that it was not their intention to consistently keep the business open for the hours as applied for, but that the choice and flexibility to remain open was the primary aim.

The applicant had not received any complaints from any neighbours, the Parish Council or the Police in relation to the premises and felt that the business was run and managed well. There were two other premises locally that provided live music which could be heard from the applicant's

premises, with the applicant confirming that recorded music was played inside of the venue with any live music previously provided by either a solo pianist or guitarist.

The applicant intended to rearrange the outdoor seating to provide greater privacy along the shared access with the tenant living above the premises. The importance of social distancing between customers was highlighted.

The variety offered by the venue was reiterated alongside the clientele it attracted due to its small size. The growth of the surrounding village and general noise was referenced.

In response to questions from the panel, the applicant confirmed that they had live music indoors only and would likely open the premises until 6 p.m. or 8 p.m. on Sundays as the business still attracted customers close to its current closing time of 4 p.m.

Mr Harris clarified that the only licensable activity that the panel should consider was the additional hours requested for the supply of alcohol, due to the deregulation of regulated entertainment. This was supported by the Senior Licensing Officer.

The applicant was invited to make the closing speech, in which they referenced the objectors' comments in relation to their tenant which they did not believe to be justified. The applicant stated that upon the objector informing them of their objection, they confirmed that they had not read the variation application submitted.

The Chair advised that the Sub-Committee would retire for deliberation with the legal advisor present.

The meeting was adjourned for deliberations between 10.23 a.m. to 10.40 a.m.

The Sub-Committee returned and the Chair stated that the decision had been made to grant the application in full.

It was confirmed that a written decision notice would be provided within five working days. Parties were reminded of the right of appeal to the Magistrates Court.

The meeting closed at 10.41 a.m.

**RESOLVED:** That the Sub-Committee's decision and reasons be provided within the Notice of Determination attached as an Appendix to the Minutes.



## LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL

### LICENSING ACT 2003 LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005

#### NOTICE OF DETERMINATION

Application Ref No: 21/01662/LAPRE

---

Applicant: Mrs Kelli Newman

Regarding **PREMISE LICENCE (VARIATION)**  
Tap 17 High Street Headcorn Kent TN27 9NH

Date(s) of hearing: 17<sup>th</sup> September 2021

Date of determination: 17<sup>th</sup> September 2021

Committee Members: Councillor Mrs Grigg (Chairman), Councillor Mr Naghi and Councillor Mrs Brindle

Legal Advisor in attendance at hearing: Mr Robin Harris

Democratic Services Officer in attendance at hearing: Miss Oliviya Parfitt

Online Meeting Facilitator: Miss Oliviya Parfitt

Senior Licensing Officer in attendance at hearing: Ms Lorraine Neale (Remote attendance)

This was an application for:

Variation

for a

Premises Licence

**A: Representations, evidence and submissions:**

The Committee considered the representations, evidence and submissions of the following parties:

**Applicant**

Name: Mr Kelli Newman  
Legal Representative: N/A

**Responsible Authorities**

None

**Other Persons**

Mr and Mrs Andrew and Jill McVarish

**Representations considered in the absence of a party to the hearing:**

N/A

**B: Consideration of the Licensing Act 2003, the Guidance under s. 182 of the Act and the Statement of Licensing Policy of Maidstone Borough Council**

The Committee has taken into account the following provisions of the Licensing Act 2003 and the Regulations thereto:

Section 4 which relates to the licensing objectives;  
Sections 34 - 36 which relate to the variation of a premises licence;

The Committee has taken into account the following provisions of the Guidance under section 182 of the Act:

Chapter 2 which relates to the licensing objectives  
Chapters 8 & 9 which relate to premises licences & determinations  
Chapter 10 which relates to conditions attached to licences;

The Committee has taken into account the following provisions of its Statement of Licensing Policy:

Chapter 17.9 which relates to prevention of crime and disorder  
Chapter 17.16 which relates to the promotion of public safety

Chapter 17.19 which relates to the prevention of nuisance  
Chapter 17.23 which relates to the protection of children from harm.

The Committee has decided to depart from the guidance under section 182 of the Act and or the statement of licensing policy for the following reasons:

N/A

**C: Determination:**

**The Committee has decided to:**

- Grant the application as applied for.

**Reasons for determination:**

**Prevention of Crime and Disorder**

Reasons (state in full):

There were no representations made under this licensing objective.

**Public Safety**

Reasons (state in full):

There were no representations made under this licensing objective.

**Prevention of Public Nuisance**

The sub-committee had regard to the representations made by the applicant at the hearing and the written representations received from the objectors. The sub-committee noted that in respect of regulated entertainment, these matters fell within legal exemptions and therefore did not require consideration by the panel. The matter to be determined being the likely impact on the licensing objectives of additional hours for the sale of alcohol amounting to 2 more hours Monday to Thursday, 1 more hour on Fridays and Saturdays and 6 and a half more hours on a Sunday.

The sub-committee heard from the applicant that the premises was a quiet and small establishment and that it was likely that on Sundays that the hours applied for would not necessarily be used, but would be available.

In respect of the representations from other persons, the sub-committee considered them to be speculative.

The sub-committee considered that the application as applied for was capable of promoting the licensing objectives and therefore granted the application.

**Protection of Children from Harm**

Reasons (state in full):

There were no representations made under this licensing objective.

PRINT NAME (CHAIRMAN): COUNCILLOR MRS GRIGG

Signed [Chairman]:

A copy of the original document is held on file

Date: 17<sup>th</sup> September 2021

## **MAIDSTONE BOROUGH COUNCIL**

### **LICENSING ACT 2003 SUB COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON MONDAY 11 OCTOBER 2021**

**Present:** Councillors Hinder, J Sams and Springett (Chair)

15. APOLOGIES FOR ABSENCE

There were no apologies.

16. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

17. ELECTION OF THE CHAIRMAN

**RESOLVED:** That Councillor Springett be elected as Chair for the duration of the meeting.

18. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

19. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

20. ADJOURNMENT OF THE MEETING

The Chair stated that the meeting would be adjourned to allow the applicant and respondents' representative to further discuss the licensing conditions proposed by the former.

The meeting was initially adjourned between 12.02 p.m. to 12.35 p.m., which was then extended from 12.35 p.m. to 1 p.m.

21. EXEMPT ITEMS

**RESOLVED:** That all items be taken in public as proposed.

22. APPLICATION FOR REVIEW OF A PREMISES LICENCE FOR CENTURY CLUB,  
30-32 LOWER STONE STREET, MAIDSTONE, KENT, ME15 6LX,

The persons participating in the hearing were identified as follows:

Chairman – Councillor Springett

Committee Member – Councillor Hinder

Committee Member – Councillor J Sams

Legal Advisor – Mr Robin Harris

Senior Licensing Officer – Lorraine Neale (in attendance virtually)

Democratic Services Officer – Miss Oliviya Parfitt

Applicant – Chief Inspector Chris Woodward on behalf of Kent Police

For the Applicant:

PC James Williams – Kent Police

Respondents and Representative – Mr Othman Ktifi (Licence holder), Miss Antonia Locatelli (DPS) and Mr Colin Pope of Dadds LLP Licensing Solicitors

All parties confirmed that they were aware of the Sub-Committee hearing procedure and had each received a copy of the hearing procedure document.

The Sub-Committee agreed to proceed in the absence of the objector and noted the additional comments received that had been distributed to the panel Members. The Sub-Committee confirmed that they had read the papers.

The Chair explained that:

- The Sub-Committee would allow all parties to put their case fully and make full submissions within a reasonable time frame.
- The procedure would take the form of a discussion led by the Sub-Committee and they would usually permit cross-examination conducted within a reasonable timeframe.
- Any person attending the hearing who behaved in a disruptive manner may be directed to leave the hearing by the Sub-Committee (including temporarily) after which, such person may submit to the Sub-Committee over the Instant messaging facilitating any information which that person would have been entitled to give orally had the person not been required to leave the meeting. If this is not possible, they may be permitted to speak at the Chair's Invitation.

The applicant and respondent's representative confirmed that they had agreed a draft set of conditions.

Prior to their consideration, the Senior Licensing Officer introduced the report and noted that the hearing had originally been scheduled for the 20



September 2021 but had been postponed under Regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005.

The review had been requested by Chief Inspector Chris Woodward following a series of incidents that had caused concern regarding the venue's management which posed a risk to the safeguarding of patrons both inside and outside of the venue and the local community.

Two particular incidents on the 4 and 6 September 2021 were highlighted, alongside the non-adherence to the relevant Covid-19 legislative requirements (when in force). The proposed measures by Kent Police were briefly outlined, with the discussion between the applicant and respondents' representative noted.

PC James Williams and Mr Colin Pope confirmed that they had agreed upon a set of draft conditions, which were outlined to the panel. Mr Harris highlighted several inconsistencies within the proposed conditions; incorrect numbering, that the training requirements had been outlined in more than one condition and to question the necessity of risk assessments for external events when these were to be prohibited. The conditions were amended with the agreement of the applicant's and respondents' representatives.

The panel questioned how the venue's events would be 'primarily' sporting events and requested that the staff training requirements were made compulsory rather than advisory. Mr Pope stated that venue was regarded as a snooker hall, and included provision for darts games, chalkboards and television screens to be used, for example, to display football games.

In assessing the draft conditions, the panel questioned how the premise's adherence to the conditions would be assessed as the previous advice given by Kent Police had not been adhered to. PC Williams stated that he patrolled the local area on Friday and Saturday nights and hoped for additional staffing resources in the future as the Covid-19 pandemic came to an end. If PC Williams was unavailable, other officers would attend the area on his behalf.

In response to questions, PC Williams confirmed that he was satisfied with the draft conditions (as proposed and amended) and that a suspension of the premises licence was no longer required, with the premises' policies as referred to in the conditions to be sent to him by Friday 15 October 2021. Miss Antonia Locatelli confirmed that the CCTV was now accessible.

Mr Harris requested confirmation that the staff training requirements and 'Challenge 25' training, as outlined in separate conditions, were both required; both parties agreed their necessity.

PC Williams confirmed that there was no desire to limit in the number of events held, as the respondents had agreed to the prohibition of externally promoted events and promoters, which had been the main concern. PC Williams confirmed that they were happy with the conditions

proposed. The modified conditions were to take place with immediate effect.

Mr Pope thanked the panel for their time and stated that his client was willing to work with Kent Police and that there would be no repetition of the previous mistakes made.

The Chair advised that the Sub-Committee would retire for deliberation with the legal advisor present.

The meeting was adjourned for deliberations between 1.45 p.m. to 2.30 p.m.

The Sub-Committee returned and the Chair stated that the decision had been made to modify the premises' licence in accordance with the conditions put forward as accepted by both parties during the hearing. The final amendments made to the wording of the conditions were outlined.

It was confirmed that a written decision would be provided within five working days. Parties were reminded of the right of appeal to the Magistrates Court.

The meeting closed at 2.36 p.m.

**RESOLVED:** That the Sub-Committee's decision and reasons be provided within the Notice of Determination attached as an Appendix to the minutes.



**LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL**

**LICENSING ACT 2003  
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

**NOTICE OF DETERMINATION  
REVIEW**

Application Ref No: **21/01817/REVIEW**

---

Applicant: Chief Inspector Gary Woodward on behalf of Kent Police

Premises CENTURY CLUB, 30-32 LOWER STONE STREET,  
MAIDSTONE, KENT ME15 6LX

Date(s) of hearing: 11<sup>th</sup> October 2021

Date of determination: 11<sup>th</sup> October 2021

Committee Members: [Chairman]: Councillor V Springett  
Councillor J Sams  
Councillor B Hinder

Legal Advisor in attendance: Robin Harris, Team Leader (Contentious) MKLS

Democratic Services Officer in attendance at hearing: Miss Oliviya Parfitt

Licensing Officer in attendance: Lorraine Neale

This was an application for:

Review

of a

Premises Licence

**A: Representations, evidence and submissions:**

The Committee considered the representations, evidence and submissions of the following parties:

**Applicant**

**Name: Kent Police**

**Legal or other representative: PC James Williams**

**Responsible Authorities**

**None**

**Other Persons**

**None**

**Witnesses and legal representatives in support of other persons**

- **N/A**

**Licence Holder**

**Name: Mr Othman Ktifi**

**Legal or other representative: Mr Pope (Dadds LLP Licensing Solicitors)**

**Witnesses and legal representatives in support of the licence holder**

**Miss Antonia Locatelli (DPS)**

**Representations considered in the absence of a party to the hearing:**

- **N/A**

**B: Consideration of the Licensing Act 2003, the Guidance under s. 182 of the Act and the Statement of Licensing Policy of Maidstone Borough Council**

The Committee has taken into account specifically the following provisions of the Licensing Act 2003 and the Regulations thereto:

Sections 51

The Committee has taken into account the following provisions of the Guidance under section 182 of the Act:

Chapter 2 which relates to the licensing objectives  
Chapter 10 which relates to conditions attached to licences;  
Chapter 11 which relates to reviews.

The Committee has taken into account its Statement of Licensing Policy:

Paragraphs 17.9 – 17.22

The Committee has decided to depart from the guidance under section 182 of the Act and or the statement of licensing policy for the following reasons:

Paragraphs and reasons (state in full):

N/A

**C: Determination:  
The Committee has decided to:**

- Modify the conditions of the premises licence in accordance with the agreed conditions put forward as accepted by both parties at the hearing.

If so, state the modified conditions: See attached sheets.

**Reasons for determination:**

■ **Prevention of Crime and Disorder**

Reasons (state in full):

The Sub-Committee were satisfied that the conditions agreed between all parties were appropriate and proportionate to promote this licensing objective.

■ **Public Safety**

Reasons (state in full):

The Sub-Committee were satisfied that the conditions agreed between all parties were appropriate and proportionate to promote this licensing objective.

■ **Prevention of nuisance**

Reasons (state in full):

The Sub-Committee were satisfied that the conditions agreed between all parties were appropriate and proportionate to promote this licensing objective.

■ **Protection of children from harm**

Reasons (state in full):

There were no representations relating to this licensing objective.

PRINT NAME (CHAIRMAN): Cllr Val Springett

Signed [Chairman]:

A copy of the original document is held on file

Date:

### **Conditions to be added to the Premises Licence**

1. There shall not be any external promoted event or promoters used at the premises.
2. The premises shall be used as an indoor sporting venue, providing pool, snooker, darts and indoor sport of a similar kind and screened sporting events. With the exception of internally organised events.
3. The premises shall not charge for admission.
4. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.
  - a) Cameras shall encompass all ingress, egress and include all areas to which the public have access, including fire escapes, stairwells and where the supply of alcohol occurs (with the exception of areas agreed by the Police, for example toilet cubicles).
  - b) The CCTV shall be recording at all times that the premises are open to the public.
  - c) Equipment must be maintained in good working order, be correctly time and date stamped, recordings MUST be kept on the hard drive and kept for a period of 31 days and handed to Police upon reasonable request.
  - d) The Premises Licence Holder must ensure at all times a DPS or appointed members of staff are capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority upon reasonable request.
  - e) The Police or local authority will be given a copy of the CCTV in a suitable format within 48 hours of any reasonable request.

5. All persons that sell or supply alcohol to customers must have licensing training.

a) Training must take place within six weeks of employment and any new employees will be supervised until the training has taken place.

b) Refresher training must be repeated a minimum of every 12 months or earlier if required due to changes of legislation.

c) Training records must be kept on the premises and shall contain the nature, content and frequency of all training.

d) Records must be made available for inspection by Police, Police Licensing Officer and authorised officers from the Local Authority upon request either electronically or hard copy.

6. A logbook shall be kept detailing all incidents that occur at the Premises. This will be a bound book which will detail the following:

A) The day, date and time of the incident

B) The member of staff making the entry

C) All members of staff involved in the incident

D) An account of the incident

E) Details of any persons injured and the injuries sustained

F) Any other details thought relevant

7. At least one member of staff with a personal licence will be on duty from 18:00hrs that the premises are open for the sale of alcohol.

8. All persons entering, or re-entering the premises may be subject to searching as a condition of entry. Searching will include the use of knife arch / metal detecting wand.

9. 2 SIA registered door staff will be employed at the premises, these staff will be on duty from 2000hrs until 30 minutes after the premises closes to the public on Friday and Saturday.



10. If the premises is open on Christmas Eve and/or New Year's Eve at least 2 SIA registered door supervisors will be employed from 20:00hrs until close of business. On any Sunday preceding a Bank Holiday at least 2 SIA door supervisors will be employed from 20:00hrs until close of business.
11. SIA registered Door Supervisors shall be responsible for the lawful searching and / or exclusion of those suspected of carrying illegal drugs, offensive weapons who attempt to gain entry into the premises. If items are located entry will be refused and all seized items will be recorded in an incident book and handed to police.
12. There will be a door control policy that outlines clear instruction and understanding of the door supervisor's responsibilities at the premises. This policy will contain
  - a) How door staff prevent overcrowding
  - b) Supervise the queue to ensure that it is managed in a way that avoids rowdy, unpleasant behaviour and to keep customers quiet so as to not disturb neighbours in the vicinity
  - c) A procedure for door staff engaged in searching persons as a condition of entry
  - d) To ensure the dispersal of patrons from the curtilage and grounds of the licensed premises immediately after the end of licensable activities
  - e) Prevent patrons from leaving the premises with open containers and bottles
  - f) To provide evidence by written statement to the police in any criminal investigation as and when required.
13. Regular checks shall be made in the toilets in order to discourage drug use within them. These checks shall be during trading hours and will be logged, with the date and time. Records must be made available for inspection for Police,

authorised officers and Local Authority upon request either electronically or hard copy.

14. Toughened or polycarbonate glass will be used at the premises after 22:00hrs.
15. From 20:00hrs no persons under the age of 18 will be permitted in the building unless accompanied by an adult with the exception of staff members working at the time.
16. The Licence Holder shall erect and maintain clear and prominent notices at their premises advising patrons of any admission restrictions. This will also advise patrons about causing any disturbances or disorder from the premises or in a queue which will result in admission being refused.
17. The only proof of age that will be accepted by staff will be a photographic driving licence, a passport or a 'PASS' marked proof of age card.
18. A refusal register will be in operation at the premises. All staff involved in the sale of alcohol will be fully trained in the system and it will record the following:
  - a. Item refused.
  - b. Name of description of the person refused.
  - c. Reason for refusal.
  - d. Name of staff member making refusal
19. The register will be available for inspection to any Police Officer, Local Authority Licensing Officer or Trading Standards Officer at any reasonable time.
20. The licence holder shall produce risk assessments that must have proper regard to the Health and Safety Executive guidance 'The Event Safety Guide: A guide to health, safety and welfare at music and similar events'. It must address but is not limited to risks specific to the nature of the proposed event and its potential

to undermine the licensing objectives. The risk assessments must be submitted in writing either by post or electronically to Police Licensing Team ([west.division.licensing@kent.police.uk](mailto:west.division.licensing@kent.police.uk)), the local Licensing Authority and Environmental Health a minimum of 5 days prior to the event taking place.

