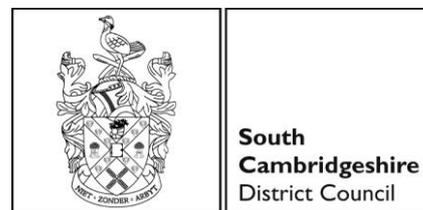


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26 August 2021

To: Chair – Councillor Anna Bradnam
Vice-Chair – Councillor Eileen Wilson
Members of the Licensing Committee – Councillors
Dr. Shrobona Bhattacharya, Gavin Clayton, Graham Cone,
Clare Delderfield, Jose Hales, Geoff Harvey, Mark Howell, Steve Hunt,
Alex Malyon, Peter McDonald, Deborah Roberts, Fiona Whelan and
Brian Milnes

Quorum: 4

Substitutes: Councillors Sue Ellington, Nick Wright, Bunty Waters, Heather Williams,
Ruth Betson, Nigel Cathcart, Nick Sample and Bill Handley

Dear Councillor

You are invited to attend the next meeting of **Licensing Committee**, which will be held in **Council CHAMBER - SOUTH CAMBS HALL** at South Cambridgeshire Hall on **Tuesday, 7 September 2021 at 2.00 p.m.** A weblink to enable members of the press and public to listen to the proceedings will be published on the page of the Council's website containing the online version of this agenda, normally, at least 24 hours before the meeting.

Members are respectfully reminded that when substituting on committees, subcommittees, and outside or joint bodies, Democratic Services must be advised of the substitution ***in advance of*** the meeting. It is not possible to accept a substitute once the meeting has started. Council Standing Order 4.3 refers.

Yours faithfully
Liz Watts
Chief Executive

The Council is committed to improving, for all members of the community, access to its agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you.

Agenda

Pages

- 1. Apologies for Absence**
To receive apologies for absence from committee members.
- 2. Declarations of Interest**

3.	Minutes of Previous Meeting	1 - 2
4.	Hackney Carriage and Private Hire Licensing Policy Review	3 - 26
5.	Gambling Act 2005 - Review of Statement of Licensing Policy	27 - 44

Guidance For Visitors to South Cambridgeshire Hall

Agenda Item 3

South Cambridgeshire District Council

Minutes of a meeting of the Licensing Committee held on
Monday, 8 February 2021 at 10.00 a.m.

PRESENT: Councillor Anna Bradnam – Chair
Councillor Eileen Wilson – Vice-Chair

Councillors: Dr. Shrobona Bhattacharya Peter Fane
Jose Hales Geoff Harvey
Mark Howell Steve Hunt
Alex Malyon Peter McDonald
Deborah Roberts Heather Williams

Officers: Jon Hall Commercial and Licensing Services Manager
Jane Jackson Senior Resource Officer
Paul Weller Legal Adviser
Victoria Wallace Scrutiny and Governance Adviser

Apologies for absence were received from Councillor Gavin Clayton, Graham Cone and Clare Delderfield.

1. **Declarations of Interest**

There were no declarations of interest.

2. **Minutes of Previous Meeting**

The minutes of the meeting held on 10 February 2020 were agreed as a correct record of the meeting.

3. **Statutory Taxi and Private Hire Vehicle Standards**

The Technical Officer presented the report which summarised the Department for Transport's new statutory Taxi and Private Hire Vehicle standards, which it recommended licensing authorities adopted unless there was a compelling local reason not to. Licensing Committee members discussed these standards.

The Technical Officer informed the committee that officers worked closely with the Police, who informed officers pro-actively of any information that was relevant to any South Cambridgeshire licence holder. Officers were also notified of any relevant information through the Disclosure and Barring Service. The Technical Officer explained that with the proposed new standard, officers would be notified of any arrest and release of a licence holder, in addition to any convictions. The timeframe required for licence holders to report this to the licensing authority would reduce from 72 to 48 hours. The Technical Officer informed committee members of the reporting methods available to licence holders and clarified that there was no requirement for the licensing authority to take any action within 48 hours. The

committee was supportive of the adoption of this standard and suggested that notification of restraining orders should be added to the reporting requirements.

The Technical Officer explained the process of licence holders undergoing Disclosure and Barring Service (DBS) checks. The committee was informed of the costs for this and the subscription to the DBS update service. The committee was informed that licence holders were encouraged to subscribe to the DBS update service, which would inform the licensing authority if a licence holder received a conviction after undergoing a DBS check. Although it was a requirement for licence holders to notify the council of any convictions, subscription to the DBS update service was a safeguard if a licence holder failed to fulfil this requirement. The committee was informed that the licensing authority could suspend or revoke licences if licence holders refused to subscribe to the update service or have a DBS check. The Technical Officer informed the committee that the Disclosure and Barring Service would be introducing a direct debit payment system so those subscribing to the update service could pay by direct debit.

The committee discussed the requirement for all Licensing Committee members to be trained. The Legal Adviser confirmed that he was satisfied with the level of member training provided to date, which had been provided by a nationally acknowledged trainer.

The committee discussed the proposed standard for language proficiency of licence holders. Committee members requested that the language certification procured by the council, in addition to being an accredited qualification, should be appropriate for the work that was done by private hire and hackney carriage drivers. Members also requested that understanding was given to those who had trouble with reading due to dyslexia; officers confirmed that they were aware of and sensitive to such issues. The Licensing Committee was supportive of this proposed standard for language proficiency.

The committee discussed the proposed standard relating to booking and dispatch staff and were supportive of this.

Following careful consideration of the proposed new standards, the licensing Committee **recommended** that the Lead Cabinet Member for Environmental Services and Licensing approved the new standards, as written licence conditions, policy requirements and procedures.

The Meeting ended at 11.45 a.m.

Agenda Item 4



**South
Cambridgeshire**
District Council

Report to:	Licensing Committee 7 September 2021
Lead Cabinet Member:	Cllr Brian Milnes
Lead Officer:	Rachel Jackson Principal Licensing Officer

Hackney Carriage and Private Hire Policy – Review

Executive Summary

1. That the Committee agree to recommend to Council the revision of the Hackney Carriage and Private Hire Licensing Policy.

Key Decision

2. No

Recommendations

3. Licensing Committee consider the proposed amendments to the Policy, taking into account any representations received and make recommendations to the Cabinet Lead.
4. It is recommended that where any further minor amendments to the policy are required or statutory changes make amendments necessary, then such Policy changes can be made and implemented by the Head of Head of Climate, Environment and Waste following consultation with the Chair of the Licensing Committee and Lead Cabinet Member for Environmental Services and Licensing.
5. The proposed amendments are attached as a table as Annexe A.
6. The response to the proposed amendments from Panther Taxis is attached as Annexe B1 and B2.

Reasons for Recommendations

7. Due to the pandemic which resulted in a huge financial impact for the private hire and hackney carriage trade, concerns from the trade and a need to support the trade, it was felt appropriate to propose amendments to the Policy including a slippage of timescales for mandating ultra-low and zero emission vehicles.
8. In addition, another key area is the proposed review of mandating CCTV in all licensed vehicles. Whilst mandatory CCTV for all vehicles was supported by this

Committee in November 2019, to be in place the following year, there has been little progress between the Council and City of Cambridge to agree or approve CCTV specifications, principally due to staff resources and the pandemic. It should be noted that since this was approved in the Policy, the Department for Transport Statutory Taxi & Private Hire Vehicle Standards published in July 2020, state that “Imposition of a blanket policy to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and **will therefore require an appropriately strong justification** and must be kept under regular review.” Whilst there is merit to requiring CCTV, Officers consider that there is not currently sufficient evidence to continue to mandate that CCTV must be installed in all vehicles.

9. All proposed amendments are supported by a rationale within the table at Appendix A.

Details

10. Consultation with the trade, Parish Councils, Cambridgeshire Police, neighbouring Authorities and via the Council’s website commenced from 8 July and closed on 2 August 2021.
11. Responses to the proposals were received from:
12. **Parish Councils** – Orwell Parish and Swavesey Parish Councils had no comment to make on the proposals.
13. **Licensed Chauffeur Operators** – had no comments on the Policy aside from a shared opinion that CCTV should be treated differently between chauffeur driven vehicles and private hire, namely, that it would be inappropriate to require CCTV in chauffeured vehicles due to client confidentiality and wishes.
14. **Private Hire Operators** – one response, from Panther, one of the District’s largest private hire operators is generally supportive of the proposals, and have provided a detailed response and rationale, which is attached as Appendices B1 and 2.
15. The Committee may approve or amend the changes to the Policy, but full Council is required to adopt the Policy.

Options

16. The Committee may agree one of the following options;
 - (i) Recommend that the Lead Cabinet Member for Environmental Services and Licensing approves the Policy revisions.
 - (ii) Recommend that the Lead Cabinet Member rejects the Policy revisions.
 - (iii) Recommend that the Lead Cabinet Member approves the Policy with amendments.

17. In addition, the Committee is asked to agree one of the following options;

- (i) Where any further minor amendments to the policy are required or statutory changes make amendments necessary, then such Policy changes can be implemented by the Head of Head of Climate, Environment and Waste following consultation with the Chair of the Licensing Committee and Lead Cabinet Member for Environmental Services and Licensing.
- (ii) Any further minor amendments to the policy are required or statutory changes make amendments necessary, then such Policy changes must be referred to the Licensing Committee.

Implications

18. In the writing of this report, taking into account financial, legal, staffing, risk, equality and diversity, climate change, and any other key issues, the following implications have been considered: -

Financial

19. The Finance Officer considers that the financial implications should be negligible.

Legal

20. There is no legal requirement for a policy, however it is best practice. This is different from the Licensing Act 2003 and the Gambling Act 2005 where a written policy is a legal requirement.

21. Rights of appeal are granted to all applicants and licensees who are aggrieved by any licensing decisions.

Staffing

22. None for the purposes of this report.

Risks/Opportunities

23. With an extension to deadlines which were published within the Policy previously, there could be some reputational risk, and slight impact on the Council's green agenda. The risks are likely to be medium to low impact. Amending the Policy would support the trade post pandemic, with the positive impact far outweighing any potential reputational damage. Additional lead in times for ultra-low and zero emission vehicles would allow for wider installation of charging points within the District.

Background Papers

Existing Policy

Department for Transport Statutory Taxi & Private Hire Vehicle Standards

Appendices

Appendix A: Table of proposed changes to the existing Policy.

Appendix B1 and B2: Response to the consultation.

Report Author:

Rachel Jackson – Principal Licensing Officer

Telephone: (01954) 713397

Proposed Amendments to Taxi and Private Hire Policy June 2021

1. Driving Experience - Paragraph 2.4	
Proposed Change: To increase Minimum driving licence of 12 months to 3 years to enhance customer safety. (remove condition 2.4 d) and amend 2.9 a) accordingly)	Rationale: To increase passenger safety and raise driving standards.
Responses	
2. Requirement to Provide References - Paragraph 2.6	
Proposed Change: To remove this requirement as part of the application process.	Rationale: There seems to be little benefit of retaining this additional administrative burden for new applicants. Does not increase standards overall.
Responses	
3. Safeguarding – Paragraph 2.13	
This will be agreed under Officer Delegation and is for information only: 2.13 c) all drivers proprietors and operators will be required to pass a safeguarding course and test as approved by this Authority. 2.13 d) all existing drivers to have passed an online course within 12 months of new Policy or licence will be suspended. 2.13 e) deleted.	Rationale: With the pandemic, it has been impossible and impractical for the Council to deliver the training in-house. Moving to a high-quality online course would enable drivers to safely and efficiently obtain the necessary skills and learning in a timely manner.
Responses	
4. Surrender of Licences - Paragraph 2.23	
Proposed Change: 2.23 – Surrender of Licence , would be accepted in exceptional cases only, and not where the licence holder is subject to current investigation and/or legal proceedings.	Rationale: To allow surrender of licences in exceptional circumstances,
Responses	

5. Hackney Carriage Vehicles – Paragraphs 3.6 c) and 3.16

Proposed Change:

The Policy has had a requirement that all Taxis will be WAV since 2019, but this has not been effectively implemented.

All existing hackney carriages to be white and WAV by December 2023.

Any newly licensed vehicles to meet this standard on implementation of the Policy changes.

Rationale:

With the pandemic this has hindered progress, so would propose a “slip” of this so that all Hackney Carriages licenced by this Authority (i.e. to include current fleet changeover) to be wheelchair accessible and white in colour by 31 December 2023.

Responses

6. Fixing of licence plates – Paragraphs 3.6 e) and k)

Proposed Change:

3.6 e) and k) licence plates must be securely fixed to the vehicle as directed by the Licensing Authority. The use of magnets, Velcro or other similar fittings is prohibited.

Rationale:

It is proposed that greener and more cost-effective plates could be obtained which would fix directly to the bodywork of the vehicle, thereby removing the need for brackets. Removing this restricting allows for alternative plate solutions to be identified.

Responses

7. CCTV – Paragraph 3.10

Proposed Changes:

Policy mandated all vehicles to have CCTV by March 2021, this has not been implemented and the specification has not been provided. Consider that serious re-consideration needs to be given to this again in light of DfT Statutory Standards for Taxis and PHV.

“Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification

Rationale:

There has previously been significant Officer, Member and Trade involvement in this matter. However, due to the pandemic and other factors, there has been limited progress on moving this forward, and DfT guidance regarding proportionality which had not been a factor when the policy was introduced. Trade views are now sought to re-assess opinions.