21. The premises will undertake the 'Challenge 25' scheme. All staff involved in the sale or supply of alcohol will be trained in the 'Challenge 25' Scheme and such training will be recorded.
22. To allow the use of IONTRACK. (Drug testing Machine), within the premises, (or curtilage of the premises), as a condition of entry, at the request of, and after consultation with Police. To allow swabbing for detection of drugs use when deemed necessary by Police.
23. The premises shall have a written drug policy, this will detail the strategies to minimise the use and supply of illegal drugs within the premises. This will entail an agreed procedure for the handling and retention of any article seized. Where premises consider a drugs safe to deposit drugs found, there will be a clear policy for the handling and packaging of seized items. For premises with a suitable 'drug safe' the items secured within the safe would not be considered as being in possession.
24. There will be no admittance or re-admittance to the premises after 01:00hrs, customers leaving to smoke must remain within the designated smoking area at all times or re-admittance will be refused. The only exception to this condition will be for patrons who have pre-booked their admission to the premises before 22:00hrs. Confirmation of booking will be recorded on a digital platform, date, time and shown on request to the licensing authority.

# Agenda Item 13

## LICENSING COMMITTEE

11 November 2021

### Hackney Carriage & private Hire – Knowledge Test

<b>Final Decision-Maker</b>	LICENSING COMMITTEE
<b>Lead Head of Service</b>	John Littlemore, Head of Housing and Community Services
<b>Lead Officer and Report Author</b>	Sharon Bamborough, Head of the Licensing Partnership
<b>Classification</b>	Public
<b>Wards affected</b>	All

#### Executive Summary

There has been a proposal made by an operator about an alternative scheme for new private hire drivers.

The first part of the report contains the proposal by one of the operators to introduce an alternative badge scheme for new private hire drivers which would not require the Knowledge Test and Equo Test to be passed. This was initially put forward at the previous Licensing Committee held on 16 September 2021 and the decision was adjourned to this meeting in order that more data on current knowledge tests taking place be gathered for the committee. This will require a decision by members.

In the second part of the report, Members may recall that in April 2021 they agreed to a temporary amendment of the knowledge test so as to remove the routes part of the test for six months (up to end of November 2021) to give an opportunity to assess whether that made a difference in the pass rate for new drivers. The results of those tests are in and are set out in the appendices. Members should note that period is coming to an end and may wish to decide to extend the period, make it permanent or confirm that it will be re-instated from December 2021.

#### Purpose of Report

Section 1. Decision  
Section 2. Decision

#### This report makes the following recommendations to this Committee:

1. In respect of the proposal to introduce an alternative badge scheme for private hire new drivers, officers recommend refusal to implement the proposed alternative badge scheme for new drivers
2. In respect of the routes part of the knowledge test, to extend the routes not being part of the test for a further six months and review again to assess how many new drivers we have passed since the trial began.

#### Timetable

<b>Meeting</b>	<b>Date</b>
Licensing Committee	11-11-2021

# Hackney Carriage and Private Hire Knowledge Test

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	Sharon Bamborough – Head of the Licensing Partnership
<b>Cross Cutting Objectives</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	Sharon Bamborough – Head of the Licensing Partnership
<b>Risk Management</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	Sharon Bamborough – Head of the Licensing Partnership
<b>Financial</b>	<ul style="list-style-type: none"> <li>As a result of the analysis of past tests it is possible there will be some refunds needed but this is not expected to exceed £1K</li> </ul>	John Littlemore, Head of Housing and Community Services
<b>Staffing</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	Sharon Bamborough – Head of the Licensing Partnership
<b>Legal</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	Robin Harris, Mid Kent Legal Services
<b>Privacy and Data Protection</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	Sharon Bamborough – Head of the Licensing Partnership
<b>Equalities</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	Sharon Bamborough – Head of the Licensing Partnership

<b>Public Health</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	Sharon Bamborough – Head of the Licensing Partnership
<b>Crime and Disorder</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	Sharon Bamborough – Head of the Licensing Partnership
<b>Procurement</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	Sharon Bamborough – Head of the Licensing Partnership
<b>Biodiversity and Climate Change</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	Sharon Bamborough – Head of the Licensing Partnership

## 2. INTRODUCTION AND BACKGROUND

2.1 A history of the introduction of the knowledge test and analysis of pass rates was considered by the committee at their meeting of 15<sup>th</sup> April 2021. An extract from that report is attached as **Appendix 1** for easy reference. At that meeting a decision by members was made as follows:

1. The pass rate for the highway code section of the knowledge test, for private hire applicants only, be increased to 90% with the number of questions in that section be increased to 10; and
2. The Routes and Street element of the rest for private hire applicants only be removed for a period of 6 months.

### Section One

- 2.2 The proprietors of Express Cabs & Couriers Ltd have put forward a proposal for a 12 month temporary badge for new drivers which would not require them to pass the knowledge test (or new Equo test) before being able to undertake private hire driving work. Please see **Appendix 2**.
- 2.3 Officers would advise that since the knowledge test was introduced in 2017 standards have been raised significantly and Members have approved this approach. The new **statutory** standards for taxi services introduced by the Department for Transport in July 2020 go even further. Maidstone was in such a good place with their own standards when this was introduced last year that there was minimal work to be done to comply with the required implementation – MBC has introduced additional Equo training which specifically deals with safeguarding awareness and we have embraced the additional driver checks required.

- 2.4 Officers would suggest that the hackney carriage/private hire testing is done to such a standard as to give excellent reassurance to the public. Many years ago it may have been perceived to be an easy industry to get into (many might even suggest it was unskilled) but now this is a profession to be proud to be part of and the public have become accustomed to the professional service they enjoy.
- 2.5 Whilst every sympathy is felt for the operators who may struggle to attract drivers, officers do not feel they can recommend the proposed scheme which would put drivers on the road in Private Hire vehicles without all of the required training and testing, because this would go against the national statutory standards. In addition it would undermine the confidence the public has in knowing our drivers have all passed the necessary tests and potentially lead to complaints.
- 2.6 There have been no complaints received from the public about a lack of availability nor any evidence provided that it has led to a public safety issue.
- 2.7 All sectors of industry are reporting shortages of staff and this is not isolated to the taxi trade.
- 2.8 Updated test results information is provided at **Appendix 3** which shows that under the current testing arrangements, we are seeing an upward trend in the number of drivers passing the test.
- 2.9 The licensed operator has been invited to the meeting should Members wish to hear from the representatives of the company.
- 2.10 It should be noted that should the Committee be minded to approve the proposal, because it would be a significant departure from the current policy, it would be necessary to fully consult the public and trade on the proposal and report those findings back to a future meeting for a final decision to be made.

## **Section Two:**

### THE KNOWLEDGE TEST FOR PRIVATE HIRE DRIVERS - ROUTES

- 2.11 The temporary removal of the routes part of the knowledge test for private hire drivers comes to an end on 30 November 2021.
- 2.12 The most up to date information is set out in Appendix 3 showing the pass rates (and an updated position will be available on the evening of the meeting as tests are currently being held on average once a week).
- 2.13 From May – Oct 21 (5 months) we have had 16 candidates pass, double the number for the years 2018, 2019 & 2020 combined. Removing Routes and Streets has definitely improved the pass rate for candidates.
- 2.14 The current results show an upward trend in the number of passes being achieved by potential drivers which will increase the pool of available drivers in Maidstone borough.

- 2.15 Since the start of the trial no complaints have been received about drivers not knowing their journeys.
- 2.16 Officers feel that this warrants a further extension of the trial to have a year's worth of data to review to consider whether or not to reinstate that part of the test or dispense with it altogether.
- 

### **3. AVAILABLE OPTIONS**

- 3.1 *In respect of the proposal to introduce an alternative badge scheme for private hire new drivers, to make a decision to:*

Either:

Refuse to implement the proposed alternative badge scheme for new drivers

Or

Agree to the proposed alternative scheme and instruct consultation to be carried out with the trade and public.

- 3.2 *In respect of the knowledge test and whether to revert back to the routes forming part of the test for private hire drivers, to make a decision to:*

Either:

Instruct officers that the routes part of the test for all potential private hire drivers be re-instated from 1st December 2021

Or

Agree to a further extension of the removal of the routes part of the test for a further six months (or other period they deem necessary)

---

### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 Members are requested to refuse the proposal in Section 1 to have a temporary badge scheme whereby drivers could operate without having sat and passed the knowledge test and Equo training, for the following reasons:

- (i) as this would be contrary to the new National Statutory Standards and would go against previous Member decisions to elevate the training standards and requirements.
- (ii) The current statistics, despite the concerns raised about the test, show an upward trend in the number of drivers passing
- (iii) It has not been evidenced that there is a public safety issue requiring such a change to be made

- 4.2 Members are requested to agree a further extension of the removal of routes from the private hire knowledge test for the following reasons:
-



- (i) so far the results have been encouraging in that it has increased the pass rate for the drivers taking the test, which leads to more new drivers becoming licensed
  - (ii) it is felt that a further extension would give a year's worth of data to then make a more permanent decision as to whether it should be re-instated, further extended or dispensed with.
- 

## **5. RISK**

- 5.1 Failure to introduce the proposed scheme to assist the trade could result in a shortfall of Maidstone licensed drivers. This could see an increase in out of town drivers being in Maidstone illegally cashing in on the employment gap and ultimately causing enforcement issues for the Licensing Department.

## **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 N/A
- 

## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 Should Members approve the proposed scheme by the trade consultation would then be carried out with the public and trade and the results reported back to a future meeting of the licensing committee.
  - 7.2 Whatever the decision regarding the knowledge test routes element, this will be communicated to the trade and potential new drivers
- 

## **8. REPORT APPENDICES**

- Appendix 1: Extract from committee minutes of 15.04.2021 outlining the knowledge test and the decision made
  - Appendix 2: proposal from trade re temporary badge for drivers without knowledge test
  - Appendix 3: Tables of analysis on knowledge tests going back to July 2019
- 

## **9. BACKGROUND PAPERS**

None



- 2.7 In comparison the numbers of applicants passed in those same years are 2 in 2018, 5 in 2019 and 1 in 2020.
- 2.8 Licensing have also received correspondence which express the trades concerns on the impact COVID has had on their businesses and the potential future impact in recruiting new drivers, correspondence has been received from J. Iandolo, owner of Express Taxis, Helen Grant on behalf of an anonymous Maidstone Operator and Mark Jones, owner of Sapphire Cars through Ilsa Butler, One Maidstone (Appendix 2). Operators will have lost drivers because of the lack of work and will need to replace some of them when business picks up. Some licensed drivers will return to the trade but others that have found permanent secure work will not.
- 2.9 The concern the trade have is the amount of time it takes for an applicant to become licensed, currently an applicant must pass the knowledge test before they can submit an application to the Licensing Department. Under normal circumstances the tests are held every 3 weeks with the maximum number of candidates tested being 6, which has now increased to 8. Additional tests are arranged if there is an increase in demand. Tests were held in 2020 when the restrictions were lifted on 8,15,22 & 29 September and then reduced to fortnightly on 6 & 20 October and 3 November, the tests were reduced as the demand was not there for weekly tests. The testing was suspended again in November 20 when the new restrictions were brought in.
- 2.10 After reviewing the comments in the correspondence received, it is not proposed to change the test but to adjust it to assist the trade in getting new private hire drivers licensed in a shorter time. The majority of first time applicants are private hire drivers and the argument has always been that private hire drivers are prebooked and can use SatNav or Apps on their phones to get to their destinations. One of the options we can consider is to remove the Routes and Street sections from the private hire test as it is those area that candidates consistently fail on. The sections will remain for the Hackney and Dual test as they are expected to know the area and not rely on technology. This could be implemented for an agreed fixed term and reviewed after 6 or 12 months. Any Private hire drivers that wishes to become a Dual or Hackney driver will be required to take the Routes and Streets test before they can change their badge.
- 2.11 The alternative option is to keep the test as it is and lower the pass mark for the Routes and Streets sections to an agreed percentage for private hire drivers only. We could consider lowering the pass mark for all candidates for all tests. However, a higher standard is generally expected from Hackney and Dual drivers, also a lot of private hire drivers tend to become Dual drivers at a later date, they do quite well with the routes and streets section of the test because they have gained experience and knowledge of the area while working as a private hire driver.

# MAIDSTONE PH OPERATORS PROPOSAL

## October 2021

### PROPOSAL FOR AN ALTERNATIVE SOLUTION TO OBTAIN A PRIVATE HIRE BADGE IN THE BOROUGH OF MAIDSTONE

Proposal written by Express Cabs & Couriers Ltd on behalf of Maidstone private hire operators

#### **The Background**

*Express Cabs runs a training school to try and assist new applicants in becoming a licensed driver in the borough of Maidstone, Tonbridge & Malling, Medway or Ashford. This school is run by Jason Brown (Licensed with Tonbridge & Malling as a dual driver & Maidstone as a private hire driver) & Jade Collier (A licensed Maidstone private hire driver)*

This proposal has come around due to the errors found in the Maidstone knowledge test. We have previously highlighted many errors within the policy & test.

#### **Project Scope**

*The alternative solution would be for a new applicant to have two choices of obtaining a private hire badge.*

*Option one would be the same as it currently is.*

*Option two would be the following.*

- *Applicant must have a Full UK licence for a minimum of 1 year*
- *Applicant must contact Maidstone Borough Council (MBC) or operator for application*
- *Applicant must have an enhanced DBS certificate*
- *Applicant must have a medical*
- *Applicant must have passed a DSA driver's test*
- *Applicant must sit independent training for EQUO, Council policy & highway code*

*Once all completed the applicant would then obtain a 12-month probational badge*

*Within these 12 months the driver must pass the MBC knowledge test*

### **High-Level requirements**

*The alternative solution would include the following.*

**Enhanced criminal record check** which will reveal spent and unspent convictions, plus whether the subject is on the DBS lists of people barred from working with children and/or vulnerable adults. Enhanced Disclosures may also provide non-conviction intelligence held by the police and which they feel is relevant to the role (based on the Role Description submitted on the application).

Enhanced Disclosures can be requested for a specified list of roles in the Exceptions Order plus roles that involve caring for, training, teaching or otherwise being in sole charge of children or vulnerable adults; or regularly working on sites where children or vulnerable adults will be present, i.e. giving the jobholder extended access to these vulnerable groups.

**Taxi/private hire medical**, applicant would be required to take A printed copy of your summary medical records from your GP surgery, Details of medications - if you take any, we need the names and dosages, Driving glasses - you must remove contact lenses for the examination & Optical prescription - If you wear glasses for driving you must also bring your optical prescription so our Doctor can record the strength of your lenses

**DSA Driver assessment** A taxi driver assessment provides proof of your driving ability and is required by most local authorities for taxi licensing

**Training for EQUO, council policy & highway code.** Independent full training rather than a test for the EQUO test. Discuss key points of the council policies & training with the most up to date highway code.

### **Deliverables**

**Enhanced criminal record check:** Local authority or in house checks (Both currently acceptable by MBC)

**Taxi/ Private hire medical:** D4Drivers.co.uk, PHC Occupational health or own GP (All currently acceptable by MBC)

**DSA Driver assessment:** Blue Lamp trust or green penny (Both currently acceptable by MBC)

**Training for EQUO, council policy & highway code:** Timothy Griffiths fully certified teacher/ trainer who works, trains with Kent County Council.

Current full EQUO test explained in full to applicant and attendance to pass it

Main points from the MBC policy including all compulsory questions, explaining the difference between PH & Hackney drivers, explain plying for hire and advise applicants of the importance of contacting licencing if any convictions or medical issues.

Current highway code questions and road sign training

This would be a one-day course.

## **Implementation Plan**

*Enhanced criminal record check, Medical and DSA test would stay the same as before.*

*The training plan will be conducted by TGTraining - <https://tgtraining.wixsite.com/training>*

*Express Cabs & other MBC, TMBC operators often use the services of TGTraining for wheelchair accessible assessments, CPC & other training courses they offer.*

*Mr Timothy Griffiths of TGTraining has the following qualifications.*

- *Approved driving instructor (ADI)*
- *First aid trainer*
- *City and guilds 7307 adult teaching qualification*
- *D32/33 assessors qualification.*

*One day course*

### ***Morning session would focus on***

- *Disability Awareness training (Equo)*
  - *Discrimination*
  - *The equality act 2010*
  - *Direct disability discrimination*
  - *Discrimination arising from disability*
  - *Indirect disability discrimination*
  - *Models of disability*
  - *Positive language*
  - *Facts & figures about disability*
  - *Visual Impairment*
  - *Mobility Impairment*
  - *Hearing impairments*
  - *Disfigurement*
  - *Speech & Language impairments*
  - *Learning disabilities*
  - *Mental Health*
  - *Assistance dogs*
  - *Safe transportation of wheelchairs*
- *Child Sexual Exploitation (Equo)*
  - *What is abuse*
  - *What is a child*
  - *What is child sexual exploitation*
  - *Indicators of risk and who is at risk*
  - *Who is at risk?*
  - *Who are the offenders?*
  - *Where does child sexual exploitation take place?*
  - *How are young people targeted?*
  - *Signs that you can look out for*
  - *The modern slavery act 2015*
  - *What can you do to help*
  - *How to report your concerns*

- *Safeguarding (Equo)*
  - *What is safeguarding*
  - *Good safeguarding practice*
  - *How to report your concerns*
  - *Record keeping*
- *County lines (Equo)*
  - *What is county lines?*
  - *Exploitation of young and vulnerable people*
  - *Is this happening in Kent?*
  - *How are the police dealing with County lines?*
  - *Courier fraud*
  - *Explain 'I am nine, nine'*
  -
- *Companies own safeguarding and reporting procedure*

### ***Afternoon Session***

- *Points from MBC PH Policy to include*
  - *All compulsory questions from the MBC PH Test*
  - *Plying for hire*
  - *Difference between PH & HCV*
  - *Dress Code*
  - *Reporting criminal & motoring offences to MBC*
  - *Reporting new medical conditions to MBC*
  - *Copy of MBC policy issued to candidate*
- *Latest Highway code & road sign training*

### ***In review***

*We believe this alternative option will improve the original format set out by MBC. This option will give the new applicants full training and support throughout. The benefits of this will lead to long term quality and knowledgeable applicants.*

*Many of our drivers also have bus licences, all bus drivers are required to sit 35 hours of training over 5 years (CPC). **There is no test!** The 35 hours is used for learning and understanding. Making the EQUO a test is not providing the applicants with the understanding and importance of safeguarding, disability awareness & county lines. We believe this should be taught rather than a formal exam.*

Test dates information						
Test Date	Location:	Invited:	Confirmed:	Attended:	Cancelled:	No show:
<b>Policy change - Test attempts</b>						
24/07/19	Maidstone House	6	6	6	0	0
21/08/19	Maidstone House	5	5	5	0	0
18/09/19	Maidstone House	6	6	5	0	1
17/10/19	Maidstone House	6	6	5	0	1
14/11/19	Maidstone House	5	5	4	0	1
10/12/19	Maidstone House	4	4	2	0	2
19/12/19	Maidstone House	3	3	2	0	1
09/01/20	Maidstone House	6	6	4	1	1
06/02/20	Maidstone House	5	5	5	0	0
26/02/2020 *	Maidstone House	5	5	5	0	0
04/03/20	Maidstone House	5	5	4	0	1
<b>First Lockdown</b>						
15/09/2020 **	Town Hall	8	8	3	2	3
22/09/2020 **	Town Hall	6	6	4	1	1
29/09/20	Town Hall	5	5	3	2	0
06/10/20	Town Hall	3	3	3	0	0
20/10/2020 **	Town Hall	6	6	5	1	0
03/11/2020 **	Town Hall	6	6	4	1	1
<b>Second Lockdown</b>						
19/05/21	Town Hall	3	3	2	0	1
02/06/21	Maidstone House	3	3	2	0	1
16/06/2021 **	Maidstone House	4	4	3	0	1
24/06/21	Maidstone House	4	4	3	1	0
30/06/2021 **	Maidstone House	4	4	4	0	0
07/07/21	Maidstone House	5	5	5	0	0
14/07/21	Maidstone House	5	5	3	1	1
21/07/21	Maidstone House	5	5	1	1	3
28/07/21	Maidstone House	3	3	2	0	1
04/08/21	Maidstone House	5	5	4	0	1
11/08/21	Maidstone House	5	5	4	0	1
18/08/21	Maidstone House	4	4	3	0	1
25/08/21	Maidstone House	4	4	3	0	1
<b>Tests since last report</b>						
01/09/21	Maidstone House	5	5	3	1	1
08/09/21	Maidstone House	5	5	5	0	0
15/09/21	Maidstone House	5	5	4	0	1
22/09/21	Maidstone House	5	5	4	0	1
29/09/21	Maidstone House	5	5	5	0	0
06/10/21	Maidstone House	5	5	5	0	0
13/10/21	Maidstone House	5	5	5	0	0
20/10/21	Maidstone House	5	5	3	0	2
27/10/21	Maidstone House	7	7	5	0	2
<b>Totals</b>		191	191	147	12	32

\*One of the attendees was taking the Tunbridge Wells test at Maidstone House as we had availability.

\*\* Figures have been adjusted to include Hackney & Dual candidates.

Applicants passed since 15/9/20 - Improvement in pass rate after implementation of the changes to the test agreed in April 2021				
Candidate Number	Applicants	Test No	Date of Test	Results
MBC190521PH01	1	2nd Attempt	19/05/21	Pass
MBC020621PH02	2	1st attempt	02/06/21	Pass
MBC240621PH01	3	1st attempt in the 2nd round, failed the first 3 in 2020 had a 6 month break 3rd time pass on 2nd round	24/06/21	Pass
MBC070721PH05	4	2nd Attempt	07/07/21	Pass
MBC070721PH04	5	1st Attempt	07/07/21	Pass
MBC280721PH02	6	1st attempt	28/07/21	Pass
MBC040821PH03	7	2nd attempt, but actually passed at 1st	04/08/21	Pass
MBC250821PH03	8	3rd attempt	25/08/21	Pass
MBC010921PH01	9	1st attempt	01/09/21	Pass
MBC080921PH01	10	1st attempt	08/09/21	Pass
MBC080921PH05	11	2nd attempt	08/09/21	Pass
MBC220921PH01	12	1st attempt	22/09/21	Pass
MBC290921PH04	13	3rd attempt	29/09/21	Pass
MBC061021PH05	14	1st attempt (100% all categories)	06/10/21	Pass
MBC201021PH04	15	2nd attempt	20/10/21	Pass
MBC271021PH05	16	3rd attempt	27/10/21	Pass
MBC271021PH06	17	2nd attempt	27/10/21	Pass

Yearly Comparison			
Year	No of tests	no of passes	% pass
2018	40	2	5%
2019	58	5	8.62%
2020	37	1	2.70%
May 21 to October 21	78	17	21.79%

In the five months since we come out of the second lockdown there has been a significant increase in the number of tests passed.

TOPOGRAPHY TEST – Highway Code Category	No of Q's	2021 (av%)	2020 (av%)	2019 (av%)	2018 (av%)
<b>PH Only</b>					
<b>No of Tests</b>		78	28	35	28
Highway Code (2021)	5	-	75	75.4	82.2
Highway Code (2020)	10	81.4	-	-	-



## Knowledge Test Candidates – Marked ‘Fail’

All tests from 24/07/2019 - 14/09/2020

HCD & Dual tests only 15/9/2020 – 25/08/2021 (PHD tests dealt with in September Committee report)

All tests from 26/08/21 – 27/10/2021

39

Test No	Name	Candidate Number	Date	Failed	Checked against matters raised
<b>24/07/2021 – 19/12/19</b>					
2	Candidate 1 Hackney Test	MBC240719HC01	24/07/2019	Routes 46.7%	Seatbelt question wrong
1	Candidate 2 Hackney Test	MBC240719HC02	24/07/2019	Routes 46.7%	Seatbelt question wrong
2	Candidate 3 Dual Test	MBC240719DD03	24/07/2019	Safeguarding 80%	No issues, none of the questions asked.
1	Candidate 4 Private Hire	MBC240719PH04	24/07/2019	Compulsory 66.7% Highway Code 60% Places 71.4% Private Policy and Law 40% Routes 40% Streets 42.9% Safeguarding 60%	Attire & Seatbelt question wrong
1	Candidate 5 Private Hire	MBC240719PH05	24/07/2019	Compulsory 50% Highway Code 60% Private Policy and Law 60%	Asked the no of test attempt question which was answered correctly but was marked as incorrect, Byelaw question correct, seatbelt question wrong

				Routes 46.7% Streets 42.91%	should have been 80% not 60%.
3	<b>Candidate 6 Hackney Test</b>	<b>MBC240719HC06</b>	24/07/2019	Compulsory 66.7% Places 71.4% Routes 73.3%	Attire question correct
1	<b>Candidate 7 Private Hire</b>	<b>MBC210819PH02</b>	21/08/2019	Compulsory 83.3% Highway Code 60% Private Policy and Law 60% Routes 53.3% Road signs 60%	Asked the no of test attempt question which was answered correctly but was marked as incorrect Byelaw question right, seatbelt question wrong should have been 80% not 60%.
1	<b>Candidate 8 Hackney Test</b>	<b>MBC210819HC03</b>	21/08/2019	Routes 60% Streets 57.1%	Attire & Byelaw questions right, seatbelt question wrong
1	<b>Candidate 9 Dual Test</b>	<b>MBC210819DD04</b>	21/08/2019	Generic Policy & Law 60% Routes 53.3% Streets 71.4% Safeguarding 60%	Asked the no of test attempt question which was answered correctly but was marked as incorrect should have been 100% not 80%
1	<b>Candidate 10 Private Hire</b>	<b>MBC210819PH05</b>	21/08/2019	Compulsory 83.3% Routes 60%	attire question right
1	<b>Candidate 11 Private Hire</b>	<b>MBC210819PH01</b>	21/08/2019	Compulsory 50 Highway Code 40% Places 14.3 % Routes 20% Safeguarding 40%	attire question right
1	<b>Candidate 12 Private Hire</b>	<b>MBC180919PH01</b>	18/09/2019	Compulsory 83.3% Generic Policy & Law 60% Highway Code 60% Places 57.1% Private Policy and Law 60%	Seatbelt question wrong

				Routes 33.3% Streets 57.1% Road Signs 60%	
2	<b>Candidate 2 Hackney Carriage</b>	<b>MBC180919HC02</b>	18/09/2019	Routes 46.7%	Seatbelt question wrong.
1	<b>Candidate 13 Private Hire</b>	<b>MBC180919PH04</b>	18/09/2019	Compulsory 83.3% Private Policy and Law 40% Routes 53.3% Streets 28.6% Road Signs 60%	Asked the no of test attempt question which was answered correctly but was marked as incorrect Byelaw question right, attire & seatbelt question wrong should have been 60% not 40%.
1	<b>Candidate 9 Hackney Test</b>	<b>MBC180919HC05</b>	18/09/2019	Hackney Policy and Law 60% Routes 53.3% Streets 71.4% Safeguarding 80%	Attire question right
1	<b>Candidate 14 Hackney Test</b>	<b>MBC180919HC06</b>	18/09/2019	Compulsory 83.3% Generic Policy & Law 60% Highway Code 40% Places 57.1% Hackney Policy and Law 40% Routes 33.3% Safeguarding 80%	Attire & Seatbelt question wrong
1	<b>Candidate 15 Private Hire</b>	<b>MBC171019PH01</b>	17/10/2019	Routes 60% Road Signs 60% Safeguarding 80%	Byelaw question right, seatbelt question wrong
2	<b>Candidate 5 Private Hire</b>	<b>MBC171019PH02</b>	17/10/2019	Compulsory 66.7% Routes 60%	Byelaw question correct, seatbelt question wrong.
1	<b>Candidate 16 Private Hire</b>	<b>MBC171019PH03</b>	17/10/2019	Routes 60% Streets 28.6%	Asked the no of test attempt question which was answered correctly but was marked as incorrect. Byelaw & attire question correct, seatbelt question wrong. Should have been 100% not

					80%.
2	<b>Candidate 7 Private Hire</b>	<b>MBC171019PH04</b>	17/10/2019	Highway Code 20% Private Policy and Law 60% Routes 60%	Asked the no of test attempt question which was answered correctly but was marked as incorrect Attire question right, & seatbelt question wrong should have been 80% not 60%.
2	<b>Candidate 8 Dual Driver</b>	<b>MBC171019DD05</b>	17/10/2019	Routes 66.7%	Attire question correct
1	<b>Candidate 17 Private Hire</b>	<b>MBC141119PH01</b>	14/11/2019	Compulsory 83.3% Places 71.4% Routes 20% Streets 57.1%	None of the questions asked
1	<b>Candidate 18 Private Hire</b>	<b>MBC141119PH03</b>	14/11/2019	Compulsory 33.3% Places 14.3% Private Policy and Law 60% Routes 26.7% Streets 28.6% Road signs 60% Safeguarding 60%	Seatbelt question wrong, Byelaw question correct.
1	<b>Candidate 19 Hackney Carriage</b>	<b>MBC141119HC03</b>	14/11/2019	Generic Policy & Law 40% Routes 73.3%	Asked the no of test attempt question which was answered completely incorrectly
2	<b>Candidate 9 Hackney Carriage</b>	<b>MBC141119HC04</b>	14/11/2019	Pass	Asked the no of test attempt question which was answered correctly but was marked as incorrect, should have been 100% not 80%.
1	<b>Candidate 20 Hackney Carriage</b>	<b>MBC101219HC02</b>	10/12/2019	Compulsory 83.3% Generic policy & law 60% Places 57.1% Hackney Policy and Law 60% Routes 44.7% Streets 0%	Seatbelt question wrong, attire question correct

				Road signs 60% Safeguarding 60%	
2	<b>Candidate 13 Private Hire</b>	<b>MBC101219PH04</b>	10/12/2019	Compulsory 83.3% Routes 53.3% Streets 71.4% Road signs 60%	Asked the no of test attempt question which was answered correctly but was marked as incorrect, Attire question correct, should have been 100% not 80%.
1	<b>Candidate 21 Private hire?</b>	<b>MBC191219PH01</b>	19/12/2019	Compulsory 83.3% Places 71.4% Private Policy and Law 40% Routes 60%	Asked the no of test attempt question which was answered correctly but was marked as incorrect, Attire & seatbelt questions wrong, Byelaw question correct. Should have been 60% not 40%.
3	<b>Candidate 7 Private Hire</b>	<b>MBC191219PH03</b>	19/12/2019	Highway Code 60% Routes 53.3%	Asked the no of test attempt question which was answered correctly but was marked as incorrect, Attire & Byelaw questions correct. Should have been 100% not 80%.
1	<b>Candidate 22 Private Hire</b>	<b>MBC090120PH01</b>	09/01/2020	Compulsory 83.3% Generic Policy & Law 60% Private Policy and Law 40% Routes 40% Streets 28.6 Safeguarding 80%	Asked the no of test attempt question which was answered correctly but was marked as incorrect, Attire & seatbelt question wrong. Should have been 60% not 40%
2	<b>Candidate 14 Hackney Carriage</b>	<b>MBC090120HC02</b>	09/01/2020	Compulsory 83.3% Routes 66.7%	None of the questions asked
2	<b>Candidate 15 Private Hire</b>	<b>MBC090120PH03</b>	09/01/2020	Routes 73.3%	Attire question wrong
2	<b>Candidate 16 Private Hire</b>	<b>MBC090120PH04</b>	09/01/2020	Routes 33.3% Streets 57.1%	None of the questions asked
1	<b>Candidate 23 Private hire</b>	<b>MBC060220PH01</b>	06/02/2020	Compulsory 66.7% Places 71.4%	Asked the no of test attempt question which was answered incorrectly.

				Private Policy and Law 60% Routes 33.3% Streets 42.9% Safeguarding 60%	Byelaw question correct, seatbelt question wrong.
1	<b>Candidate 24 Private Hire</b>	<b>MBC060220PH02</b>	06/02/2020	Compulsory 66.7% Generic Policy & Law 40% Highway Code 40% Places 14.3% Private Policy and Law 20% Routes 20% Streets 42.9% Safeguarding 60%	Asked the no of test attempt question which was answered correctly but was marked as incorrect, Attire & seatbelt question wrong, Byelaw question correct Should have been 40% not 20%
1	<b>Candidate 25 Private Hire</b>	<b>MBC060220PH03</b>	06/02/2020	Compulsory 66.7% Generic Policy & Law 60% Highway Code 40% Routes 53.3% Streets 42.9% Safeguarding 60%	Seatbelt question wrong, Attire question correct
1	<b>Candidate 26 Dual</b>	<b>MBC060220PH04 (asked to change to Dual but kept original reference)</b>	06/02/2020	Compulsory 50% Generic Policy & Law 40% Highway Code 60% Dual Policy and Law 60% Places 42.9% Routes 53.3% Streets 57.1% Road signs 40% Safeguarding 80%	Attire question wrong
2	<b>Candidate 19 Hackney Carriage</b>	<b>MBC060220HC05</b>	06/02/2020	Generic Policy & Law 60% Highway Code 40% Hackney Policy and Law 60% Routes 66.7%	Asked the no of test attempt question which was answered correctly but was marked as incorrect, Should have been 60% not 40%
1	<b>Candidate 27 Dual</b>	<b>MBC260220DD01</b>	26/02/2020	Routes 40% Streets 71.4%	None of the questions asked

				Safeguarding 80%	
2	<b>Candidate 21 Private Hire</b>	<b>MBC260220PH02</b>	26/02/2020	Compulsory 83.3% Private Policy and Law 60% Routes 46.7% Safeguarding 80%	Asked the no of test attempt question which was answered correctly but was marked as incorrect, seatbelt question wrong Should have been 80% not 60%
1	<b>Candidate 28 Private Hire</b>	<b>MBC260220PH04</b>	26/02/2020	Compulsory 50% Places 42.9% Routes 53.3% Streets 71.4% Safeguarding 20%	Seatbelt question wrong
2 due to no show on 18/9/19	<b>Candidate 29 Private Hire</b>	<b>MBC260220PH05</b>	26/02/2020	Compulsory 50% Generic Policy & Law 60% Places 71.4% Private Policy and Law 60% Routes 46.7% Streets 42.9% Safeguarding 40%	Asked the no of test attempt question which was answered incorrectly. Attire question correct, seatbelt question wrong.
1	<b>Candidate 30 Private Hire</b>	<b>MBC040320PH01</b>	04/03/2020	Compulsory 83.3% Highway Code 40% Private Policy and Law 60% Routes 46.7%	Asked the no of test attempt question which was answered correctly but was marked as incorrect, Seatbelt question wrong, Byelaw question correct Should have been 40% not 20%
1	<b>Candidate 31 Private Hire</b>	<b>MBC040320PH03</b>	04/03/2020	Compulsory 66.7% Places 71.4% Private Policy and Law 20% Routes 33.3% Streets 57.1% Road signs 60%	Asked the no of test attempt question which was answered correctly but was marked as incorrect, Attire & seatbelt questions wrong Should have been 40% not 20%
1	<b>Candidate 32 Private Hire</b>	<b>MBC040320PH04</b>	04/03/2020	Generic Policy & Law 60% Places 57.1% Routes 66.7% Streets 71.4%	Attire question correct
1	<b>Candidate 33 Dual</b>	<b>MBC040320DD05</b>	04/03/2020	Places 57.1% Routes 60%	Asked the no of test attempt question which was answered correctly but was

				Streets 71.4%	marked as incorrect, seatbelt question wrong Should have been 100% not 80%
<b>HC &amp; Dual tests only 15/9/2020 – 25/08/2021</b>					
1	<b>Candidate 34 Hackney</b>	<b>MBC150920HC05</b>	15/09/2020	Compulsory 16.7% Generic Policy & Law 40% Highway Code 40% Hackney Policy & Law 20% Routes 20% Streets 57.1% Road Signs 40% Safeguarding 60%	Asked the no of test attempt question which was answered correctly but was marked as incorrect, seatbelt question wrong. Should have been 40% not 20%
2	<b>Candidate 35 Dual</b>	<b>MBC220920DD01</b>	22/09/2020	Compulsory 83.3% Dual Policy & Law 40% Routes 60% Streets 71.4% Safeguarding 60%	Asked the no of test attempt question which was answered correctly but was marked as incorrect, should have got 60% instead of 40%.
2	<b>Candidate 34 Hackney</b>	<b>MBC201020HC01</b>	20/10/2020	Compulsory 16.7% Generic Policy & Law 60% Highway Code 20% Places 71.4% Routes 33.3% Streets 57.1% Road Signs 40% Safeguarding 20%	Asked the no of test attempt question which was answered correctly but was marked as incorrect, should have got 100% instead of 80%.
3 – Needs to take 6 month break	<b>Candidate 35 Dual</b>	<b>MBC031120DD02</b>	03/11/2020	Compulsory 83.3% Dual Policy & Law 20% Routes 66.7% Streets 71.4% Safeguarding 80%	Asked the no of test attempt question which was answered correctly but was marked as incorrect, should have got 40% instead of 20%.
<b>June 2021 - Safeguarding removed from the test and replaced with Equo test</b>					



1 restart after 6 month gap	<b>Candidate 34 Hackney</b>	<b>MBC160621HC04</b>	16/06/2021	Compulsory 16.7% Generic Policy & Law 60% Highway Code 80% Places 57.1% Routes 46.7% Streets 57.1% Road Signs 20%	None of the questions asked
3 – Needs to take 6 month break	<b>Candidate 2 Hackney</b>	<b>MBC300621HC02</b>	30/06/2021	Routes 53.3%	None of the questions asked
1	<b>Candidate 36 Dual</b>	<b>MBC250821DD04</b>	25/08/2021	Routes 66.7%	None of the questions asked
<b>All tests from 26/08/21 – 27/10/2021 (No of attempts question corrected, attire question reworted, seatbelt question removed, Byelaw question remains in the test)</b>					
1	<b>Candidate 37 Private Hire</b>	<b>MBC010921PH01</b>	01/09/2021	100% All sections	
1	<b>Candidate 38 Private Hire</b>	<b>MBC010921PH02</b>	01/09/2021	Generic Policy & Law 60% Highway Code 80% Places 57.1% Private Policy & Law 60%	Attire question wrong, byelaw question correct
1	<b>Candidate 39 Private Hire</b>	<b>MBC010921PH05</b>	01/09/2021	Compulsory 83.3% Generic Policy and Law 60% Road Signs 60%	Byelaw question correct
1	<b>Candidate 40 Private Hire</b>	<b>MBC080921PH01</b>	08/09/2021	Passed	Attire question wrong, Byelaw question right
1	<b>Candidate 41 Private Hire</b>	<b>MBC080921PH02</b>	08/09/2021	Compulsory 83.3% Road Signs 60%	Byelaw question right
1	<b>Candidate 42 Private Hire</b>	<b>MBC080921PH03</b>	08/09/2021	Compulsory 66.7%	None of the questions asked