<p>and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).” Suggest that the Authority encourages voluntary use of CCTV, and this will be reviewed (evidence based) periodically.</p>	
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Responses	
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8.General vehicle conditions – Paragraphs 3.12, 3.16, 3.19, 3.27	
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<p>Proposed Changes:</p> <p>3.12 Certificate of Compliance - every 12 months for all vehicles (six monthly is probably no longer appropriate due to the implementation of age limits for vehicles). However, where an Officer considers necessary, a Certificate must be produced every 6 months.</p> <p>3.16 Accessibility – remove the terms “disabled people” and replace with “wheelchair users”.</p> <p>3.19 Exempt vehicles, executive chauffeur services. Delete the word(s) “and plate” so that exemption certificates only will be issued.</p> <p>3.27 Age Limits; The current policy stipulates a 9-year age limit for all vehicles from December 2021, considering the pandemic and to continue to offer support to the trade propose this is slipped to 31 December 2023.</p> <p>Environmental Considerations</p> <p>3.27 Policy currently mandates that from 1 December 2021, all newly licensed vehicles must be zero or ultra-</p>	<p>Rationale:</p> <p>Six monthly requirement is an addition burden which is no longer appropriate due to the introduction of age limits for vehicles. Allowing some flexibility will ensure high standards remain.</p> <p>More appropriate term.</p> <p>To increase efficiency, it proposed that a certificate for exemption be provided, and not also a plate.</p> <p>In order to support the trade following the pandemic, it is proposed that allowing an additional twelve months for drivers to change their vehicles would be a reasonable step and would support the Council’s Business Plan priority area of supporting the local economy to recover post-pandemic.</p> <p>As above rationale to support the trade post-pandemic</p>
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low emission. It is proposed that this requirement is extended to a later period such as 31 December 2024.

3.27 (i) Delete the reference made to aligning with City of Cambridge Policy .

Appendix D (i) – remove “and to an angle of at least 60 degrees” (doors).

Appendix D (i) insert new requirement

Maximum number of seats

All vehicles licensed to carry in excess of four passengers will only be licensed where:

- (i) the access and egress of passengers can be achieved without the need to remove existing seating, and
- (ii) all seats are fitted with seat belts in accordance with legal or manufacturer standards, and
- (iii) the height between the seat and the foot well of the rear seats is consistent.

The Policy is set by South Cambridgeshire District Council, and therefore any amendments should be determined as **this** Authority feels appropriate.

Not necessary as some car model doors now slide open.

The proposal will ensure that passengers do not have to tip-up or climb over seats to exit the vehicle for example in the case of an accident or emergency, and in general terms are travelling in the same comfort level as other passengers. If recommended, existing MPV and other vehicles licensed in excess of 4 passengers would be entitled to renew their plate as per the policy.

Responses

9. Tax Conditionality Requirements – New Insertion in Policy

Insert:

“From 4 April 2022 (or the date set by the government) all drivers of Private Hire or Hackney Carriage Vehicles or Private Hire Operators must meet the Tax Conditionality requirement, before a Licence may be granted.

This Authority will follow the HMRC guidance about tax compliance, and will require:

Rationale:

The addition of this requirement is mandatory.

<p>All applicants for the grant of a licence (or application following lapse of a previous licence) to confirm they are aware of the above guidance.</p> <p>All applicants for the renewal of a licence must provide to the HMRC information prescribed to enable a tax check to be performed. The HMRC will complete the check once they are satisfied that the applicant has complied with their tax reporting obligations.</p> <p>Before a Licence may be renewed, the Authority must receive confirmation from HMRC that the applicant has completed a tax check, which must have been completed no more than 120 days before the Authority requests the confirmation.”</p>	
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Responses

10.Right to Work Evidence - removal of EU Passport as sufficient evidence.	
<p>Right to work checks – the Policy refers to a EU Passport being sufficient evidence to check an applicant’s right to remain and work in the United Kingdom, however as of July 2021, this has been replaced by a right to work code check via the Gov.Uk website. The Policy will require amendment accordingly. (Out of scope of the consultation)</p>	<p>Rationale: The revision is mandatory.</p>

11.Amendments to Appendices and Driver Handbook	
<p>Appendix A Code of Conduct</p> <p>Delete duplications at 12, 16 and 25 (Competency Test, Safeguarding and DBS update). as these are covered elsewhere in the Policy and/or conditions.</p> <p>Appendix E Private Hire Exemptions</p>	<p>Rationale:</p> <p>Duplication not required.</p> <p>Not required subject to Policy amendments above.</p>

<p>1. Remove the word “plate” and replace “notice” with “certificate”</p> <p>2. Delete not required</p> <p>3. Delete “internal licence”</p> <p>4. Delete “internal plate”</p> <p>5. Replace “notice” with “certificate”</p> <p>Driver Handbook</p> <p>31. Competency Test</p> <p>Scope to move to an external provider which offers combined competency with driving skills, so replace c) course as approved by the Council. Delete the rest in this section.</p> <p>32. Replace b) with as approved by the Council. Delete the rest of this section.</p> <p>34. References – proposed this requirement is removed as above.</p> <p>39. DBS</p> <p>Reword a) Applicants are required to apply online for an enhanced DBS ...</p> <p>Delete b), Reword c) The Authority will require evidence of your identity to complete the online DBS</p>	<p>Administrative changes only to reflect move to online assessments.</p> <p>The moving to requiring the applicant to complete their own DBS check online will increase efficiency, and there will be less time delay for the application process (as the applicant can complete in their own time in advance of applying for a licence).</p>
<p>Responses</p>	
<p></p>	

Note: where any policy changes are approved, by default where appropriate sections within the appendices will be revised/deleted accordingly, as too, where appropriate references to aligning with the City of Cambridge.

Proposed Amendments to Taxi and Private Hire Policy June 2021

1. Driving Experience - Paragraph 2.4

Proposed Change:

To increase **Minimum driving licence** of 12 months to 3 years to enhance customer safety. (remove condition 2.4 d) and amend 2.9 a) accordingly)

Rationale:

To increase passenger safety and raise driving standards.

Responses

Panther Taxis are in favour of this move for the rationale stated – we were surprised when - a few years ago – it was reduced to 1 year.

2. Requirement to Provide References - Paragraph 2.6

Proposed Change:

To remove this requirement as part of the application process.

Rationale:

There seems to be little benefit of retaining this additional administrative burden for new applicants. Does not increase standards overall.

Responses

Absolutely agreed and in favour for the precise rationale given. See also separate word doc. Point 2.

3. Safeguarding – Paragraph 2.13

This will be agreed under Officer Delegation and is for information only:

2.13 c) all drivers proprietors and operators will be required to pass a safeguarding course and test as **approved** by this Authority.

2.13 d) all existing drivers to have passed an online course within 12 months of new Policy or licence will be suspended. **2.13 e)** deleted.

Rationale:

With the pandemic, it has been impossible and impractical for the Council to deliver the training in-house. Moving to a high-quality online course would enable drivers to safely and efficiently obtain the necessary skills and learning in a timely manner.

Responses

Agreed for precise rationale given – see doc point 3

4.Surrender of Licences - Paragraph 2.23

Proposed Change:

2.23 – Surrender of Licence, would be accepted in exceptional cases only, and not where the licence holder is subject to current investigation and/or legal proceedings.