2	<b>Candidate 43 Private Hire</b>	<b>MBC080921PH04</b>	08/09/2021	Compulsory 83.3% Highway code 70% Places 71.4% Road Signs 60%	Attire question wrong, Byelaws correct
2	<b>Candidate 44 Private Hire</b>	<b>MBC080921PH05</b>	08/09/2021	passed	Attire question right
2	<b>Candidate 45 Private Hire</b>	<b>MBC150921PH01</b>	15/09/2021	Highway Code 60% Places 71.4%	Attire & Byelaw questions correct
1	<b>Candidate 46 Private Hire</b>	<b>MBC150921PH02</b>	15/09/2021	Compulsory 83.3%	Attire question wrong, Byelaw question correct
1	<b>Candidate 47 Private Hire</b>	<b>MBC150921PH04</b>	15/09/2021	Compulsory 50%	Attire question wrong, Byelaw question correct
1	<b>Candidate 48 Private Hire</b>	<b>MBC150921PH05</b>	15/09/2021	Compulsory 83.3% Highway Code 8% Places 51.75%	Attire question wrong, Byelaws question correct
1	<b>Candidate 49 Private Hire</b>	<b>MBC220921PH01</b>	22/09/2021	Pass	Byelaw question correct
1	<b>Candidate 50 Private Hire</b>	<b>MBC220921PH03</b>	22/09/2021	Compulsory 66.7% Generic Policy & Law 40% Highway Code 70%	Byelaw question correct
<b>3 – 1 month break required</b>	<b>Candidate 51 Private Hire</b>	<b>MBC220921PH05</b>	22/09/2021	Compulsory 83.3% Highway Code 60%	Byelaw question correct, Attire question wrong.
2	<b>Candidate 28</b>	<b>MBC220921PH06</b>	22/09/2021	Compulsory 66.7%	Byelaw question correct
2	<b>Candidate 52 Hackney Carriage</b>	<b>MBC290921HC01</b>	29/09/2021	Compulsory 33.3% Generic Policy and Law 40% Highway Code 80%	No questions asked

				Places 71.4% Routes 33.3% Streets 71.4% Road Signs 60%	
1	<b>Candidate 53 Private Hire</b>	<b>MBC290921PH02</b>	29/09/2021	Private Policy and Law 60%	Attire question wrong, Byelaw question correct
1	<b>Candidate 54 Private Hire</b>	<b>MBC290921PH03</b>	29/09/2021	Compulsory 83.3% Generic Policy & Law 40% Highway Code 80% Places 57.1%	Attire question correct
3	<b>Candidate 55 Private Hire</b>	<b>MBC290921PH04</b>	29/09/2021	Passed	Byelaw question correct
1	<b>Candidate 56 Private Hire</b>	<b>MBC290921PH05</b>	29/09/2021	Generic Policy and Law 60% Highway Code 80%	Attire & Byelaw question correct
1	<b>Candidate 57 Private Hire</b>	<b>MBC061021PH01</b>	06/10/2021	Compulsory 66.7% Highway Code 70% Road signs 60%	Attire question wrong, Byelaw question correct
2	<b>Candidate 42 Private Hire</b>	<b>MBC061021PH02</b>	06/10/2021	Compulsory 83.3%	Attire question wrong, Byelaw question correct
1	<b>Candidate 58 Private Hire</b>	<b>MBC061021PH03</b>	06/10/2021	Compulsory 66.7% Generic Policy and Law 60%	Attire & Byelaw question correct
1	<b>Candidate 59 Private Hire</b>	<b>MBC061021PH04</b>	06/10/2021	Compulsory 83.3%	Attire question wrong, Byelaw question correct
1	<b>Candidate 60 Private Hire</b>	<b>MBC061021PH05</b>	06/10/2021	100% Pass	
1	<b>Candidate 61 Private Hire</b>	<b>MBC131021PH01</b>	13/10/2021	Compulsory 83.3% Generic Policy and Law 60% Highway Code 80% Places 57.1 %	Attire question wrong, Byelaw question correct
1	<b>Candidate 62 Private Hire</b>	<b>MBC131021PH02</b>	13/10/2021	Compulsory 83.3% Generic Policy and Law 60%	Attire & Byelaw question correct

2	Candidate 48 Private Hire	MBC131021PH03	13/10/2021	Compulsory 83.3%	Attire & Byelaw question correct
1	Candidate 63 Private Hire	MBC131021PH04	13/10/2021	Compulsory 83.3%	Attire question wrong, Byelaw question correct
2	Candidate 64 Private Hire	MBC131021PH05	13/10/2021	Compulsory 83.3%	Attire & Byelaw question correct
3 1 month break now required.	Candidate 65 Private Hire	MBC201021PH01	20/10/2021	Compulsory 83.3% Highway Code 60%	Attire question wrong, Byelaw question correct
2	Candidate 66 Private Hire	MBC201021PH02	20/10/2021	Generic Policy and Law 50% Highway Code 60% Places 71.4%	Attire question wrong, Byelaw question correct
2	Candidate 47 Private Hire	MBC201021PH04	20/10/2021	Pass	
2 (due to no show on 04/08/21)	Candidate 67 Private Hire	MBC271021PH02	27/10/2021	Compulsory 83.3%	Attire question wrong, Byelaw question correct
1	Candidate 68 Private Hire	MBC271021PH04	27/10/2021	Compulsory 83.3%	Attire & Byelaw question correct
3	Candidate 42 Private Hire	MBC271021PH05	27/10/2021	Pass	Attire question wrong,
2	Candidate 69 Private Hire	MBC271021PH06	27/10/2021	Pass	Attire & Byelaw question correct
2	Candidate 57 Private Hire	MBC271021PH07	27/10/2021	Compulsory 83.3%	Attire question wrong, Byelaw question correct



# Agenda Item 14

**Licensing Committee**

**11 November 2021**

## **Licence Fees and Charges 2022/2023**

<b>Final Decision-Maker</b>	Licensing Committee
<b>Lead Head of Service</b>	John Littlemore, Head of Housing and Community Services
<b>Lead Officer and Report Author</b>	Lorraine Neale, Senior Licensing Officer
<b>Classification</b>	Public
<b>Wards affected</b>	All

### **Executive Summary**

The authority is required to review the fees set for the administration of the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976, Local Government (Miscellaneous Provisions) Act 1982, The Gambling Act 2005 and The Scrap Metal Dealers Act 2013. This ensures the Council complies with its statutory duty and the licensing of these regimes is self-financing, in accordance with the Council's Medium Term Financial Strategy.

### **Purpose of Report**

To seek Member approval of the licence fees and charges for the financial year 2022/23 where the Council has discretion over the level of fee as set out at **2.6, 2.7, 2.9, 2.11, 2.13, 2.15** and **2.16** of the report for implementation on 1 April 2022

### **This report makes the following recommendations to this Committee:**

1. That the fee levels as set out at **2.7, 2.9, 2.11, 2.13, 2.15** and **2.16** of the report for implementation on 1 April 2022, be approved; and
2. That the fee level as set out at **2.6** of the report for implementation on 1 April 2022 be approved, with any consultation responses received to be presented to the committee for consideration before that fees implementation

### **Timetable**

<b>Meeting</b>	<b>Date</b>
Licensing Committee	13 January 2022

# Licence Fees and Charges 2021/2022

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	No implications have been identified, this report is limited to reviewing and setting of fees to contribute towards the recovery of costs of the service	Lorraine Neale, Senior Licensing Officer
<b>Cross Cutting Objectives</b>	No implications have been identified, this report is limited to reviewing and setting of fees to contribute towards the recovery of costs of the service	Lorraine Neale, Senior Licensing Officer
<b>Risk Management</b>	Covered in the risk section	Lorraine Neale, Senior Licensing Officer
<b>Financial</b>	It is necessary for the Council to deliver a balanced budget and cover the costs of providing this service.	Lorraine Neale, Senior Licensing Officer
<b>Staffing</b>	No implications have been identified, this report is limited to reviewing and setting of fees to contribute towards the recovery of costs of the service	Lorraine Neale, Senior Licensing Officer
<b>Legal</b>	Should parts of industry believe the Authority's fees are at a level which is greater than the costs of the statutory functions then it would be open to them to undertake judicial review proceedings. Should this arise, the authority would need to evidence how it arrived at the fee levels to demonstrate that they have been calculated on a cost recovery basis only.	Lorraine Neale, Senior Licensing Officer
<b>Privacy and Data Protection</b>	No implications have been identified, this report is limited to reviewing and setting of fees to contribute towards the recovery of costs of the service	Lorraine Neale, Senior Licensing Officer
<b>Equalities</b>	No implications have been identified, this report is limited to reviewing and setting of fees to contribute towards the recovery of costs of the service	Lorraine Neale, Senior Licensing Officer
<b>Public Health</b>	No implications have been identified, this report is limited to reviewing and setting of	Lorraine Neale, Senior

	fees to contribute towards the recovery of costs of the service	Licensing Officer
<b>Crime and Disorder</b>	No implications have been identified, this report is limited to reviewing and setting of fees to contribute towards the recovery of costs of the service	Lorraine Neale, Senior Licensing Officer
<b>Procurement</b>	No implications have been identified, this report is limited to reviewing and setting of fees to contribute towards the recovery of costs of the service	Lorraine Neale, Senior Licensing Officer
Biodiversity and Climate Change	There are no implications on biodiversity and climate change.	Lorraine Neale, Senior Licensing Officer

## 2. INTRODUCTION AND BACKGROUND

- 2.1 The Council's fees and charges are reviewed on an annual basis as part of the budget setting process. The individual licence, consents and permits fees are calculated to recover the cost of issuing the licence, consent or permit and ensuring compliance with the requirements of the relevant legislation. There are other Licences issued by the Licensing Department where the fees are set by statute and are fixed or are within parameters and these cannot be changed, these are Licensing Act 2003 fees and some Gambling fees such as Lotteries and permits.
- 2.2 The fees that the Council can set were subject to a robust review in 2016 where each licence type was examined and calculated by examining the time it takes to carry out the various tasks in processing each type of application and who in the authority was likely to carry each action out. The hourly rates of staff were fed into a spreadsheet (originally produced by LACORS) to calculate costs for each type of activity.
- 2.3 There has been no significant change in the time taken or the various tasks required to produce the majority of licenses, consents or permits since 2016 however the introduction of the new national standards for the Taxi trade will have some impact on the cost of processing those licenses. It was the intention of Officers to conduct a deep dive on the Taxi fees to ensure we were covering our costs. The figures for the last 2 financial years for Taxi Licensing show an income deficit of £6252 for 2019 – 2020 which is acceptable, an Income deficit of £57071 for 2020 – 2021 which has been deemed an exceptional year and we are not obliged to recover the loss.

For the current financial for the period April 2021 – September 2021 there is currently an income deficit of £19446, it is anticipated however that there will be an increase in income as the trade begins to recover and due to the amendment made to the knowledge test for private hire driver applicants, this in turn will lead to an increase in vehicle & operator licence income.



Based on current information especially for Taxis we know that in the years prior to the pandemic and up to the financial year 2019 – 2020 it was demonstrated that the service recovers its costs and does not make a surplus, therefore it is recommended that we again apply a 2% inflationary increase to all fees (in line with this Council’s Medium Term Financial Strategy 2020/21 – 2025/26 which allows consideration of overall inflation assumptions (the RPI for 2021 is higher at 2.6%).and a deep dive is not required for taxi fees at this time. This in turn will assist the Taxi trade by not applying any undue financial hardship on them as they also try to recover from the effects of the pandemic.

- 2.4 Members are asked to consider the proposals for increases to the fees and charges for which this Committee is responsible for reviewing at a local level.

**Proposed Fees**

**Taxis and Private Hire Fees and Charges**

**There is a Legal Requirement to publish a Public Notice to advertise proposed variations to Hackney Carriage and Private Hire licence fees**

- 2.5 Officers from the licensing department will email those Hackney Carriage Proprietors, Private Hire Operators and Drivers where we have their email addresses after this Licensing Committee meeting to give them the opportunity to make representation. A Notice will also be placed in a local paper and will be available on the Council’s website.
- 2.6 Proposed Hackney Carriage and Private Hire Licensing fees from 1 April 2022 are:

	Current Fees	Proposed Fees
Knowledge test	£34 per test	£35 per test
EQUO online test	£66	£66
<b><u>Hackney Carriage Driver and Dual (Hackney &amp; Private Hire) Driver Licence</u></b>		
<b><u>The monitor has been removed from the Hackney Driver and Vehicle fees has the cost has now been recovered.</u></b>		
<u>On initial application</u>	£ 331.50 for three years (this includes £23.50 towards the Demand Survey & £8.00 for maintenance of TV monitor)	£ 337.50 for three years (this includes £24.00 towards the Demand Survey & £8.50 for maintenance of TV monitor)
	£138.50 for one year	£140.50 for one year

	Current Fees	Proposed Fees
Disclosure Barring Service search fee	£40 every one or three years depending on licence (or £13 per year if they sign up to the online service)	£40 every one or three years depending on licence (or £13 per year if they sign up to the online service)
<b>Total (including DBS fee)</b>	<b>£371.50 for three years £178.50 for one year</b>	<b>£377.50 for three years £180.50 for one year</b>
<u>On renewal</u>	£323 for three years (this includes £23.00 towards the Demand Survey & £8.00 for maintenance of TV monitor)  £120 for one year (due to age or medical)	£329 for three years (this includes £24.00 towards the Demand Survey & £8.50 for maintenance of TV monitor)  £122 for one year (due to age or medical)
Disclosure Barring Service search fee	£40 every one or three years depending on licence (or £13 per year if they sign up to the online service)	£40 every one or three years depending on licence (or £13 per year if they sign up to the online service)
<b>Total (including DBS fee)</b>	<b>£363 for three years £160 for one year</b>	<b>£369 for three years £162 for one year</b>
<b>Private Hire Driver Licence</b>		
On initial application	£253 for three years £152 for one year	£258 for three years £155 for one year
Disclosure Barring Service search fee	£40 every one or three years depending on licence (or £13 per year if they sign up to the online service)	£40 every one or three years depending on licence (or £13 per year if they sign up to the online service)
<b>Total (including DBS fee)</b>	<b>£293 for three years £192 for one year</b>	<b>£298 for three years £195 for one year</b>
On renewal	£248 for three years £133.50 for one year (due to age or medical)	£253 for three years £136.00 for one year (due to age or medical)
Disclosure Barring Service search fee	£40 every one or three years depending on licence (or £13 per year if they sign up to the online service)	£40 every one or three years depending on licence (or £13 per year if they sign up to the online service)
<b>Total (including DBS fee)</b>	<b>£288 for three years £173.50 for one year</b>	<b>£293 for three years £176.00 for one year</b>
<b>Hackney Carriage Vehicle Licence</b>		
New & Renewal	<b>£307 for one year</b>	<b>£312.50 for one year</b>

	Current Fees	Proposed Fees
	(this includes £23.00 towards the Demand Survey & £8.00 for maintenance of TV monitor)  (Vehicle testing fees have been removed from MBC fees and are now paid directly to the Garage))	(this includes £24.00 towards the Demand Survey & £8.50 for maintenance of TV monitor)
<b>Private Hire Vehicle Licence</b>		
New & Renewal	<b>£282.50 for one year</b>	<b>£288.00 for one year</b>
<b>Private Hire Operator Licence</b>		
<b>5 year licence</b> – Initial application	£516 for five years	£526 for five years
<b>5 year licence</b> - Renewal	£431 for five years	£440 for five years
<b>3 year licence</b> – Initial application	£361 for three years	£368 for three years
<b>3 year licence</b> - Renewal	£292.50 for three years	£298.00 for three years
<b>1 year licence</b> – Initial application	£208 for one year	£212 for one year
<b>1 year licence</b> - Renewal	£137.50 for one year	£140.00 for one year
<b>Other Costs</b>		
Change of ownership of licensed vehicle	£74	£75.50
Replace external vehicle plate	£24.50	£25.00
Replace driver badge	£11	£11.50
Replace internal plate holder	£1.75	£1.75
Copy of existing paper licence	£12	£12.50
Change of address details for a replacement licence	£12	£12.50

	Current Fees	Proposed Fees
Change of name for a vehicle or operator licence	£12	£12.50
Change of name and address for a driver badge	£22.50	£23.00
Vehicle exemption certificate or general administration fee which will include any additional DBS checks required for drivers not signed up to the DBS online checking service.	£48	£49

## Gambling Act 2005

2.7 The maximum levels have been included in the table in brackets for comparison purposes. The previous year's fees are printed in italics for your information. The proposed fees are in bold and those cells that are shaded in the body of the table are where we have reached the maximum fee level that may be set.

\* Fees not adjusted as they are no Casinos in Maidstone so not applicable

Premises Type	New Application			Annual Fee		
	£			£		
Existing Casinos	n/a			n/a		
New Small Casino	<b>8000</b>	<b>(8,000)</b>	<b>8000</b>	<b>*4759</b>	(5000)	4759
New Large Casino	<b>*9857</b>	(10,000)	9857	<b>*7694</b>	(10000)	7694
Bingo Club	<b>3103</b>	(3500)	3042	<b>880</b>	(1000)	863
Betting Premises (excluding Tracks)	<b>3000</b>	<b>(3000)</b>	<b>3000</b>	<b>600</b>	<b>(600)</b>	<b>600</b>
Tracks	<b>1902</b>	(2500)	1865	<b>880</b>	(1000)	863
Family Entertainment Centres	<b>1902</b>	(2000)	1865	<b>711</b>	(750)	697
Adult Gaming Centre	<b>1902</b>	(2000)	1865	<b>750</b>	<b>(750)</b>	<b>750</b>
Temporary Use Notice	<b>250</b>	(500)	245	<b>N/A</b>		

	Applicati on to Vary	Applicati on to Transfer	Applicati on for Re- Instate ment	Applicati on for Provisio nal Stateme nt	Licence Applicat ion (provisi onal Statem ent holders)	Copy Licence	Notificati on of Change
	£	£	£	£	£	£	£
Existing Casinos	n/a	n/a	n/a	n/a	n/a	n/a)	n/a)
New Small Casino *	<b>4000</b> (4000) <i>4000</i>	<b>1797</b> (1800) <i>1761</i>	<b>1797</b> (1800) <i>1761</i>	<b>8000</b> (8000) <i>8000</i>	<b>3000</b> (3000) <i>2967</i>	<b>13</b> (25) <i>13</i>	<b>30</b> (50) <i>29</i>
New Large Casino *	<b>4677</b> (5000) <i>4585</i>	<b>2150</b> (2150) <i>2150</i>	<b>2150</b> (2150) <i>2150</i>	<b>9842</b> (10000) <i>9649</i>	<b>4499</b> (5000) <i>4411</i>	<b>13</b> (25) <i>13</i>	<b>30</b> (50) <i>29</i>
Bingo Club	<b>1750</b> (1750) <i>1750</i>	<b>1200</b> (1200) <i>1200</i>	<b>451</b> (1200) <i>442</i>	<b>2473</b> (3500) <i>2427</i>	<b>1200</b> (1200) <i>1200</i>	<b>13.50</b> (25) <i>13</i>	<b>30.50</b> (50) <i>30</i>

<b>Betting Premises (excluding tracks)</b>	<b>1500</b> (1500) <i>1500</i>	<b>1200</b> (1200) <i>1200</i>	<b>429</b> (1200) <i>421</i>	<b>1935</b> (3000) <i>1897</i>	<b>1200</b> (1200) <i>1200</i>	<b>13.50</b> (25) <i>13</i>	<b>30.50</b> (50) <i>30</i>
<b>Tracks</b>	<b>1250</b> (1250) <i>1250</i>	<b>950</b> (950) <i>950</i>	<b>429</b> (1200) <i>421</i>	<b>2116.5</b> (2500) <i>2075</i>	<b>950</b> (950) <i>950</i>	<b>13.50</b> (25) <i>13</i>	<b>30.50</b> (50) <i>30</i>
<b>Family Entertainment Centres</b>	<b>1000</b> (1000) <i>1000</i>	<b>950</b> (950) <i>950</i>	<b>434.5</b> (950) <i>426</i>	<b>1930</b> (2000) <b>1892</b>	<b>950</b> (950) <i>950</i>	<b>13.50</b> (25) <i>13</i>	<b>30.50</b> (50) <i>30</i>
<b>Adult Gaming Centre</b>	<b>1000</b> (1000) <i>1000</i>	<b>1200</b> (1200) <i>1200</i>	<b>434.5</b> (950) <i>426</i>	<b>1930</b> (2000) <i>1892</i>	<b>1200</b> (1200) <i>1200</i>	<b>13.50</b> (25) <i>13</i>	<b>30.50</b> (50) <i>30</i>
<b>Temporary Use Notice</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>13.50</b> (25) <i>13</i>	<b>30.50</b> (50) <i>30</i>

### **Scrap Metal Dealers Act 2013**

2.8 In setting a fee, the authority must have regard to any guidance issued by the Secretary of State, the proposed fees were originally calculated using that Guidance and the proposed fees raised by the 2% inflation increase.

### **2.9**

	Current Fee	Proposed Fee
<b>Maidstone Borough Council</b>		
Site licence – grant	£491	£500
Site licence – renewal	£416	£424
Collector’s licence – grant or renewal	£299	£305
Minor administrative change to licence	£32.50	£33
Variation - change of site manager	£175	£178.50
Variation from collector to site licence	£213	217
Variation from site to collector licence	£139	£142

### **Sexual Entertainment Venue fees**

2.10 The authority is required to review the fees set for the administration of the Local Government (Miscellaneous Provisions) Act 1982. This ensures the Council complies with its statutory duty and that the licensing of Sexual Entertainment Venue premises is self-financing, in accordance with the Council's Medium Term Financial Plan

2.11

	Current Fee	Proposed Fee
<b>Maidstone Borough Council</b>		
New Licence Application	£4564.50	£4655.50
Renewal Licence Application	£4564.50	£4655.50
Transfer of Licence	£2229	£2273.50

### **Boats and Boatmen**

2.12 The authority is required to review the fees set for the administration of the Public Health Acts Amendment Act 1907 and Local Government, Planning and Land Act 1980. This ensures the Council complies with its statutory duty and that the licensing of Boats and Boatmen is self-financing, in accordance with the Council's Medium Term Financial Plan

2.13

	Current Fee	Proposed Fee
<b>Maidstone Borough Council</b>		
Pleasure Boats (New & Renewal)	£134.50	£137.00
Row Boats (New & Renewal)	£27.50	£28.00
Boatmen (New & Renewal)	£16	£16.50

## **Street Trading**

2.14 The authority is required to review the fees set for the administration of the Local Government (Miscellaneous Provisions) Act 1982. This ensures the Council complies with its statutory duty and that the authorisation of Street Trading is self-financing, in accordance with the Council's Medium Term Financial Plan

2.15 Applicable from 2<sup>nd</sup> November once the amended Street Trading Policy is agreed at Communities, Housing and Environment Committee on 2<sup>nd</sup> November 2021.

	Current Fee 2020 -21	Proposed Fee
<b>Maidstone Borough Council</b>		
Consultation application fee (applies to full year applications only)	£150.00	£153.00
Up to 12 trading days New only (on grant)	£32.00	£33.00
Full year consent (New & Renewal) (on grant)	£255.00	£260
Additional assistants (checks and badges)	£50.00	£51
Additional change (additional products)	£50.00	£51
Copy/replacement Licence	£12.00	£12.50
Copy/replacement Badge	£12.00	£12.50

## **2.16 Licensing Act 2003 & Gambling Act 2005 PRE-APPLICATION ADVICE**

	Current 2021/202	Proposed 2022/2023
<b>Small Application</b> - Up to one hour of advice regarding small licence applications, <b>Excludes events – see below</b>	£67	£68.00
<b>Medium Application</b> - Up to 2 hours advice for medium size applications including a site visit <b>Excludes event – see below</b>	£141	£144.00
<b>Large Application</b> - Up to 4 hours advice for large applications including multiple (if necessary) site visits <b>Excludes events – see below</b>	£263	£268.00
<b>Events up to 1000 capacity:</b> Category A - up to 3 hours advice for extra-large public events includes the cost of specialist officers and site visits	£361	£368



<b>Events between 1001 and up to 1999 capacity</b> - Category B – up to 7 hours advice for extra-large public events includes the cost of specialist officers and site visits	£508	£518
<b>Events between 2000 and up to 4999 capacity</b> – Category C – up to up to 14 hours advice for extra-large public events includes the cost of specialist officers and site visits	£704	£718
<b>Extra-large events - 5000 people or more</b> - Category D - up to 21 hours advice for extra-large public events includes the cost of specialist officers and site visits	£1047	£1068

---

### 3. AVAILABLE OPTIONS

- 3.1 Members may decide to leave the fee levels as they are and not apply an inflationary increase to cover the full cost of delivering the licensing function. This would mean there would be a shortfall in income against the budget set for the function. Authorities cannot make a profit from the system and must ring-fence income from licensing fees so that any surplus or deficit is carried forward to the next year's budget, any surplus in one area cannot be used to subsidise a shortfall in another.
- 3.2 Members may approve the inflationary increase fees as set at **2.6, 2.7, 2.9, 2.11, 2.13, 2.15** and **2.16**
- 3.3 Members may require a fee higher than the cost of delivering the service. However, the fee is statutorily required to be reasonable and case law indicates that compliance with the EU Services Directive and Regulations requires that only the cost of administering the application and monitoring compliance be included in the fee. If the Council were to exceed this without justification it may be subject to challenge.

---

### 4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Members are requested to approve the proposed inflationary fee increases as set out at **2.6, 2.7, 2.9, 2.11, 2.13, 2.15** and **2.16** of the report to ensure that the fee income reflects the cost of providing the service.

## **5. RISK**

- 5.1 If the fees are set to high then there is a risk that we could be challenged as an Authority.
  - 5.2 If the fees are set to low there is the risk we will not cover the cost of delivering the service incurring a deficit.
- 

## **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 The fees set out at 2.6 are subject to consultation and any responses from consultation will be brought to a future Licensing Committee for consideration before adopting these fees.
  - 6.2 The fees set out at **2.7, 2.9, 2.11, 2.13, 2.15** and **2.16** are not subject to consultation
- 

## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 The fees will be charged with respect to new, existing and renewal applications from 1 April 2022 and published on our website.
- 

## **8. REPORT APPENDICES**

N/A

---

## **9. BACKGROUND PAPERS**

N/A

**Licensing Committee**

**11<sup>th</sup> November 2021**

## **Gambling Act 2005: Statement of Licensing Principles 2022-2025**

<b>Final Decision-Maker</b>	Full Council
<b>Lead Head of Service</b>	John Littlemore, Head of Housing and Community Services
<b>Lead Officer and Report Author</b>	Lorraine Neale
<b>Classification</b>	Non-exempt
<b>Wards affected</b>	All

### **Executive Summary**

Section 349 of the Gambling Act 2005 requires all Licensing Authorities to prepare and publish a statement of licensing principles that they propose to apply in exercising their functions under the Act during the three year period to which the policy applies. Section 155 states that this function may not be delegated from Council and so this Committee is recommending a proposed document to Council following consultation.

The purpose of this report is to ask the Licensing Committee to consider the consultation responses and any proposed amendments to the draft Policy.

The 4 week consultation commenced 28 September 2021 and concluded 25 October 2021 and those responses are included in the report which is seeking approval for the adoption of the amended Statement of Principles at Council on 8 December 2021

### **Purpose of Report**

Decision.

### **This report makes the following recommendations to this Committee:**

1. That the consultation responses received be noted;
2. That full council be recommended to approve the draft Gambling Act 2005 Statement of Licensing Principles Policy 2022-2025, as attached at Appendix 1 to the report;

### **Timetable**

<b>Meeting</b>	<b>Date</b>
Council	8 <sup>th</sup> December 2021

# Gambling Act 2005:Statement of Licensing Policy 2022 - 2025

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	<ul style="list-style-type: none"> <li><i>This Policy will help to promote a safer borough whilst protecting the health of residents by helping to ensure that gambling activity is safe and controlled</i></li> </ul>	<i>Senior Licensing Officer</i>
<b>Cross Cutting Objectives</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	<i>Senior Licensing Officer</i>
<b>Risk Management</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	<i>[Senior Licensing Officer</i>
<b>Financial</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	<i>Senior Licensing Officer</i>
<b>Staffing</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	<i>Senior Licensing Officer</i>
<b>Legal</b>	<ul style="list-style-type: none"> <li><i>The Licensing Authority must formally review its adopted Statement of Principles for the Gambling Act 2005 Policy. Section 349 of the Act requires the authority to review this every three years and keep it under review from time to time. Without an up-to-date Policy in place, this could leave the authority open to legal challenge over the legitimacy of any decisions made</i></li> </ul>	<i>Senior Licensing Officer</i>
<b>Privacy and Data Protection</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	<i>Senior Licensing Officer</i>
<b>Equalities</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	<i>Senior Licensing Officer</i>

<p><b>Public Health</b></p>	<p><i>Harm from gambling has become a serious and worsening public health problem in the UK and is found at the individual, social (family and friends) and community levels. This includes financial hardship, psychological distress and interpersonal conflict or relationship breakdown. The harm from gambling to wider society includes fraud, theft, loss of productivity in the workforce and the cost of treating this addiction, associated anxiety and depression, and potential harms to others from reduced usable income.</i></p>	<p><i>Health and Inclusion</i></p>
<p><b>Crime and Disorder</b></p>	<ul style="list-style-type: none"> <li>• <i>The Council has a statutory duty to contribute to the reduction of crime and disorder within the Borough under S.17 of the Crime and Disorder Act 1988. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime is one of the licensing objectives as defined in the Gambling Act 2005 and in the current statement of Licensing Principles.</i></li> <li>• <i>Section 17, Crime and Disorder Act 1998</i> <i>17(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.</i></li> <li>• <i>The Statement helps to promote a safer borough whilst protecting the health of residents by helping to ensure that gambling activity is safe and controlled</i></li> </ul>	<p><i>Senior Licensing Officer</i></p>
<p><b>Procurement</b></p>	<ul style="list-style-type: none"> <li>• <i>No implications have been identified</i></li> </ul>	<p><i>Senior Licensing Officer</i></p>

<b>Biodiversity and Climate Change</b>	<ul style="list-style-type: none"> <li>• <i>There are no implications on biodiversity and climate change.</i></li> </ul>	<i>Senior Licensing Officer</i>
--	--	---------------------------------

## **2. INTRODUCTION AND BACKGROUND**

- 2.1 Maidstone Borough Council is the Licensing Authority under the provisions of the Gambling Act 2005 (the Act).
- 2.2 In accordance with the above Act Licensing authorities are required to develop, consult on, and publish a Statement of Gambling Policy every three years that sets out the principles they propose to apply in exercising their functions under the Gambling Act 2005 during that period.
- 2.3 The current policy was approved at Full Council on 12 December 2018 but needs to be revised and re-published by 31 January 2022 for a further three-year period.
- 2.4 A revised draft of the policy was put before the Licensing Committee at their meeting of 16 September 2021, at which they agreed to authorise officers to consult with all interested parties and the results of the consultation be reported back to Licensing Committee and recommendation to Full Council for approval.
- 2.5 The gambling objectives are:
- i) preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime
  - ii) ensuring that gambling is conducted in a fair and open way and
  - iii) protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.6 The draft Policy that went out for consultation (Appendix 1) provides clarity to applicants and other parties to support the application process, to create efficiencies and manage and demonstrate expectations. It should ensure that applicants have a clear understanding of the impacts of their licensed business or proposed activities on others and what they must do to enhance the positive impacts and mitigate any detrimental impacts. There have been no changes to the intent or direction of the Policy, which sets out how the Council seeks to regulate gambling activities under its control and provide a framework for consistent decision making
- 2.7 A consultation exercise was carried out in accordance with the Act and Statutory Guidance over a 4 week period between 28 September and 25 October 2021.
- 2.8 An extensive list of interested parties were contacted directly and invited to comment on the revised draft policy. In addition, public notices inviting comment were placed on the Council's website. The full list of consultees is included in the draft policy at appendix 5.

2.9 The draft policy was made available to view electronically online and in hard copy at the council offices.

2.9.1 Three responses were received during the consultation period and are attached as Appendix 2, they are from:

1. Maidstone Borough Councils Healthy Lifestyle Officer,
2. Gambleaware
3. Staplehurst Parish Council

2.9.2 Below are the comments and Officer response:

1.

**• It is recommended to make consideration of public health a licensing objective, to ensure greater consideration of public health and levels of gambling-related harm when processing licensing applications for new gambling venues.**

Currently S.157 of the Act identifies the bodies that are to be treated as responsible authorities and Public Health Authorities are not listed. This would require a change to legislation.

However, Maidstone Borough Council have not received any new applications for a Gambling premise since 2007, which was for Ladbrokes, Hermitage Lane. From 2007 to the present date we have had the same number of Gambling premises licensed:

- 1 Bingo
- 13 Betting Shops
- 3 AGC's
- 1 UFEC

**• Effective partnership working to ensure implementation of existing laws on gambling by those who are underage.**

All licensed gambling premises are required to adhere to the mandatory provisions in the Gambling Commission's Social Responsibility Code of Practice and take account of the provisions in the Ordinary Code of Practice, those items alongside the Local Authorities Statement of Principles and any conditions attached to a gambling premise licence provide an effective approach to Gambling and its problems, especially underage gambling.

**• Use of legislation to tighten regulation of the gambling industry and the sponsorship, marketing, promotion and offers, especially online marketing which is currently reaching children and young people.**

Premises must adhere to the Advertising and marketing rules and regulations in the Gambling Commission's Social Responsibility Code of Practice.

## [Licence Conditions and Codes of Practice \(LCCP\)](#)

2.

The response from Gambleaware did not suggest any amendments or changes to the Statement of principles but provided information and links to materials that could assist Local Authorities in determining whether there were high risk gambling problems in their areas, contact information for those who wish to seek advice and support for any gambling problems were also provided.

3.

**Having read the Draft Statement of Licensing Policy we consider the 3 Licensing Objectives are sound. However, in the main text, whilst there is reference to alcohol and drug addictions there is no reference to gambling addiction.**

**All risk assessments should make reference.**

The reference to alcohol and drug addiction in the Statement of Principles is made in relation to the Local Area Profile. Local Authorities should map their assessment of local risk and concern. One of the many factors to consider would be whether there were any hostels or support services for vulnerable people in a specific high risk area, especially those with drug and alcohol addiction issues and/or are homeless as they are a group at greater risk of problem gambling.

Currently there is no evidence of any existing problem and the position is kept under review, should the position change research would be undertaken to discover the extent of the problem and determine the steps to undertake to address any issues. Any risk assessment made would be a direct result of a reported gambling problem and ultimately would include addiction so would be referenced.

**The Council, as the Licensing Authority should not allow gambling premises to be open 24hours. This is an obvious incentive for vulnerable people to assemble and can only encourage gambling addicts accrue larger debts and continuing mental problems. If the Council has no control over 24 hour opening then they should lobby the Gambling Commission and or Government to so enforce.**

Most gambling premises licenses have conditions attached which fall into one of three categories:

Mandatory – defined nationally by Regulations – may not be removed from licence, unless further Regulations are made by the Secretary of State;

Default – defined nationally by Regulations – applicants may request that these are excluded when they make their initial application (or later, by applying to vary the Premises licence);



Locally set by the Licensing Authority – will be imposed on a case-by-case basis in response to a specific issue affecting the individual premises, possibly following the receipt of a representation.

Usually the default conditions are applied to licences and they specify the hours a premises can operate. However that is not the case in relation to Adult Gaming Centres there are no default conditions on hours and so they can apply to be 24 hour if they wish. All gambling premise applications are subject to consultation and the delegated responsible authorities notified when an application is received. The applicant is required to advertise the application, both at the premises and a local newspaper, to alert local residents and businesses. If no objections are received then the Local Authority **MUST** grant the licence. If objections are received then the application would be considered by Licensing Sub Committee.

Applications for Premise licences where default conditions apply but the applicant wishes to exclude them would require the application to be considered at a public hearing by Licensing Sub Committee.

The consultation process allows for the opportunity to object to a 24 hour licence and so currently there is no requirement to lobby the Gambling Commission or Government.

---

### **3. AVAILABLE OPTIONS**

- 3.1 That the Draft Statement of Principles be agreed to be adopted as from 31 January 2022.
- 3.2 After considering consultation responses whether any amendments are required to be made to the Statement of Licensing Principles.

---

### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 That the Draft Statement of Principles be agreed to be adopted as from 31 January 2022.

---

### **5. RISK**

- 5.1 If option two is followed it risks the policy not being in place by the statutory deadline if further public consultation is required.

---

### **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 Included as Appendix 2
-

## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

Once agreed by Full Council and following one month's notice in a newspaper, the approved revised policy statement which takes effect from January 2022 will be made available electronically and in hard copy form on request.

---

## **8. REPORT APPENDICES**

The following documents are to be published with this report and form part of the report:

- Appendix 1: Draft Statement of Licensing Principles 2022 -2025
  - Appendix 2: Consultation responses
- 

## **9. BACKGROUND PAPERS**

[Gambling Act 2005](#)

[Gambling Act 2005 Guidance to Licensing Authorities](#)

[Licence Conditions and Codes of Practice \(LCCP\)](#)

# Maidstone Borough Council

## **'Gambling Act 2005 Statement of Licensing Principles' 2022 -2025**

Sept 2021

## CONTENTS

Item	Page
1. The Licensing Objectives	4
2. Introduction	5
3. Declaration	7
4. Functions	8
5. Operators	9
6. Risk Assessments	9-10
7. Local Area Profiles	11-12
8. Responsible Authorities	12
9. Interested Parties	13
10. Exchange of Information	14
11. Public Register	14
12. Compliance & Enforcement	14-16
The appendices that follow form part of this Policy Statement	
<b>Appendix 1. Permits</b>	<b>17</b>
(i) Unlicensed family entertainment centre gaming machine permits	17
(ii) (Alcohol) licensed premises gaming machine permits	18
(iii) Prize gaming permits	19
(iv) Club gaming and club machine permits	21 - 23
<b>Appendix 2. Gambling Premises Licences</b>	<b>24</b>
(i) Decision making – general	24
(ii) “Premises”	25
(iii) Location	26
(iv) Planning	26 - 27
(v) Duplication	27
(vi) Door Supervisors	27
(vii) Licensing Objectives	27
(viii) Reviews	28
(ix) Provisional Statements	28 - 29
(x) Adult Gaming Centres	29
(xi) (Licensed) Family Entertainment Centres (FEC)	29 - 30
(xii) Tracks	30
(xiii) Casinos	30
(xiv) Bingo	31

(xv) Temporary Use Notices (TUN)	31
(xvi) Occasional Use Notices (OUN)	31 - 32
(xvii) Small Society Lotteries	32
(xviii) Travelling Fairs	32
Help with gambling related problems	32
Appendix 3. Responsible Authorities	33
Appendix 4. Table of Delegations of Licensing Functions	34 - 36
Appendix 5. List of Consultees	37
Appendix 6. Summary of Gaming Machines by Premises	38 - 39
Appendix 7. Summary of Stakes & Prizes	40 - 41
Appendix 8. Statement of Principles for Unlicensed Family Entertainment Centres, Gaming Machine Permits & Prize Gaming Permits	42 - 47

## 1. The Licensing Objectives

The Gambling Act 2005 ('The Act') requires that in exercising most of its functions under the Act, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Gambling Act 2005. The licensing objectives are:

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

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

Maidstone Borough Council as "The Licensing Authority" for the Maidstone Borough will aim to permit the use of premises for gambling as set out in section 153 of the Gambling Act 2005.