Rationale:

To allow surrender of licences in exceptional circumstances,

Responses

Agree – ‘no brainer’ as they say!

5.Hackney Carriage Vehicles – Paragraphs 3.6 c) and 3.16

Proposed Change:

The Policy has had a requirement that all Taxis will be WAV since 2019, but this has not been effectively implemented.

All existing hackney carriages to be white and WAV by December 2023.

Any newly licensed vehicles to meet this standard on implementation of the Policy changes.

Rationale:

With the pandemic this has hindered progress, so would propose a “slip” of this so that all Hackney Carriages licenced by this Authority (i.e. to include current fleet changeover) to be wheelchair accessible and white in colour by 31 December 2023.

Responses

Agree – due to rationale stated – pandemic hardships

6.Fixing of licence plates – Paragraphs 3.6 e) and k)

Proposed Change:

3.6 e) and k) licence plates must be securely fixed to the vehicle as directed by the Licensing Authority. The use of magnets, Velcro or other similar fittings is prohibited.

Rationale:

It is proposed that greener and more cost-effective plates could be obtained which would fix directly to the bodywork of the vehicle, thereby removing the need for brackets. Removing this restricting allows for alternative plate solutions to be identified.

Responses

Agree – remove restriction and explore alternatives.

7.CCTV – Paragraph 3.10

Proposed Changes:

Policy mandated all vehicles to have CCTV by March 2021, this has not been implemented and the specification has not been provided. Consider that serious re-consideration needs to be given to this again in light of DfT Statutory Standards for Taxis and PHV.

“Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).” Suggest that the Authority encourages voluntary use of CCTV, and this will be reviewed (evidence based) periodically.

Rationale:

There has previously been significant Officer, Member and Trade involvement in this matter. However, due to the pandemic and other factors, there has been limited progress on moving this forward, and DfT guidance regarding proportionality which had not been a factor when the policy was introduced. Trade views are now sought to re-assess opinions.

Responses

Agree needs new
thought See
separate Doc.

8.General vehicle conditions – Paragraphs 3.12, 3.16, 3.19, 3.27

Proposed Changes:

3.12 Certificate of Compliance - every 12 months for all vehicles (six monthly is probably no longer appropriate due to the implementation of age limits for vehicles). However, where an Officer considers necessary, a Certificate must be produced every 6 months.

3.16 Accessibility – remove the terms “disabled people” and replace with “wheelchair users”.
Page 15

Rationale:

Six monthly requirement is an addition burden which is no longer appropriate due to the introduction of age limits for vehicles. Allowing some flexibility will ensure high standards remain.

More appropriate term.

3.19 Exempt vehicles, executive chauffeur services.

Delete the word(s) “and plate” so that exemption certificates only will be issued.

3.27 Age Limits; The current policy stipulates a 9-year age limit for all vehicles from December 2021, considering the pandemic and to continue to offer support to the trade propose this is slipped to 31 December **2023**.

Environmental Considerations

3.27 Policy currently mandates that from 1 December 2021, all newly licensed vehicles must be zero or ultra-low emission. It is proposed that this requirement is extended to a later period such as 31 December **2024**.

3.27 (i) Delete the reference made to aligning with City of Cambridge Policy .

Appendix D (i) – remove “and to an angle of at least 60 degrees” (doors).

Appendix D (i) insert new requirement

Maximum number of seats

All vehicles licensed to carry in excess of four passengers will only be licensed where:

- (i) the access and egress of passengers can be achieved without the need to remove existing seating, and
- (ii) all seats are fitted with seat belts in accordance with legal or manufacturer standards, and
- (iii) the height between the seat and the foot well of the rear seats is consistent.

To increase efficiency, it proposed that a certificate for exemption be provided, and not also a plate.

In order to support the trade following the pandemic, it is proposed that allowing an additional twelve months for drivers to change their vehicles would be a reasonable step and would support the Council’s Business Plan priority area of supporting the local economy to recover post-pandemic.

As above rationale to support the trade post-pandemic

The Policy is set by South Cambridgeshire District Council, and therefore any amendments should be determined as **this** Authority feels appropriate.

Not necessary as some car model doors now slide open.

The proposal will ensure that passengers do not have to tip-up or climb over seats to exit the vehicle for example in the case of an accident or emergency, and in general terms are travelling in the same comfort level as other passengers. If recommended, existing MPV and other vehicles licensed in excess of 4 passengers

	would be entitled to renew their plate as per the policy.
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Responses

9. Tax Conditionality Requirements – New Insertion in Policy

Insert:

“From 4 April 2022 (or the date set by the government) all drivers of Private Hire or Hackney Carriage Vehicles or Private Hire Operators must meet the Tax Conditionality requirement, before a Licence may be granted.

This Authority will follow the HMRC guidance about tax compliance, and will require:

All applicants for the grant of a licence (or application following lapse of a previous licence) to confirm they are aware of the above guidance.

All applicants for the renewal of a licence must provide to the HMRC information prescribed to enable a tax check to be performed. The HMRC will complete the check once they are satisfied that the applicant has complied with their tax reporting obligations.

Before a Licence may be renewed, the Authority must receive confirmation from HMRC that the applicant has completed a tax check, which must have been completed no more than 120 days before the Authority requests the confirmation.”

Rationale:

The addition of this requirement is mandatory.

Responses

Yes – we knew this was coming!

10. Amendments to Appendices and Driver Handbook

Appendix A Code of Conduct

Rationale:

Duplication not required.

Delete duplications at **12, 16 and 25** (Competency Test, Safeguarding and DBS update). as these are covered elsewhere in the Policy and/or conditions.

Appendix E Private Hire Exemptions

1. Remove the word “plate” and replace “notice” with “certificate”
2. Delete not required
3. Delete “internal licence”
4. Delete “internal plate”
5. Replace “notice” with “certificate”

Driver Handbook

31. Competency Test

Scope to move to an external provider which offers combined competency with driving skills, so replace **c)** course as approved by the Council. Delete the rest in this section.

32. Replace **b)** with as approved by the Council. Delete the rest of this section.

34. References – proposed this requirement is removed as above.

39. DBS

Reword **a)** Applicants are required to apply online for an enhanced DBS ...
Delete **b)**, Reword **c)** The Authority will require evidence of your identity to complete the online DBS

Not required subject to Policy amendments above.

Administrative changes only to reflect move to online assessments.

The moving to requiring the applicant to complete their own DBS check online will increase efficiency, and there will be less time delay for the application process (as the applicant can complete in their own time in advance of applying for a licence).

Responses

Agree with all amendments except 3.27 Appendix D1 also but have

DBS query. See doc
point 39.

Note: where any policy changes are approved, by default where appropriate sections within the appendices will be revised/deleted accordingly, as too, where appropriate references to aligning with the City of Cambridge.