### **Principles to be applied - Section 153**

In exercising its functions under this part, the Licensing Authority shall aim to permit the use of premises for gambling in so far as the authority think it meets one or all of the following: –

- a) the Gambling Commission's code of practice;
- b) the Guidance to local authorities;
- c) the Licensing Authority's own statement of principles;
- d) the three licensing objectives.

In determining whether to grant a Premises Licence a Licensing Authority must not have regard to the expected demand for gambling premises that are the subject of the application.

Any objection to an application for a Premises Licence or request for a review of an existing licence should be based on the Licensing Objectives of the Gambling Act 2005. It should be noted that, unlike the Licensing Act 2003, the Gambling Act 2005 does not include as a specific Licensing Objective for the prevention of public nuisance. The licensing authority take the view that certain issues, incidents or events that might typically be classed as nuisance, public nuisance or antisocial behaviour might also be considered to be issues, incidents or events of disorder. The licensing authority will apply the ordinary meaning of disorder and consider each case on its own merits. The licensing authority will in all cases consider whether other relevant legislation would be more appropriate in the circumstances of any given application.

## 2. Introduction

The Maidstone Borough Council Area

### MAIDSTONE BOROUGH COUNCIL - PARISHES



Maidstone Borough Council is a member of the Licensing Partnership, which includes Tunbridge Wells Borough Council, Sevenoaks District Council and the London Borough of Bexley. However, this policy relates to Maidstone.

Licensing authorities are required by the Gambling Act 2005 to publish a Gambling Policy Statement, setting out the principles that they propose to apply when exercising these functions. This Statement may be reviewed from time to time but must be republished at least every three years. This policy was approved by Full Council on ?? ??? 2021 to come into force January 2022.

In determining its policy the Licensing Authority shall have regard to Commission's Guidance and give appropriate weight to the views of those who respond to its consultation.

This draft policy has been prepared in accordance with the Gambling Commission's 5th Edition Guidance to Licensing Authorities (May 2021) and contains the minimum of amendments and no changes to the intent or direction of the previous policy, which is that the Council seeks to ensure that premises for Gambling uphold the licensing objectives.

The Commission has introduced the following amendments to the Guidance which:

- reflect regulatory and legislative changes since the 2012 version;
- reflect recent changes to the social responsibility provisions within the Commission's Licence Conditions and Codes of Practice;
- promote local partnership working between licensing authorities, the Commission and the industry to work in partnership to address local issues and concerns; and
- provide greater clarity about the wide range of powers afforded to licensing authorities to manage local gambling regulation through measures such as their statement of licensing policy.

The Licensing Authority will consult widely on the Gambling Policy statement before it is finalised and published.

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

- the Chief Officer of Police for the Authority's area;
- one or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area;
- one or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.

A list of those persons consulted is attached at appendix 5.

The consultation for the policy took place between ?? ??? and ?? ??? 2021 for a period of ?? weeks. The Licensing Authority has followed, as far is reasonably practicable given the time constraints, the Revised Code of Practice (April 2004) and the Cabinet Office Guidance on consultations by the public sector .

The full list of comments made and the consideration by the Licensing Authority of those will be available upon request to: The Licensing Administration Team via email [licensing@sevenoaks.gov.uk](mailto:licensing@sevenoaks.gov.uk) or by telephoning 01732 227 004.

The draft policy is published on Maidstone Borough Council's website <http://www.maidstone.gov.uk/> .

This policy statement will not override the right of any person to make an application, make representations about an application or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.



### **3. Declaration**

In producing the final licensing policy statement, this Licensing Authority declares that it will have had regard to the licensing objectives of the Gambling Act 2005, the Guidance issued by the Gambling Commission, as amended, and any responses from those consulted on the policy statement.

Appendices have been attached to this statement providing further information and guidance that is intended only to assist readers and should not be interpreted as legal advice or as part of the Council's policy. Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Gambling Act 2005, the Guidance, or regulations issued under the Act.

#### 4. Licensing Authority Functions

Function	Who deals with it
Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences	Licensing Authority
Issue Provisional Statements	Licensing Authority
Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits	Licensing Authority
Issue Club Machine Permits to Commercial Clubs	Licensing Authority
Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres	Licensing Authority
Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines	Licensing Authority
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	Licensing Authority
Register small society lotteries below prescribed thresholds	Licensing Authority
Issue Prize Gaming Permits	Licensing Authority
Receive and endorse Temporary Use Notices	Licensing Authority
Receive Occasional Use Notices	Licensing Authority
Provide information to the Gambling Commission regarding details of licences issued (see section 8 on 'information exchange')	Licensing Authority
Maintain registers of the permits and licences that are issued under these functions	Licensing Authority

#### Gambling Commission Functions

Function	Who deals with it
Issue and renewal of Operating Licences	Gambling Commission
Review Operating Licences	Gambling Commission
Issue Personal Licences	Gambling Commission
Issue Codes of Practice	Gambling Commission

Issue Guidance to Licensing Authorities	Gambling Commission
Licence remote gambling through Operating Licences	Gambling Commission
Issue licences in relation to the manufacture, supply, installation, adaptation, maintenance or repair of gaming machines	Gambling Commission
Deal with appeals against Commission decisions	Gambling Appeals Tribunal

The Licensing Authority is not involved in licensing remote gambling. This will fall to the Gambling Commission via operating licences.

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.

## 5. Operators

Gambling businesses are required to have an operator licence issued by the Gambling Commission before they can operate in Great Britain. Operator licences can be issued for up to ten different types of gambling activity and a separate licence is needed for both remote and non-remote gambling of the same types.

An operator licence gives a general authorisation for a business to provide gambling facilities, but a business wishing to provide non-remote gambling facilities in a Licensing Authority area is required to apply for a premises licence that is specific to the particular premises.

Operators are required to comply with conditions attached to both their operator and individual premises licences. They are also required to adhere to the mandatory provisions in the Gambling Commission's Social Responsibility Code of Practice and take account of the provisions in the Ordinary Code of Practice (although these are not mandatory).

The Licence Conditions and Codes of Practice (LCCP) were updated in October 2020 and have introduced significant new responsibilities for operators in relation to their local premises. With effect from April 2016, all non-remote licensees that run gambling premises will be required to assess the local risks to the licensing objectives arising from each of their premises and have policies, procedures and control measures to mitigate them.

Licensees are required to take into account the Licensing Authority's statement of principles in developing their risk assessments.

## 6. Risk Assessments

Gambling operators are required to undertake a risk assessment for all their existing premises as from 6<sup>th</sup> April 2016. In undertaking their risk assessments, they must take into account relevant matters identified in the Licensing Authority's Statement of Policy.

The Licensing Authority expects applicants to have a good understanding of the area in which they either operate or intend to operate. The applicant will have to provide evidence that they meet the criteria set out in this Statement of Principles and demonstrate that in operating the premises they will promote the licensing objectives.

The Gambling Commission introduced a Social Responsibility Code of Practice requiring operators of premises used for gambling to conduct local area risk assessments and an Ordinary Code stating this should be shared with the Licensing Authority in certain circumstances in May 2016.

The Licensing Authority expects applicants for Premises Licences in its area to submit a risk assessment with their application when applying for a new premises licence, when applying for a variation to a premises licence or when changes in the local environment or the premises warrant a risk assessment to be conducted again.

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

- local crime statistics;
- any problems in the area relating to gambling establishments such as anti-social behaviour or criminal damage;
- the location of any nearby sensitive premises, such as hostels and other facilities used by vulnerable persons e.g. drug and alcohol addictions;
- whether there is a prevalence of street drinking in the area, which may increase the risk of vulnerable persons using the premises;
- the type of gambling product or facility offered;
- the layout of the premises;
- the external presentation of the premises;
- the location of nearby transport links and whether these are likely to be used by children or vulnerable persons;
- the customer profile of the premises;
- staffing levels;
- staff training, knowledge and experience;
- whether there is any indication of problems with young persons attempting to access adult gambling facilities in that type of gambling premises in the area.

It is recommended that operators liaise with other gambling operators in the area to identify risks and consult with any relevant responsible authorities as necessary.

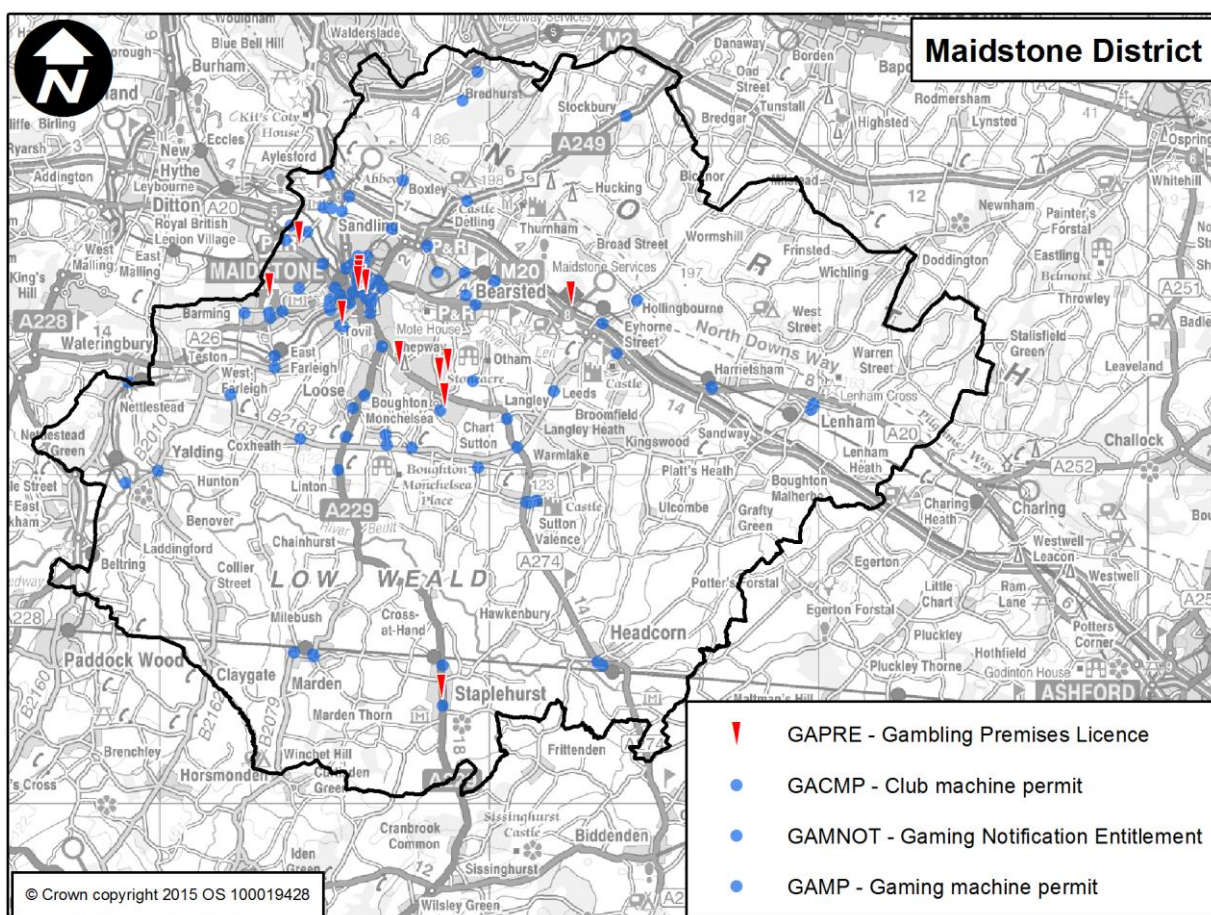
This Statement of Principles does not preclude any application being made and every application will be decided on its individual merits, with the opportunity given for the applicant to show how potential concerns can be overcome.

The Licensing Authority expects applicants to keep a copy of the local area risk assessment on the licensed premises and to ensure that all staff have seen the risk assessment, have received training in respect of its content, and are able to produce the risk assessment on request by an authorised officer of the Council, the Police or the Gambling Commission.

## 7. Local Area Profile (LAP)

The Guidance indicates licensing authorities complete and map their own assessment of local risks and concerns by developing Local Area Profiles to help shape their statements (although there is no requirement to do this). In simple terms, the objective of the profile is to set out what the area is like, what risks this might pose to the licensing objectives, and what the implications of this are for the Licensing Authority and operators. Importantly, risk in this context includes potential and actual risks, thereby taking into account possible future emerging risks, rather than reflecting current risks only.

Gambling Premises are mapped out within the Borough (red markers) and those premises that have gaming machine permits (Licensed Premises and Club) and gaming permits (Clubs) to indicate the location of the premises. There are 17 betting gambling premises across the Borough and there are no areas of high density of gambling premises. Gambling premises and gambling activities are concentrated in and around Maidstone, which the map demonstrates.



In assessing local area profiles, Licensing Authorities can also take into account the location of

- schools, sixth form colleges, youth centres etc., with reference to the potential risk of under-age gambling

- hostels or support services for vulnerable people, such as those with addiction issues or who are homeless, given the greater risk of problem gambling among these groups
- religious buildings
- any known information about issues with problem gambling
- the surrounding night time economy, and possible interaction with gambling premises
- patterns of crime or anti-social behaviour in the area, and specifically linked to gambling premises
- the socio-economic makeup of the area
- the density of different types of gambling premises in certain locations
- specific types of gambling premises in the local area (E.g., seaside resorts may typically have more arcades or FECs).

In drafting this document relevant bodies and organisations were contacted for evidence of existing problems. However, information at the time of drafting this Statement of Principles was unavailable. This Licensing Authority does not have evidence that there are specific issues at the moment to support the assertion that any part of the Borough had or is experiencing problems from gambling activities.

Complaints are only one means to consider addressing risk as they are related to an event that has happened, rather than the probability of an event happening and the likely impact of that. This position will be kept under review, and in the event that it changes, further research will be carried out to discover the extent of the problems and to prepare a Local Area Profile (LAP). If there is a need or evidence to develop the LAP further this will be done outside the scope of this document and updated as information changes.

## **8. Responsible Authorities**

In exercising the Licensing Authority's 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 following principles have been applied:

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

In accordance with the Commission's Guidance for Local Authorities the Licensing Authority designates the following for this purpose:

### **Children's and Families - KCC Social Service**

The contact details of all the Responsible Bodies under the Gambling Act 2005 are listed at Appendix 3 of the policy.

## 9. Interested parties

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party.

Section 158 of the Gambling Act 2005 defines interested parties as persons who, in the opinion of the Licensing Authority;

- 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;
- c) represents persons who satisfy paragraph (a) or (b).

An interested party can make representations about licence applications or apply for a review of an existing licence.

Each application will be decided upon its merits. This Authority will not apply rigid rules to its decision-making. However, it will consider the Commission's Guidance issued to local authorities.

The Gambling Commission has emphasised that 'demand' cannot be a factor in determining applications.

The Guidance states that moral objections to gambling are not a valid reason to reject applications for premises licences, as such objections do not relate to the licensing objectives. All objections must be based on the licensing objectives.

The Commission has recommended that the Licensing Authority state within its Gambling Policy Statement that interested parties may include trade associations, trade unions, and residents and tenants' associations. However, this Authority will not generally view these bodies as interested parties unless they have a person who in the opinion of the Licensing Authority:-

- a) live sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) have business interests that might be affected by the authorised activities; or
- c) represents persons who satisfy paragraph a) or b).

Interested parties can be persons who are democratically elected, such as Councillors and MP's. No evidence of being asked to represent an interested person will be required provided the Councillor/MP represents the relevant ward. Likewise, parish councils may be considered to be interested parties.

Apart from these exceptions this Authority will require written confirmation that a person/body/advocate/relative is authorised to represent an interested party. Where they can demonstrate that they represent person in (a) or (b) above, a letter of authorisation from one of these persons, requesting the representative to speak on their behalf will be sufficient.

Councillors who are not within the definition of an "interested party" may attend meetings of the Licensing Committee's Sub-Committees but have no right to address the hearing unless appointed by an 'interested party' to assist or represent that party.

In determining whether a person lives or has business interests sufficiently close to the premises, that they are likely to be affected by the authorised activities, the Licensing Authority will consider the following factors:-

- the size of the premises;
- the nature of the premises;
- the distance of the premises from the location of the person making the representation;
- the potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment);
- the circumstances of the complaint. This does not mean the personal characteristics of the complainant but the interest of the complainant, which may be relevant to the distance from the premises;
- the catchment area of the premises (i.e. how far people travel to visit); and
- whether the person making the representation has business interests in that catchment area that might be affected.

If there are any doubts then please contact the Licensing Team via email at [licensing@maidstone.gov.uk](mailto:licensing@maidstone.gov.uk) or by telephone 01622 602528.

## **10. Exchange of Information**

Licensing Authorities are required to include in their Gambling Policy Statement the principles to be applied by the Authority, in exercising the functions, under sections 29 and 30 of the Act, with respect to the exchange of information between it and the Gambling Commission, the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this Licensing Authority will apply is that it will have regard to the provisions of the Gambling Act 2005 in its exchange of information, and the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will have regard to any revised Guidance issued by the Gambling Commission on this matter as well as any regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Any protocols established as regards information exchange with other bodies will be made available.

## **11. Public Register**

The Licensing Authority is required to keep a public register and share information contained in it with the Gambling Commission and others. Regulations will prescribe what information should be kept in the register. Copies of the register may be obtained on payment of a fee.

## **12. Compliance and Enforcement**

The Licensing Authority will act in accordance with the relevant legislation and Guidance as amended from the Gambling Commission and adopt the principles of better regulation set out in the Regulators Compliance Code.

The purpose of the Licensing Authority's enforcement protocol is to facilitate co-operation and co-ordination between enforcement agencies in pursuance of both the Gambling Act 2005 and the Licensing Act 2003.



A copy can be requested via email at [licensing@sevenoaks.gov.uk](mailto:licensing@sevenoaks.gov.uk) or by telephoning the Licensing Administration Team 01732 227004.

In accordance with the Gambling Commission's Guidance for local authorities this Licensing Authority will endeavour to avoid duplication with other regulatory regimes.

The Licensing Authority, as recommended by the Gambling Commission's Guidance, has adopted a risk-based inspection programme.

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.

The Licensing Authority's principles are that:

It will adopt the Guidance for local authorities and it will endeavour to be:

- Proportionate  
Intervention will only be when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised.
- Accountable  
Authorities must be able to justify decisions and be subject to public scrutiny.
- Consistent  
Rules and standards must be joined up and implemented fairly.
- Transparent  
Enforcement should be open and regulations kept simple and user friendly.
- Targeted  
Enforcement should be focused on the problems and minimise side effects.

The Licensing Authority will adopt a risk-based inspection programme.

New premises, premises under new management, premises where complaints have been received or intelligence received relevant to the licensing objectives and premises or operators where compliance failings have been identified previously will attract a higher risk rating. Premises located in areas where there have been incidents of crime affecting or relating to gambling premises, or where the premises themselves have been the victims or involved in such crime, shall also attract a higher risk rating. The Council will conduct baselining assessments to assess initial risk ratings for gambling premises in its district. The Licensing Authority operates a partnership approach to dealing with enforcement matters concerning licensed premises. This may include working with the Police or any of the other responsible authorities under the Act or working with colleagues from other Council departments or outside agencies.

The Licensing Authority needs to be satisfied premises are being run in accordance with the provisions of the Act, the licensing objectives, the Licence Conditions and Codes of Practice issued by the Gambling Commission and any conditions attached to the Premises Licence. To achieve this, the Licensing Authority will inspect premises, look at gambling

facilities, gaming machines and policies and procedures, meet with licence holders and carry out general monitoring of areas as necessary.

Inspection and enforcement under the Act will be based on the principles of risk assessment, a graduated response and the targeting of problem premises. The frequency of inspections will be determined on risk-based criteria with high risk operations receiving more attention than premises carrying lower risk.

Premises found to be fully compliant will attract a lower risk rating. Those where breaches are detected will attract a higher risk rating.

The Licensing Authority will take appropriate enforcement action against those responsible for unlicensed premises/activity. Action will be carried out in accordance with the Enforcement Policy.

The main enforcement and compliance role for the 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 Operating and Personal Licences.

## Appendix 1

Factors to be taken into account when considering applications for premises licences, permits and other permissions including matters that will be considered when determining whether to review a licence.

### 1. Permits

- i. **Unlicensed Family Entertainment Centre (FEC) gaming machine permits**  
(Statement of Principles on Permits - Schedule 10 para7)

Where a premises does not hold a Premises Licence but wishes to make available Cat D gaming machines it may apply to the Licensing Authority for this permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

As unlicensed family entertainment centres will particularly appeal to children and young persons, weight shall be given to child protection issues. The Licensing Authority has considered and 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 policies and procedures are expected to include:

- What staff should do if they suspect that truant children are on the premises;
- How staff should deal with unsupervised young children on the premises;
- How staff should deal with children causing perceived problems on or around the premises;
- Safeguarding awareness training
- A basic criminal record check for staff or equivalent criminal records check for the applicant and also the person who has the day to day control of the premises;

The Licensing Authority will also expect applicants to demonstrate

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed family entertainment centres;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
- that staff are trained to have full understanding of the maximum stakes and prizes.

It should be noted that a Licensing Authority cannot attach conditions to this type of permit and that the “statement of principles” only applies to initial applications and not to renewals (paragraph 8(2)). For initial applications, the Licensing Authority need not (but may) have regard to the licensing objectives and shall have regard to any Gambling Commission Guidance.

The Gambling Commission's Guidance for local authorities states: "In their three year licensing policy 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 may want to give weight to child protection issues."

The Gambling Commission's 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."

**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;
- children causing perceived problems on/around the premises; and
- Safeguarding awareness training

With regard to renewals of these permits, the Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

**(ii) (Alcohol) Licensed Premises (Licensing Act 2003) Gaming Machine Permits – (Schedule 13 Para 4(1))**

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines of categories C and/or D. The premises licence holders merely need to notify the Licensing Authority. The Licensing Authority may make an order disapplying the automatic entitlement 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 2005;
- the premises are mainly used for gaming; or
- an offence under the Gambling Act 2005 has been committed on the premises.

If a premises wishes to have more than two machines, then it needs to apply for a permit and the Licensing Authority will consider that application based upon the licensing objectives, any Guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*”

This Licensing Authority considers that “such matters” will be decided on a case by case basis, but generally there will be regard to the need to protect children and vulnerable persons from being harmed or 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. 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.

Measures which will satisfy the Licensing Authority that there will be no access may include the adult machines being in sight of the bar or in the sight of staff that will monitor that the machines are not being used by those under 18 years old. This applies to licensed family entertainment centres and bingo premises and not adult gaming centres and betting premises which are adult only premises. Notices and signage may also help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

It 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.

It should also be noted that the holder of a permit must comply with any Code of Practice, as amended, issued by the Gambling Commission about the location and operation of the machine.

**(iii) Prize Gaming Permits – (Statement of Principles on Permits - Schedule 14 Para 8 (3))**

Given that the premises will particularly appeal to children and young persons, in considering what to take into account in the application process and what information to request from the applicant, the Licensing Authority will want to give weight to child protection issues and will ask the applicant to set out the types of gaming that he or she is intending to offer. The applicant will be expected 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. These considerations should also apply to unlicensed family entertainment centre permits.

- What staff should do if they suspect that truant children are on the premises;
- How staff should deal with unsupervised young children on the premises;
- How staff should deal with children causing perceived problems on or around the premises;
- Safeguarding awareness training; and
- A basic criminal record check for staff or equivalent criminal records check for the applicant and also the person who has the day to day control of the premises;

The Licensing Authority will also expect applicants to demonstrate

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed family entertainment centres;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act);
- that staff are trained to have full understanding of the maximum stakes and prizes; and
- that the gaming offered is within the law

In making its decision on an application for this permit the Licensing Authority need not (but may) have regard to the licensing objectives and shall have regard to any Gambling Commission Guidance.

The Gambling Act 2005, attaches mandatory conditions to all prize gaming permits. The Licensing Authority cannot attach conditions. The mandatory conditions are as follows:

The limits on participation fees, as set out in regulations, must be complied with;

- the 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.
- Prize gaming permits are issued for 10 years and there is no annual fee.

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

If a club does not wish to have the full range of facilities permitted by a club gaming permit or if they are a commercial club not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act), they may apply for a club machine permit which will enable the premises to provide gaming machines (three machines of categories B4, C or D).

The Guidance for local authorities states: "Members' Clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, it must be permanent in nature, not established to make a commercial profit and must be controlled by its members equally. unless the gaming is restricted to bridge and whist but there is no need for a club to have an alcohol licence.

The Licensing Authority is aware that it may refuse an application on one or more of the following grounds:

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

### **Fast Track Procedure (Schedule 12(10))**

There is also a procedure available under the Act for premises that hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12, para 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 grounds 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."

There are statutory conditions on club gaming permits that no child uses a category B3A, B4 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.

The Licensing Authority will need to satisfy itself that the club meets the requirements of the Gambling Act 2005 to hold a club gaming permit. In order to do this, it may require proof of additional information from the operator such as:

- is the primary activity of the club something other than gaming?
- are the club's profits retained solely for the benefit of the club's members?
- are there 25 or more members?
- are the addresses of members of the club genuine domestic addresses and do most members live reasonably locally to the club?
- do members participate in the activities of the club via the internet?
- do guest arrangements link each guest to a member?
- is the 48 hour rule being applying for membership and being granted admission being adhered to?
- are there annual club accounts available for more than one year?
- how is the club advertised and listed in directories and on the internet?
- are children permitted in the club?
- does the club have a constitution and can it provide evidence that the constitution was approved by members of the club?
- is there a list of Committee members and evidence of their election by the club members?

When examining the club's constitution, the Licensing Authority would expect to see evidence of the following:

- Who makes commercial decisions on behalf of the club?
- Are the aims of the club set out in the constitution?
- Are there shareholders or members? Shareholders indicate a business venture rather than a non-profit making club.
- Is the club permanently established? (Clubs cannot be temporary).
- Can people join with a temporary membership? What is the usual duration of membership?
- Are there long term club membership benefits?

Aside from bridge and whist clubs, clubs may not be established wholly or mainly for the purposes of gaming. The Licensing Authority may consider such factors as:



- How many nights a week gaming is provided;
- How much revenue is derived from gambling activity versus other activity;
- How the gaming is advertised;
- What stakes and prizes are offered;
- Whether there is evidence of leagues with weekly, monthly or annual winners;
- Whether there is evidence of members who do not participate in gaming;
- Whether there are teaching sessions to promote gaming such as poker;
- Where there is a tie-in with other clubs offering gaming through tournaments and leagues;
- Whether there is sponsorship by gaming organisations;
- Whether participation fees are within limits

## Appendix 2

### 2. Gambling Premises Licences

#### (i) Decision making - general:

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

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 is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant Guidance issued by the Gambling Commission;
- reasonably consistent with the Licensing Objectives; and
- in accordance with the Authority's Statement of Licensing Policy.

Any conditions attached to licences by the Licensing Authority will be proportionate and will be:

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

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

An applicant for a licence will need to specify what supervision is proposed for the area where machines are sited and to clarify how supervisors will be trained to recognise vulnerable adults.

The 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 a non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance and licence conditions and codes of practice.

The Licensing 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 less than 18 years of age.

These conditions will apply to premises including buildings where multiple premises licences are applicable. The 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, the 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.

There are also 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.

**(ii) "Premises":**

Premises are defined in the Act as "any place". It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises and as the Guidance for local authorities' states, it "will always be a question of fact in the circumstances". The Gambling Commission does not however consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

The Licensing Authority will have regard to the Commission's Guidance on the division of premises and access between premises.

The Licensing Authority takes particular note of the Guidance for Local Authorities which states that in considering applications for multiple licences for a building ( split premises) or those for a specific part of the building to be licensed, licensing authorities should be aware that:

- 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 that they are not permitted to be 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; and
- entrances 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 that people do not ‘drift’ into a gambling area.

The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

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

### **(iii) 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 can. As per the Gambling Commission’s Guidance for local authorities, the Licensing 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 policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

### **(iv) Planning:**

Planning and licensing are different regulatory systems and will be dealt with separately. The Gambling Commission’s Guidance states: “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 relevant planning control, building and other regulations 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.”

**(v) Duplication:**

As stated above in section 12 on Compliance and Enforcement, as per the Gambling Commission’s Guidance for local authorities the Licensing Authority will seek to avoid duplication with other regulatory regimes so far as possible.

**(vi) Door Supervisors:**

The Gambling Commission’s Guidance advises local authorities that licensing authorities may require persons operating premises in which gambling takes place to take measures such as the supervision of entrances; segregation of gambling from non-gambling areas frequented by children (assuming such non-gambling areas are compatible with requirements of the Act); and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

Any person employed to fulfil a condition on a premises licence that requires door supervision should hold a relevant licence issued by the Security Industry Authority (SIA).

It is to be noted that door supervisors at licensed casino or bingo premises are exempt from the requirements of the Private Security Industry Act 2001. Where an authority imposes door supervision requirements on such licences, the personnel will not need licensing under the 2001 Act.

The Licensing Authority therefore has specific requirements for door supervisors working at casinos or bingo premises, where there are multiple licensable activities and/or the Police Licensing Officer has concerns about the licensing objectives being undermined.

Where the premises are licensed under the Licensing Act 2003 door supervisors will be required to hold a relevant licence issued by the Security Industry Authority (SIA).

**(vii) Licensing objectives:**

The Licensing Authority has considered the Commission’s Guidance to local authorities in respect of the licensing objectives.

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

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

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

### **(viii) Reviews:**

Interested parties or responsible authorities can make requests for a review of a premises licence; however, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the following matters:

- it is in accordance with any relevant code of practice issued by the Gambling Commission;
- it is in accordance with any relevant Guidance issued by the Gambling Commission;
- it is reasonably consistent with the licensing objectives; and
- it is in accordance with the authority's statement of licensing policy.

Consideration will be given as to whether the request is frivolous, vexatious, or will certainly not cause the Licensing Authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The Licensing Authority can also initiate a review of a licence on the basis of any reason that it thinks is appropriate.

### **(ix) Provisional Statements:**

The Licensing Authority notes the Guidance from the Gambling Commission which states:

S.204 of the 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
- expects to acquire a right to occupy.

In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances.

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional licence stage; or
- (b) which in the authority's opinion reflect a change in the operator's circumstances.
- (c) Where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and licensing authorities should discuss any concerns they have with the applicant before making a decision.
- (d) Operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits. Gambling premises do not have to be complete

before a Premises Licence can be granted. The Act allows a potential operator to apply for a provisional statement if construction of the premises is not yet complete, or they need alteration, or he does not yet have a right to occupy them.

**(x) Adult Gaming Centres (AGC):**

The Licensing Authority particularly notes the Commission's Guidance which states: "No-one under the age of 18 years of age is permitted to enter an AGC. Licensing authorities will wish to have particular regard to the location of an entry to AGCs to minimise the opportunities for children to gain access. This may be of particular importance in areas where young people may be unsupervised and an AGC is in a complex, such as a shopping centre or airport."

Because gaming machines provides opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The Licensing Authority in considering Premises Licences for AGC's 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 are not attracted to, or gain access to, the premises.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives although 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
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare

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

**(xi) (Licensed) Family Entertainment Centres (FECs):**

Family Entertainment Centres are wholly or mainly used for having gaming machines available for use.

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. This Licensing Authority will also make itself aware of any mandatory or default conditions on these premises licences.

As gaming machines are a form of gambling which is attractive to children and licensed FEC's will contain both Category D machines on which they are allowed to play, and Category C machines on which they are not. Because gaming machines provide opportunities for solitary play and for immediate payouts, they are more likely to engender repetitive and excessive play. The Licensing Authority, in considering applications for FEC Premises Licences, 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.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives although appropriate measures/licence conditions may cover issues such as:

- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare
- Measures/training for staff on how to deal with suspected truant school children on the premises

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

**(xii) Tracks:**

The Licensing Authority is aware that the Gambling Commission may provide specific Guidance as regards tracks. The Licensing Authority shall have regard to this Guidance in the discharge of its functions.

**(xiii) Casinos:**

The Licensing Authority has not passed a 'no Casino' resolution under Section 166(1) of the Gambling Act 2005; therefore this would allow the authority to grant a Casino licence.

Any future decision to pass or not pass such a resolution will be made by the Council's Licensing Committee and will need to be endorsed by the Full Council, but will only be taken after a full consultation process has been undertaken within its area.

**(xiv) Bingo:**

The Licensing Authority will have regard to the Gambling Commission's Guidance.



The Licensing Authority expects that where children are permitted in bingo premises, any Category B or C machines are located in an area which is separated from the rest of the premises by barriers or in a separate room, where it is made clear that entry is permitted only for those aged 18 or over. Appropriate signage should be provided to this effect and the area should be monitored by staff, either through direct supervision or by monitored CCTV.

To avoid a situation where a premises holds a bingo Premises Licence primarily to benefit from the gaming machine allowance, the Licensing Authority will need to be satisfied that bingo is regularly played in any premises for which a Premises Licence is issued and that the premises presentation is clearly that of a bingo premises and readily identifiable as such to any customer using the premises.

#### **(xv) Temporary Use Notice (TUN):**

There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to the Licensing Authority to decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building/site (see Gambling Commission's Guidance for Local Authorities).

#### **(xvi) Occasional Use Notice (OUN):**

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. The Licensing Authority will need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

#### **(xvii) Small Society Lotteries:**

The Council will adopt a risk-based approach towards our compliance responsibilities for small society lotteries. We consider the following list, although not exclusive, could affect the risk status of the operator:

- Submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- Submission of incomplete or incorrect returns
- Breaches of the limits for small society lotteries

Non-commercial gaming is permitted if it takes place at a non-commercial event as either an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- By, or on behalf of, a charity or for charitable purposes
- To enable participation in, or support of, sporting, athletic or cultural activities.

Charities and community groups should contact us on 01622 602028 or email [licensing@maidstone.gov.uk](mailto:licensing@maidstone.gov.uk) to seek further advice

#### **(xviii) Travelling Fairs:**

It will fall to the Licensing Authority to decide 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.

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

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

**Help with gambling related problems:**

A list of organisations where people may seek help will be available on the Licensing Authority's website.