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2. Would like the council/officers to also look at/consider the modern rationale for continuing to ask which operator a driver is attached too – and asking Ops to sign application papers in normal times as – these days - drivers are more likely to be with more than 1 operator and there seems to be NO onus on them to inform council when they are with more than 1, and/or when they move operator – we believe, not least for safeguarding reasons, it should be incumbent on a driver to inform the authority you of such changes and would ideally like it to be a license condition. If it is to be that it is not incumbent on drivers to inform in this (or similar) way, then surely there is no point in asking the question in the first place.

3. For us, the sooner a suitable course is found, and drivers can start to get through it, the better. Without being critical SCDC were a little slow previously in getting this set up so not as many current drivers have been through at this point as we would like. Being able to go to our customers (schools; boarding schools; NHS; language schools; county council; social service etc) and confirm/verify that drivers have had some training is becoming ever more commercially vital to us.

7. CCTV: we knew we would not be able to stop this populist clause coming in at SCDC when it did but were always of the mind - for many reasons - that this should be down to driver choice. Additionally, we knew from prior experience at Cambridge City, that, despite extensive research and time spent, finding a properly and suitably specified camera that really did do everything needed for all parties was a massive a near insurmountable task – and certainly not one that could be achieved within a sensible budget for the average driver, it being pointless having one at all if it didn't do everything required practically and lawfully regulation wise. Thus, an affordable camera's main use might be only as a deterrent, and this clearly needs to be driver choice.

With new Statutory guidelines in place we agree, a further onus for proportionality assessment exists and this has certainly not been done in the past, mainly due to it not being a requirement!

Add in the pandemic factor and how economically challenged drivers currently are, the last thing they need is the cost involved in this obligation, so again, at very least, timelines for any implementation need pushing back, and when the other factors are added in, this whole part of the policy needs revision before deciding on any implementation.

8. Regarding 3.12 COC's: we are very happy with the proposal to remain at 12 monthly tests plus MOT with some officer discretion where appropriate. SCDC policy of having a range of accredited garages works well and, in our experience, standards have been and remain appropriately high. Despite having a testing garage ourselves at Panther that would have benefitted from 6 monthly tests, we never in favour of moving to this because of the extra burden on drivers etc. and admin staff at operator HQ's. Also, implementing was always going to be a significant extra burden on officers/staff at SCDC.....all unnecessary when current/12 monthly system is good.....classic case of 'if it isn't broken, don't try and fix'!!

3.19 Exempt vehicles: we have no particular view on this either way due to not being in the 'exec market' but would advise that exempt vehicles without plates sometimes have issues getting on the whitelist for bus lanes and the Cambridge city centre access area depending on the mood/current interpretations/current rules of the county council with regard to this – might be worth checking things out with them before making this change.

3.27 Age limits & Environmental Considerations:

- Of all the proposed changes outlined this is the one, in our opinion and experience, that is the most vital (for drivers, and by association, their operators) to be implemented as proposed in order to avert major post-pandemic difficulties for the trade, and more pertinently to avoid a significant deterioration in service levels to the taxi using public. Here are the variety of reasons why:
- Records at Panther and individual driver feedback, shows that drivers have spent much of the last 18 months enduring gross takings of between 25 and 50% of their normal pre-pandemic levels, these being the levels on which many based their business plans regarding vehicle purchase/purchase methods etc. back in 2019 or prior.
- Even now, as lockdown is eased a 'good day' at Panther (in terms of overall job numbers/bookings) still only represents 65% of what we had pre-pandemic; it is clear that the recovery in Cambridgeshire is much slower than in other parts of the country. We have colleagues in the industry running taxi companies in the likes of Milton Keynes, Sheffield, Nottingham, Portsmouth and Newcastle, and their recovery has been much quicker than ours – some are back to pre-pandemic levels and one operator is actually short of drivers and trying to recruit – this is a very different outlook to the one we face in Cambs and where Cambs has often been immune to economic difficulties in the past, this time the 'boot is on the other foot'. Here is a snapshot of why:
- There is a very high number of people still working from home in the Cambs area and this is likely to continue to be the case for the foreseeable going forward.....this is down to the nature of 'industry' in Cambridge and we know several large employers whose staff have been told that there is no end date to them working from home.
- The traditional things that support the taxi trade in Cambs have all been severely adversely affected: business travel; tourism; university closure/partial closure/restricted activity; language school business decimated; night economy decimated.
- SEISS payments on their own have proved not to be enough and drivers have still had to keep up payments of fixed business costs such as insurance; car finance; vehicle maintenance; licensing; fuel; vehicle excise; DBS costs. Most of these costs have suffered inflationary pressures, especially fuel. There has been no respite in the licensing regime for them and many have not been able to access grant help via the ARG funding at SCDC due to the SCDC stance on payments to taxi drivers from their LRDHS fund.
- Many drivers have been forced to take payment holidays from their vehicle finance agreements which severely delayed their individual business plans including any planning they were doing towards acceding to the SCDC policy for vehicles as effective from Dec 21st this year – this date has become a major worry for many of them in terms of being able to viably stay in the trade when it comes to their next change of vehicle.
- Resultantly, many drivers no longer currently have a good enough credit record to help them facilitate the move towards electric & ULEV's this soon.
- Panther have already lost 70-80 drivers as a direct result of the conditions brought about by the pandemic. Drivers are settling into employed jobs that pay less than taxi driving traditionally did but guarantee an income and have much less of the uncertainty and worry incumbent on being a sole trader. Many more drivers are considering their future and 'treading water' whilst working out how this is all going to play out for them – many of them are stressed and are seeking help and advice from us on an almost daily basis. Of major concern to them is the now prohibitive cost involved and infrastructure issues surrounding, the implementation of eth vehicle age limits and electric/ULEV requirements coming into

force from December. We see this in the form of them coming to us with ever increasing regularity and in numbers not seen before, to see if we can rent then a licensed vehicle from us to work in as opposed to them trying to own one themselves. We have been able to help drivers in the past by either renting them their first vehicle or two when they initially come to the trade or even by financing vehicles for them as we have a Consumer Credit Licence. Unfortunately, in the current conditions we are pretty much unable to help on this front; this is due to two main factors: firstly, we are not in as strong a position ourselves due to the catastrophic effect the pandemic has had on us as an Operator and secondly, the cost of electric & ULEV vehicles is still so high (with no viable second-hand market yet) that it means to buy them and rent them is no more viable than the driver buying them, as the cost of them means we would have to set rental cost to the driver accordingly and unsustainably high.

- Here are some ballpark but accurate figures regarding how things work for drivers based on our extensive experience as an Operator:
- For viability, most drivers spend between £10k and £15k on a relabel vehicle to undertake their licensed work in. They run these cars over a number of years until they are virtually worthless whilst obviously keeping them well maintained and within the standards required by COC's & MOTs. They then repeat the cycle. The most successful taxi drivers are those that follow this simple but effective routine; these make up the majority of successful taxi drivers on our fleet and are the ones that make taxi driving a career choice and consequently gain the experience that places them well to provide a consistently high service to the public. These are the drivers who, on a daily basis, service our schools and social services obligations; move our vulnerable adults to and from day centres and take infirm people to the doctors/to collect prescriptions and on essential shopping trips. They are the same batch of drivers who service our medical centres and in particular, the hospital where their work contact work conveying patients in lieu of hospital transport is vital; they also provide daily transport for dialysis patients for the ambulance service. These are the bank of drivers that the current conditions and prospective rules are hurting most and are in most danger of being lost to us all unless the changes proposed by SCDC officers to push the implementation dates back are adopted. In addition to this there are very major infrastructure and other economic reasons that make the implementation of the rules as they stand impractical and unviable. In no particular order they are as follows:
- Major and severe lack of charging points in the area. Cambridge & Cambs is light years behind many cities/areas with its provision for charging points. This isn't to 'point the finger' just to state fact. Milton Keynes for example has twice the Cambridge population but over 10 times as many publicly accessible charging points. In Cambridge there are a handful of taxi only points but in South Cambs – to the best of my knowledge, a very small handful, not all of which are particularly publicly accessible (such as the West Anglia one at the college in Milton) and half of which are fast chargers as opposed to rapid chargers. The 'main' 2 are at Cambridge Servies on the A14 and in Cambourne, with one either up and running or soon to be in Eddington, compliments the University. There is NOTHING south of Cambridge city. I appreciate there are plans in the pipeline but I am also ware from attending SCDC taxi trade meetings that the authority has been turned down for points in multiple places. This state of affairs is nowhere near advanced enough to facilitate the imminent change in taxi policy' let alone future Govt intentions.
- Even with the advent of home charging an RAC survey provides that over 30% of vehicle owners do not have access to a driveway or personal garage and rely on parking in the streets when their vehicle is not in use – that's circa 9million vehicles in the UK and common

sense therefore dictates that obviously the local taxi trade will have a commensurate number of vehicles that fall into this category too.

- There are still no really practical or viable electric vehicles that have the mileage on one charge that a taxi driver requires to undertake a properly full shift or to consider long-distance work. This situation is improving all the time and the market is evolving – but not quicker than the pace of desire for change and some of the timeframes that have been set out within. There are still no viable 5–8-seater options or wheelchair access options.
- **Crucially**, there is not yet a viable/vibrant/competitive second-hand market for all electric or ULEV vehicles – it was reasonable to think there would be when the current policy was adopted but the pandemic has severely put the brakes on that - excuse the pun – as people have not changed their cars and many of the few qualifying vehicles that can be found are in the £19 - £25K price bracket – too expensive for ordinary taxi drivers in normal times, let alone these times.
- Of 130 electric vehicle models on the market in the UK only 13 (so exactly 10%) are likely to reach most licensing authorities' conditions to be suitable to be a taxi – and of these, all but 4 are well over £30K new and those 4 are over £25K new – figures from an article in a taxi trade magazine.
- The Govt has recently removed the forecourt subsidy for those buying electric vehicles so they are now more expensive when we most need them to be cheaper!
- Gone too, via a recent change, is the favourable VAT subsidy on the fuel i.e., the electric at charging points - this is now charged at standard rate so has gone up to taxi drivers who, invariably, are not VAT registered.
- All of this combined contributes to a situation that has been concerning Panther management for some time now, as we have watched the market, then the pandemic situation, as the date for implementation of vehicle age changes and environment considerations gets ever nearer and becomes more unachievable. Due mainly to the unprecedented pandemic situation but also the lack of infrastructure progress, we believe the current policy has become a classic case of trying to 'run before we can walk' and we welcome the notion that the dates be put back as prescribed in the officer proposals, indeed we merit the idea as essential for the future success of the taxi industry locally on all levels.
- We would like to stress that we are completely behind the long-term proposals themselves and enthusiastically endorse the end goals of moving to a greener future for all the obvious reasons; indeed, Panther have tried to place themselves at the forefront of this thinking locally in a number of different and verifiable ways. We 'voted' for this in the previous consultation, as did a significant number of our drivers – it seemed viable then, but clearly needs adapting, time-wise, now.
- The only structural change to the current policy that we would ask the council to give consideration to help drivers/the trade recover from all this in due course would be the removal of the 'less than 4 year old' stipulation for a vehicle at the first point of licensing once the electric/Ulev policy 'kicks-in'. The rationale for this rule has historically always been an environmental one but when the environmental consideration policy finally does take effect, this consideration has clearly then become obsolete by default – it will help drivers take-up the Electric/Ulev option quicker, once applicable.

3.27 Appendix Di – proposal to insert/change rules regarding MPV access egress:

Panther disagree with this proposal unless a distinction is made between MPV vehicles and minibuses as categorized on a vehicle V-5. To explain further, the implementation proposed achieves two things that may not be desirable. Firstly, it ultimately means that minibuses with forward facing seats will be eliminated from being able to be licensed – which will have a negative impact on availability to the public via drivers not buying such vehicles (and it should not be underestimated how often we get requests from the public for forward facing multi-seaters). Secondly, it ‘encourages’ drivers to change the way their seats are facing to get them through a taxi test and then creates a seating arrangement that a) hasn’t been safety tested properly and b) means the leg-room between the forward & rear-facing passengers is uncomfortable; intrusive and frankly could become a safeguarding issue.

Vehicles such as the Ford Torneo or Renault Traffic minibuses (with minibus categorized on the log-book) have been extensively crash-tested to VOSA standards for safety including passenger access/egress and are fitted – in almost all cases with a quick-release mechanism on the middle row of passenger seats to facilitate safety in the event of an accident – enabling the removal of the whole seat very quickly and easily. So, we believe that these vehicles should be able to be licensed. MPV vehicles such Ford Galaxy’s and Vauxhall Zafira’s (with MPV categorized on the log-book) built for full capacity use on a more casual/less often basis and are therefore (invariably) tip-up seats/clamber of the corner, that are not easily removable in the event of an accident and should therefore arguably, be subject to licensing policy that restricts numbers of passengers or wont be licensed.

In other words, we agree with this insertion in terms of MPV’s but not minibuses, and would ask that this is thought about in greater detail before implementation. Our Operations Manager, Gavin Witt has done lots of research in this area whilst discussing it with drivers and the officers at Cambridge City Council who we also license with, and he can assist with advice/viewpoints if required.

Point 39. DBS proposals; this reads that drivers will have to seek their own enhanced DBS on-line. With the level of check required they cannot do this ‘off their own back’ and can only do it through a registered body i.e. SCDC in this instance so can we just check that this will still be the case and that you are simply moving the DBS process on-line through yourselves?

Thank you for the chance to respond to these proposals and apologies this text is so extensive!!

Regards,

Paul Clare

General Manager – Panther Taxis Ltd

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Agenda Item 5



**South
Cambridgeshire
District Council**

Report to:	Licensing Committee 7 September 2021
Lead Cabinet Member:	Brian Milnes
Lead Officer:	Rachel Jackson Principal Licensing Officer

Gambling Act 2005 – Review of Statement of Licensing Policy

Executive Summary

1. That the Committee agree to recommend to Council the revision of the Statement of Licensing Policy under the Gambling Act 2005.