## Appendix 3

### Responsible Authorities:

Further information about the Gambling Act 2005 and the Council's licensing policy can be obtained from:

#### Licensing Team

Maidstone Borough Council  
Maidstone House  
King Street  
Maidstone  
Kent  
ME15 6JQ

Tel: 01622 602028

e-mail: [licensing@maidstone.gov.uk](mailto:licensing@maidstone.gov.uk)

Website: [www.maidstone.gov.uk](http://www.maidstone.gov.uk)

#### Local Planning Authority

Maidstone Borough Council  
Maidstone House  
King Street  
Maidstone  
Kent  
ME15 6JQ

Tel: 01622 602736

e-mail:

[planningsupport@midkent.gov.uk](mailto:planningsupport@midkent.gov.uk)

#### Chief Police Officer – (West Division)

Maidstone Police Station  
Palace Avenue  
Maidstone  
Kent  
ME15 6NF

Tel: 01622 690690

e-mail:

[west.division.licensing@kent.pnn.police.uk](mailto:west.division.licensing@kent.pnn.police.uk)

### Information can also be obtained from:

#### Gambling Commission

Victoria Square House  
Victoria Square  
Birmingham. B2 4BP

Tel: 0121 230 6666

Fax 0121 230 6720

e-mail: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

#### Environmental Protection/ Health and Safety

Maidstone Borough Council  
Maidstone House  
King Street  
Maidstone  
Kent  
ME15 6JQ

Tel: 01622 602202

e-mail:

[enforcementoperations@maidstone.gov.uk](mailto:enforcementoperations@maidstone.gov.uk)

#### Kent Safeguarding Children's Board

KCC Social Services  
Sessions House  
County Road  
Maidstone  
Kent ME14 1XQ

e-mail: [kscb@kent.gov.uk](mailto:kscb@kent.gov.uk)

[social.services@kent.gov.uk](mailto:social.services@kent.gov.uk)

## Appendix 4

### TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

<b>Gambling Act 2005</b>	<b>Functions</b>	<b>Delegation</b>
	Final approval of three year licensing policy	Full Council
	Policy not to permit casinos	Full Council
	Fee Setting (when appropriate)	Full Council
Section 29	Duty to comply with requirement to provide information to Gambling Commission	Officers
Section 30	Functions relating to the exchange of information	Officers
Section 163	Determination of application for Premises Licence in respect of which representations have been made (and not withdrawn) Determination of application for Premises Licence where no relevant representations received	Licensing Sub-Committee  Officers
Section 162	Attachment of condition to Premises Licence or exclusion of default condition	Licensing Sub-Committee
Section 162	Decision as to whether representation is vexatious, frivolous, or would certainly not influence the authority's determination of application	Officers in consultation with the Head of Service
Section 187	Determination of application to vary Premises Licence in respect of which representations have been made (and not withdrawn) Determination of application to vary Premises Licence in respect of which no representation received	Licensing Sub-Committee  Officers
Section 188	Determination of application for transfer of Premises Licence in respect of which representations have been made (not withdrawn) Determination of application for transfer of Premises Licence where no representations received	Licensing Sub-Committee Officers
Section 193	Revocation of Premises Licence for failure to pay annual fee	Officers
Section 194	Determination that a Premises Licence has lapsed	Officers
Section 195	Reinstatement of lapsed Premises Licence in respect of which representations have been made (and not withdrawn) Reinstatement of lapsed Premises Licence where no representation is received	Licensing Sub-Committee Officers
Section 198	Rejection of application for review of Premises Licence on various grounds	Officers in consultation with Head of Service
Section 200	Initiation of review of Premises Licence	Officers
Section 201	Determination that representation about review of Premises Licence is frivolous, vexatious or will certainly not influence a review of a Premises Licence	Officers in consultation with Head of Service

Section 202	Determination of action following review of Premises Licence	Licensing Sub-Committee
Section 204	Determination of application for provisional statement in respect of Premises Licence where representations have been made (and not withdrawn) Determination of application for provisional statement in respect of which no representations received	Licensing Sub-Committee  Officers
Section 205	Decision to disregard representations made in respect of application for a Premises Licence after issue of provisional statement	Officers in consultation with Head of Service
Section 218	Issue of counter notice to Temporary Use Notice where number of permitted days are exceeded	Officers
Section 221	Objection to Temporary Use Notice	Officers
Section 222	Issue of counter notice in response to Temporary Use Notice	Licensing Sub-Committee
Section 284	Making of Order to remove exemptions from specified premises	Licensing Sub-Committee
Section 304	Power to designate officer of a Licensing Authority as an authorised person for a purpose relating to premises	Officers
Section 346	Institution of criminal proceedings in respect of an offence under the provisions of the Act	Officers in consultation with Head of Service
Schedule 10		
Paragraph 8	Determination of application for Family Entertainment Centre Gaming Machine Permit	Director of Regeneration and Communities (or in his absence the Head of Housing & Community Services) (Refusal to be exercised only in consultation with Head of Service)
Paragraphs 14 and 15	Notification of lapse of Family Entertainment Centre Gaming Permit	Officers in consultation with Head of Service
Schedule 11		
Paragraph 44	Registration of society for small society lottery	Officers
Paragraph 48	Refusal of application for registration of society for small society lottery	Officers in consultation with Head of Service
Paragraph 50	Revocation of registration of society for small society lottery	Officers in consultation with Head of Service
Paragraph 54	Cancellation of registration of society for small society lottery for non-payment of annual fee	Officers
Schedule 12		
Paragraphs 5 and 10 and 24	Determination of application for Club Gaming Permit and Club Registration Permit and for renewal of permit in respect of which representations have been made (and not withdrawn) Determination of application for Club	Licensing Sub-Committee  Officers

	Gaming Permit and Club Registration Permit and for renewal of permit where no representations received	
Paragraph 15	Determination of application for variation of Club Gaming Permit and in respect of which Club Registration Permit and cancellation of permit representations have been made (and not withdrawn)  Determination of application for variation of Club Gaming Permit and Club Registration Permit and cancellation of permit where no representations	Licensing Sub-Committee  Officers
Paragraph 21	Cancellation of Club Gaming Permit and Club Registration Permit	Licensing Sub-Committee
Paragraph 22	Cancellation of Club Gaming Permit and Club Registration Permit for failure to pay annual fee	Officers
Schedule 13		
Paragraphs 4, 15 and 19	Determination of application for grant, variation or transfer of Licensed Premises Gaming Machine Permit	Officers (Refusal and limitation on number of machines only in consultation with Head of Service
Paragraph 16	Cancellation of Licensed Premises Gaming Machine Permit or variation of number or category of machines in respect of which representations received (and not withdrawn)	Sub-Committee
Paragraph 17	Cancellation of Licensing Premises Gaming Machine Permit and variation of number or category of machine where no representations received  Cancellation of Licensed Premises Gaming Machine Permit for failure to pay annual fee	Officers  Officers
Schedule 14		
Paragraphs 9 and 18	Determination of application for Prize Gaming Permit and application for renewal of Permit	Officers (Refusal only in consultation with Head of Service
Paragraph 15	Determination that Prize Gaming Permit has lapsed	Officers

## Appendix 5

### LIST OF CONSULTEES

**All Maidstone Borough Councillors**

**All Parish Councillors**

**All premises currently licensed to sell or supply alcohol**

**All premises currently licensed for regulated entertainment**

**All premises currently licensed for late night refreshments**

**Any other prescribed in regulations by Secretary of State**

**Town Centre Management**

**Environment Agency**

**British Waterways Board**

**GamCare**

2 & 3 Baden Place

Crosby Row

London SE1 1YW

Tel: 020 7378 5200

Website: [www.gamcare.org.uk](http://www.gamcare.org.uk)

**The Bingo Association**

Lexham House

75 High Street (North)

Dunstable

Bedfordshire LU6 1JF

Tel: 01582 860921

Website: [www.bingo\\_association.co.uk](http://www.bingo_association.co.uk)

**British Casino Association**

38 Grosvenor Gardens

London SW1W 0EB

Tel: 020 7730 1055

Website: [www.britishcasinoassociation.org.uk](http://www.britishcasinoassociation.org.uk)

**This list is not finite and other persons or organisations may be added.**

## SUMMARY OF GAMING MACHINES BY PREMISES

## Appendix 6

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

1 Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight<sup>107</sup> category B gaming machines, or 20% of the total number of gaming machines, whichever



is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines.

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

## Appendix 7

### SUMMARY OF MAXIMUM STAKE AND MAXIMUM PRIZE BY CATEGORY OF GAMING MACHINE.

Machine category	Maximum stake (from January 2014)	Maximum prize (from January 2014)	Allowed premises
<b>A</b>	Unlimited	Unlimited	Regional Casino
<b>B1</b>	£5	£10,000 (with the option of a maximum £20,000 linked progressive jackpot on a premises basis only)	Large Casino, Small Casino, Pre-2005 Act casino and Regional Casinos
<b>B2</b>	£100	£500	Betting premises and tracks occupied by pool betting and all of the above
<b>B3</b>	£2	£500	Bingo premises, Adult gaming centre and all of the above
<b>B3A</b>	£2	£500	Members' club or Miners' welfare institute only
<b>B4</b>	£2	£400	Members' club or Miners' welfare club, commercial club and all of the above.
<b>C</b>	£1	£100	Family entertainment centre (with Commission operating licence), Qualifying alcohol licensed premises (without additional gaming machine permit), Qualifying alcohol licensed premises (with additional LA gaming machine permit) and all of the above.
<b>D money prize</b>	10p	£5	Travelling fairs, unlicensed (permit) Family entertainment centre and all of the above

<b>D non-money prize (other than crane grab machine)</b>	30p	£8	All of the above.
<b>D non-money prize (crane grab machine)</b>	£1	£50	All of the above.
<b>D combined money and non-money prize (other than coin pusher or penny falls machines)</b>	10p	£8 (of which no more than £5 may be a money prize)	All of the above.
<b>D combined money and non-money prize (coin pusher or penny falls machine)</b>	20p	£20 (of which no more than £10 may be a money prize)	All of the above.

\* These values are subject to change

## Appendix 8

# STATEMENT OF PRINCIPLES FOR UNLICENSED FAMILY ENTERTAINMENT CENTRES, GAMING MACHINE PERMITS & PRIZE GAMING PERMITS GAMBLING ACT 2005

## Contents

1. The Gambling Act 2005
2. Purpose of this document
3. Unlicensed Family Entertainment Centres (UFECs)
4. Prize Gaming Permits
5. Statement of Principles for UFEC gaming machine permits and prize gaming permits
6. Supporting documents
7. Child Protection Issues
8. Protection of Vulnerable Persons
9. Miscellaneous Matters

### **1. The Gambling Act 2005**

Unless otherwise stated any references in this document to the Council is to Maidstone Borough Council as the Licensing Authority.

The Act requires the Council, as the Licensing Authority, to aim to permit the use of premises for gambling in so far as the authority thinks it:

- In accordance with a relevant code of practice,
- In accordance with any relevant Guidance issued by the Gambling Commission,
- Reasonably consistent with the licensing objectives, and
- In accordance with the Licensing Authority policy issued under 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.

## **2. Purpose of this document**

This document has been prepared to assist persons considering making an application for either an unlicensed family entertainment centre (UFEC) gaming machine permit or a prize gaming under the Gambling Act 2005.

Maidstone Borough Council fully endorses the licensing objectives detailed above and expects all applicants to work in partnership to promote these objectives through clear and effective management of each gambling operation whether in respect of a permit or premises licence.

In respect of UFEC gaming machine permits it has been prepared in accordance with Paragraph 7 of Schedule 10 of the Act and in respect of prize gaming permits it has been prepared in accordance with paragraph 8 of Schedule 14 of the Act. The document should be read in conjunction with Maidstone Council Statement of Licensing Policy and Principles. – Gambling Act 2005.

The purpose of the document is to clarify measures that the Council will expect applicants to demonstrate when applying for either of these permits so the Council can determine the suitability of the applicant and the premises for a permit.

Within this process the Council will aim to grant the permit where the applicant is able to demonstrate that:

- They are a fit and proper person to hold the permit, and
- They have considered and are proposing suitable measures to promote the licensing objectives and they have a legal right to occupy the premises to which the permit is sought.

The measures suggested in this document should be read as guidance only and the Council will be happy for applicants to suggest measures above and beyond those listed in the document and or to substitute measures as appropriate.

## **3. Unlicensed Family Entertainment Centres**

The term 'unlicensed family entertainment centre' is one defined in the Act and refers to a premises which provides category D gaming machines together with various other amusements such as computer games and "penny-pushers".

The premises is 'unlicensed' in that it does not require a premises licence but does require a permit to be able to provide its category D gaming machines. It should not be confused with a 'licensed family entertainment centre' that does require a premises licence because it contains both category C and D gaming machines.

Unlicensed family entertainment centres (UFECs) will be most commonly located at seaside resorts, in airports and at motorway service centres, and will cater for families, including unaccompanied children and young persons. The Council will only grant a UFEC gaming machine permit where it is satisfied that the premises will be operated as a bona fide unlicensed family entertainment centre.

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

Applicants only need to address the “Statement of Principles” when making their initial applications and not at renewal time. (Permits are granted for a period of ten years.)

#### **4. Prize Gaming Permits**

Section 288 defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences. Prize gaming can often be seen at seaside resorts in amusement arcades where bingo is offered and the prizes are displayed.

A prize gaming permit is a permit issued by the Council to authorise the provision of facilities for gaming with prizes on specified premises.

Applicants should be aware of the conditions in the Gambling Act 2005 by which prize gaming permits holders must comply. The conditions in the Act are:

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

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

Applicants only need to address the “Statement of Principles” when making their initial applications and not at renewal time. Permits are granted for a period of ten years.

#### **5. Statement of Principles for UFEC gaming machine permits and prize gaming permits**

Supporting documents

The Council will require the following supporting documents to be served with all UFEC gaming machine permit and prize gaming permit applications:

- Proof of age (a certified copy or sight of an original birth certificate, driving licence, or passport – all applicants for these permits must be aged 18 or over);
- Proof that the applicant has the right to occupy the premises. Acceptable evidence would be a copy of any lease, a copy of the property's deeds or a similar document;
- An enhanced criminal record certificate. (This should be no greater than one month old.) This will be used to check that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act.)

In the case of applications for a UFEC gaming machine permit evidence that the machines to be provided are or were supplied by a legitimate gambling operator who holds a valid gaming machine technical operating licence issued by the Gambling Commission together with a plan of the premises to which the permit is sought showing the following items:

- The boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways where any category D gaming machines are positioned and the particular type of machines to be provided (e.g. Slot machines, penny falls, cranes)
- The location where any prize gaming will take place (including any seating and tables) and the area where any prizes will be displayed
- The positioning and types of any other amusement machines on the premises
- The location of any fixed or semi-fixed counters, booths or offices on the premises whereby staff monitor the customer floor area the location of any ATM/cash machines or change machines the location of any fixed or temporary structures such as columns or pillars
- The location and height of any stages in the premises; any steps, stairs, elevators, balconies or lifts in the premises
- The location of any public toilets in the building.

(Unless agreed with the Council, the plan should be drawn to a standard scale with a key showing the items mentioned above. The standard scale is 1:100)

## **6. Child Protection Issues**

The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

The Council will assess these policies and procedures on their merits, and they should (depending on the particular permit being applied for) include appropriate measures / training for staff as regards the following:

- Maintain contact details for any local schools and or the education authority so that any truant children can be reported
- Employ policies to address the problems associated with truant children who may attempt to gain access to the premises and gamble when they should be at school
- Employ policies to address any problems that may arise during seasonal periods where children may frequent the premises in greater numbers, such as half terms and summer holidays
- Maintain information at the premises of the term times of any local schools in the vicinity of the premises and also consider policies to ensure sufficient staffing levels during these times
- Display posters displaying the 'Child Line' phone number in discreet locations on the premises e.g. toilets
- Maintain an incident register of any problems that arise on the premises related to children such as children gambling excessively, truant children, children being unruly or young unaccompanied children entering the premises (The register should be used to detect any trends which require attention by the management of the premises.)
- Ensure all young children are accompanied by a responsible adult
- Maintain policies to deal with any young children who enter the premises unaccompanied
- Enhanced criminal records checks for all staff who will be working closely with children

NB: Any supporting evidence of the above measures e.g. Training manuals or other similar documents/written statements should be attached to the application.

## **7. Protection of Vulnerable Persons.**

The Council will expect the applicant to show that there are policies and procedures in place to protect vulnerable persons.

The Council will assess these policies and procedures on their merits; however they may (depending on the particular permit being applied for) include appropriate measures / training for staff as regards the following:

- Display Gamcare helpline stickers on all gaming machines
- Display Gamcare posters in prominent locations on the premises
- Training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable
- Consider appropriate positioning of ATM and change machines (including the display of Gamcare stickers on any such machines)



NB: Any supporting evidence of the above measures e.g. Training manuals or other similar documents/written statements should be attached to the application.

## **8. Miscellaneous Matters**

The applicant should also be mindful of the following possible control measures (depending on the particular permit being applied for) to minimise crime and disorder and the possibility of public nuisance as follows:

- Maintain an effective CCTV system to monitor the interior and exterior of the premises
- Keep the interior and exterior of the premises clean and tidy
- Ensure the external lighting is suitably positioned and operated so as not to cause nuisance to neighbouring and adjoining premises
- Consider the design and layout of the outside of the premises to deter the congregation of children and youths
- Restrict normal opening hours to 8.45am to midnight daily
- Not permit any person who is drunk and disorderly or under the influence of drugs, to enter or remain on the premises
- Take such steps as are reasonably practicable to eliminate the escape of noise from the premises
- Ensure, where possible the external doors to the premises remain closed, except when in use, by fitting them with a device for automatic closure or by similar means
- Ensure that the premises are under the supervision of at least one responsible, adequately trained person at all times the premises are open

NB: Any supporting evidence of the above measures e.g. Training manuals or other similar documents/written statements should be attached to the application.

Applicants may obtain an enhanced Disclosure Barring Service disclosure on application to Disclosure Scotland on 0870 609 6006 or online at [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk)

**From:** Jolanda Gjoni <JolandaGjoni@Maidstone.gov.uk>  
**Sent:** 07 September 2021 09:26  
**To:** Lorraine Neale <LorraineNeale@maidstone.gov.uk>  
**Subject:** Report review has been completed: Review Gambling Act 2005 - Statement of Licensing Policy 2022 -2025, version 1

To: Lorraine Neale;

The following report review has been completed by Jolanda Gjoni.

Title: Review Gambling Act 2005 - Statement of Licensing Policy 2022 -2025, version 1

Reviewer's status: OK if marked changes are applied

Reviewer's comment: • Harm from gambling has become a serious and worsening public health problem in the UK and is found at the individual, social (family and friends) and community levels. This includes financial hardship, psychological distress and interpersonal conflict or relationship breakdown. The harm from gambling to wider society includes fraud, theft, loss of productivity in the workforce and the cost of treating this addiction, associated anxiety and depression, and potential harms to others from reduced usable income.

- It is recommended to make consideration of public health a licensing objective, to ensure greater consideration of public health and levels of gambling-related harm when processing licensing applications for new gambling venues.
- Effective partnership working to ensure implementation of existing laws on gambling by those who are underage.
- Use of legislation to tighten regulation of the gambling industry and the sponsorship, marketing, promotion and offers, especially online marketing which is currently reaching children and young people.

This report is due to be discussed at the following meetings:

16/09/2021 - Licensing Committee

---

**From:** Info <info@gambleaware.org>  
**Sent:** 28 September 2021 13:39  
**To:** Lorraine Neale <LorraineNeale@maidstone.gov.uk>  
**Subject:** RE: Maidstone Borough Council – Gambling Policy consultation

Hi

Thank you for consulting us on your draft Statement of Principles under the Gambling Act 2005. Due to resource constraints on a small charity, we are not able to offer specific feedback on your policy. However, you may find GambleAware's recently published [interactive maps](#) useful, which have been designed for use by local authorities. The maps show the prevalence of problem gambling severity in each local authority and ward area as well as usage of, and reported demand for, treatment and support for gambling harms.

GambleAware also strongly commends two publications by the Local Government Association which set out the range of options available to local authorities to deal with gambling-related harms using existing powers:

- <https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach>
- <https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales>

GambleAware is also fully supportive of local authorities which conduct an analysis to identify areas with increased levels of risk for any reason. In particular we support those who also include additional licence requirements to mitigate the increased level of risk. Areas where there are higher than average resident or visiting populations from groups we know to be vulnerable to gambling harms include children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services.

Finally, GambleAware is a leading commissioner of prevention and treatment services for gambling harms. It provides these functions across England, Scotland and Wales and its work is underpinned by high quality research, data and evaluation. We encourage all local authorities to signpost people to the **National Gambling Helpline on 0808 8020 133** and also [www.begambleaware.org](http://www.begambleaware.org). Both are part of the **National Gambling Treatment Service** and offer free, confidential advice and support for those who may need

Many thanks,

BeGambleAware.org

---

**From:** Staplehurst Parish Council - Clerk <clerk@staplehurst-pc.uk>

**Sent:** 20 October 2021 11:39

**To:** Lorraine Neale <LorraineNeale@maidstone.gov.uk>

**Cc:** Licensing (MBC) <Licensing@maidstone.gov.uk>

**Subject:** Response to consultation request on Draft Statement of Licensing Principles.

Dear Lorraine

Councillors approved the following response to be submitted for your consultation.

Starts

Having read the Draft Statement of Licensing Policy we consider the 3 Licensing Objectives are sound. However, in the main text, whilst there is reference to alcohol and drug addictions there is no reference to gambling addiction.

All risk assessments should make reference.

The Council, as the Licensing Authority should not allow gambling premises to be open 24hours. This is an obvious incentive for vulnerable people to assemble and can only encourage gambling addicts accrue larger debts and continuing mental problems. If the Council has no control over 24 hour opening then they should lobby the Gambling Commission and or Government to so enforce.

Ends

Many thanks

Kind regards

**Alison**

Alison Smith

Clerk to Staplehurst Parish Council

Parish Office, Village Centre, High Street, Staplehurst, Kent. TN12 OBJ