Key Decision

2. No

Recommendations

3. It is recommended that the Licensing Committee recommend to Council the adoption of the Statement of Licensing Policy under the Gambling Act 2005 for a period of up to three years from 31 January 2022.
4. The draft Policy is attached as Appendix A.

Reasons for Recommendations

5. Section 349 of the Gambling Act 2005 places a statutory duty to publish a Statement of Licensing Policy every three years, the current Policy is effective until 31 January 2022, so must now be republished.

Details

6. The Statement of Licensing Policy has considered revised guidance under the Gambling Act 2005, and local considerations, and remains fit for purpose. However, two minor revisions are proposed;
 - i) The removal of a date at section 7;

- ii) Removal of obsolete Gambling Commission guidance relating to Planning within Part B – General Principles.
7. The Policy will remain in force for a period of up to three years but may be reviewed at any point prior if necessary. The Policy will form the basis of any decision taken in respect of applications or enforcement under the Gambling Act 2005 by Officers or any Committee Hearing, local or national policies or considerations

Options

8. The Committee may approve or amend the Policy, but full Council is required to adopt the Policy.

Implications

Financial

9. None for the purposes of this report.

Legal

10. Failure to adopt and publish a new Policy Statement before 31 January 2022, would mean the Authority would fail to meet its statutory duties under the Act, and may be at risk of judicial review.

Staffing

11. None for the purposes of this report.

Risks/Opportunities

12. The Principal Accountant has advised that the proposed changes in the policy would not lead to any additional risk implications other than the existing risks associated with gambling.

Consultation responses

13. As part of the consultation process, Officers consulted with:

- Cambridgeshire Police
- Gambling Commission
- Social Services
- Representatives of the trade

Parish Councils
Citizens' Advice Bureau
Clinical Commissioning Group
Wider consultation via the Council's website

14. Consultation commenced on 22 June 2021 and ended on 9 August 2021.

15. Responses were received from Waterbeach Parish Council, Sawston Parish Council, Cambourne Town Council and the National Association of British Bookmakers Limited, who all were either supportive of, or had no comments to make on the revised Policy.

Background Papers

Gambling Act 2005
Gambling Commission Guidance to Local Authorities

Appendices

Appendix A: Draft Statement of Licensing Policy Gambling Act 2005

Report Author:

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

STATEMENT OF GAMBLING ACT 2005 POLICY

3 YEARLY REVIEW 20~~19~~22

REVISED POLICY Gambling Act 2005

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Explanatory Note - The Gambling Act 2005 came into force from 1 September 2007. With the exception of the National Lottery and Spread betting, the Gambling Commission regulates gambling and betting. Local Authorities have a duty under the Act to licence premises where gambling takes place and to licence certain other activities such as small lotteries and gaming machines.

1. Introduction

South Cambridgeshire District Council is situated in the County of Cambridgeshire and contains 102 villages in total. The Council area has an approximate population of 156,500 covering an area of 90,163 hectares. South Cambridgeshire is essentially a rural area. Its areas are shown in the map below.



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

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

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

List of persons this authority will consult with:

- Gambling Commission
- Cambridgeshire police service
- Social Services
- Gamcare and local community organisations that are known to SCDC as working with gamblers

- Parish Councils
- Citizens' Advice Bureau
- Clinical Commissioning Group
- Trade associations including independent bookmakers within SCDC area and other trade representatives as become apparent .

PART A

2. The Licensing Objectives

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

- to prevent gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- to ensure 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 has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

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

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of Gambling Act Policy

3. Declaration

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

4. Responsible Authorities

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

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

In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the Local Safeguarding Children Board for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at: www.scambs.gov.uk. The Responsible Authorities are:

- Licensing Authority
- The Gambling Commission

- The Chief of Police for Cambridgeshire
- The Cambridgeshire Fire and Rescue Authority
- South Cambridgeshire District Council Planning Authority
- South Cambridgeshire District Council Health and Environmental Services
- County Council Children's Services (Safeguarding and Standards Unit)
- HM Revenue and Customs
- Any other person prescribed in regulations to be prescribed by the Secretary of State.

5. Interested parties

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision-making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities. It will also consider the Gambling Commission's Guidance that "*has business interests*" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Section 158 of the Act defines interested parties. To accept a representation from an interested party, the licensing authority must take the view that the person:

- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities
- (b) has business interests that might be affected by the authorised activities
- (c) represents persons in either of these two groups.

6. Exchange of Information

Licensing authorities are required to include in their statements 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, and 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 applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the General Data Protection Regulations 2018 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Should any protocols be established as regards information exchange with other bodies then they will be made available at www.scambbs.gov.uk.

7. Enforcement & Inspection

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.

This licensing authority will operate to the SCDC Corporate Enforcement & Inspection Policy which is considered consistent within the Gambling Commission guidance and the Regulators' Compliance Code ~~updated by Central Government April 2014~~.

As per the Gambling Commission's Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This licensing authority will adopt and implement a risk-based inspection programme, based on

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission,
- The principles set out in this policy

8. Equality and Diversity

The Council must comply with the Public Sector Equality Duty in the exercise of its functions and have due regards to the needs of persons who share a relevant protected characteristic (i.e. age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation). A full equality impact assessment will be prepared should committee recommend this draft policy to full Council.

9. Licensing authority functions

Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits* to *Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on information exchange)
- Maintain registers of the permits and licences that are issued under these functions and make available such registers at any reasonable time to the public who may request copies of the entries. The Authority is entitled to make a charge for copies.

PART B PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

1. General Principles

Premises licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

Decision-making

This 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 acts:

- 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 Gambling Act 2005 policy

This authority recognises that as per the Gambling Commission's Guidance to Licensing Authorities, "*moral objections to gambling are not a valid reason to reject applications for premises licences*" (except as regards any 'no casino resolution') and also that unmet demand is not a criterion for a licensing authority

This licensing authority takes particular note of the Gambling Commission's Guidance at paragraph 7.5 to Licensing Authorities which states that licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

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

Location

This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

At the time of issuing this statement of licensing principles there is no specific policy in place with regards to areas where gambling premises should not be located and therefore has no need for a Local Area Profile due to the low number of gambling outlets and the rural nature of

the area.

Local Risk Assessments

This authority will expect applications for new licences or variations to have conducted a local area risk assessment (see guidance notes)

Planning:

The Gambling Commission Guidance to Licensing Authorities states:

~~7.59 —“In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. Licensing authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. (Equally, licences should only be issued where they are expected to be used for the gambling activity named on the licence).”~~

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. Such cases should be considered in a two stage process; first, licensing authorities must decide whether, as a matter of substance after applying the principles in s.153 of the Act, the premises ought to be permitted to be used for gambling; second, in deciding whether or not to grant the application a licensing authority will need to consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

Duplication with other regulatory regimes - This licensing authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions, which cannot be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, building regulations –along with other planning legislation must not form part of the consideration for the premises licence.

Licensing objectives - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission’s Guidance to Licensing Authorities and some comments are made below.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime –. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police

assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way - This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

Protecting children and other vulnerable persons from being harmed or exploited by gambling - This licensing authority will, as suggested in the Gambling Commission's Guidance, consider whether specific measures are required at particular premises, with regard to this licensing objective.

This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

As regards the term "*vulnerable persons*" it is noted that the Gambling Commission does not seek to offer a definition but gives clear guidance. This licensing authority will consider this licensing objective on a case-by-case basis.

Conditions - Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises;
- 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 this licensing authority will consider utilising should there be a perceived need.

This licensing authority will also consider specific measures, which may be required for buildings, which are subject to multiple premises licences in accordance with the Gambling Commission's Guidance.

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

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

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

2. Adult Gaming Centres

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

3. Licensed Family Entertainment Centres:

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18-year olds do not have access to the adult only gaming machine areas.

This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating 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, when they have been published.

4. Casinos

This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy with details of that resolution. Any such decision will be made by the Full Council.

5. Bingo premises

This licensing authority notes that the Gambling Commission's Guidance states:

18. Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area, essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises.

A holder of bingo premises licences may make available for use a number of category B machines not exceeding 20% of the total number of gaming machines which are available for use on the premises.

This authority also recognises the Guidance at 18.7 with respect to the separation of category B & C machines to be separated from areas where children and young people are allowed.

6. Betting premises

This licensing authority will, as per the Gambling Commission's Guidance, take into account the size and layout of premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the betting machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

7. Tracks

The Act does not give a list of premises that are officially recognised as “tracks” but there are a number of venues where sporting events do or could take place, and accordingly could accommodate the provision of betting facilities

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

In respect of gaming and betting machines this authority will expect the following :-

Gaming machines - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

Betting machines - This licensing authority will, as per Part 7 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

8. Provisional Statements

S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- (a) expects to be constructed;
- (b) expects to be altered; or
- (c) expects to acquire a right to occupy.

The licensing authority will be constrained in the matters it can consider when determining the subsequent premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

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

9. 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 matters listed below;

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's Gambling Act 2005 policy

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason, which it thinks is appropriate.

In determining what action, if any, should be taken following a review, this licensing authority will have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

PART C **Permits / Temporary & Occasional Use Notice**

1. Unlicensed Family Entertainment Centre gaming machine permits (Policy on Permits - Schedule 10 paragraph 7)

This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children and vulnerable adults from harm. Harm in this context will not be limited to harm from gambling but will include wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

2. (Alcohol) Licensed premises gaming machine permits – 3 or more machines

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

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

3. Prize Gaming Permits

This authority expects that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law
- clear policies that outline the steps to be taken to protect children from harm.

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

4. Club Gaming and Club Machines Permits

This Licensing Authority may only refuse an application on the grounds that:

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

There is also a 'fast-track' procedure available under the Act for premises, which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10).

5. Temporary Use Notices

The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence

In considering whether a place falls within the definition of "a set of premises", the licensing authority will look at, amongst other things, the ownership/occupation and control of the premises.

This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

6. Occasional Use Notices:

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

7. Delegation Table

Matter to be dealt with	Full Council	Licensing Committee or Licensing Sub-Committee	Officers
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)		Portfolio Holder	
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of licence		Where representations have been received from the Commission or a Responsible Authority	Where no representations received from the Commission or a Responsible Authority
Application for a provision statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of Premises Licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	

Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

Additional Information

Categories of Gaming Machines

Category of machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£5	£10,000 (maximum £20,000 linked jackpot)
B2	£100 (multiples of £10)	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D – money prize machine	10p	£5 cash
D – general	10p	£8 (£5 maximum money prize)
D – non-money prize machine	30p	£8 (non-money prize)
D – crane grab machine	£1	£50 (non-money prize)
D – coin pusher	20p	£20 (£10 maximum money prize)

Notes to help those attending meetings in person at South Cambridgeshire Hall

Notes to help those people visiting the South Cambridgeshire District Council offices – please also refer to the Covid-security measures relating to meetings in the Council Chamber which are on the website page for each relevant meeting.

Members of the public wishing to view the meeting will be able to watch the livestream via the link which will be publicised before this meeting.

Members of the public wishing to attend the meeting in person, please contact Democratic Services at democratic.services@scambs.gov.uk

While we try to make sure that you stay safe when visiting South Cambridgeshire Hall, you also have a responsibility for your own safety, and that of others.

Security

When attending meetings in non-public areas of the Council offices you must report to Reception, sign in, and at all times wear the Visitor badge issued. Before leaving the building, please sign out and return the Visitor badge to Reception.

Public seating in meeting rooms is limited. For further details contact Democratic Services on 03450 450 500 or e-mail democratic.services@scambs.gov.uk

Emergency and Evacuation

In the event of a fire, a continuous alarm will sound. Leave the building using the nearest escape route; from the Council Chamber or Mezzanine viewing gallery this is via the staircase just outside the door. Go to the assembly point at the far side of the staff car park opposite the staff entrance

- **Do not** use the lifts to leave the building. If you are unable to use stairs by yourself, the emergency staircase landings have fire refuge areas, which give

protection for a minimum of 1.5 hours. Press the alarm button and wait for help from Council fire wardens or the Fire and Rescue Service.

- **Do not** re-enter the building until the officer in charge or the Fire and Rescue Service confirms that it is safe to do so.

First Aid

If you feel unwell or need first aid, please alert a member of staff.

Access for People with Disabilities

We are committed to improving, for all members of the community, access to our agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you. The Council Chamber is accessible to wheelchair users. Infra-red hearing assistance systems are available in the Council Chamber and viewing gallery. To use these, you must sit in sight of the infra-red transmitter and wear a 'neck loop', which can be used with a hearing aid switched to the 'T' position. If your hearing aid does not have the 'T' position facility then earphones are also available and can be used independently. You can get both neck loops and earphones from Reception.

Toilets

Public toilets are available on each floor of the building next to the lifts. These include facilities for disabled people.

Recording of Business and Use of Mobile Phones

We are open and transparent about how we make decisions. Public meetings are webcast and are also recorded, but we allow recording, filming and photography at Council, Cabinet and other meetings, which members of the public can attend, so long as proceedings at the meeting are not disrupted. We also allow the use of social media during meetings to bring Council issues to the attention of a wider audience. To minimise disturbance to others attending the meeting, please switch your phone or other mobile device to silent / vibrate mode.

Banners, Placards and similar items

You are not allowed to bring into, or display at, any public meeting any banner, placard, poster or other similar item. If you do so, the Chair will suspend the meeting until such items are removed.

Disturbance by Public

If a member of the public interrupts proceedings at a meeting, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room. If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared. The meeting will be suspended until order has been restored.

Smoking

Since 1 July 2008, South Cambridgeshire District Council has operated a Smoke Free Policy. No one can smoke at any time within the Council offices, or in the car park or other grounds forming part of those offices.

Food and Drink

Until the lifting of Covid restrictions, no vending machines are available. Bottled water is available for attendees at meetings.

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