



Meeting: **LICENSING COMMITTEE**
Date: **MONDAY, 14 MARCH 2022**
Time: **10.00 AM**
Venue: **COUNCIL CHAMBER - CIVIC CENTRE, DONCASTER ROAD, SELBY, YO8 9FT**
To: **Councillors R Sweeting (Chair), J Chilvers (Vice-Chair), I Chilvers, C Pearson, J Mackman, J Cattanach, P Welch, J Duggan, S Duckett, M McCartney and D Brook**

Agenda

1. Apologies for Absence

2. Minutes (Pages 1 - 4)

To confirm as a correct record the minutes of the Licensing Committee held on 14 February 2022.

3. Disclosures of Interest

A copy of the Register of Interest for each Selby District Councillor is available for inspection at www.selby.gov.uk.

Councillors should declare to the meeting any disclosable pecuniary interest in any item of business on this agenda which is not already entered in their Register of Interests. Councillors should leave the meeting and take no further part in the consideration, discussion or vote on any matter in which they have a disclosable pecuniary interest.

Councillors should also declare any other interests. Having made the declaration, provided the other interest is not a disclosable pecuniary interest, the Councillor may stay in the meeting, speak and vote on that item of business.

If in doubt, Councillors are advised to seek advice from the Monitoring Officer.

4. Chair's Address to the Licensing Committee

5. Selby Taxi Licensing Policy 2022 (Pages 5 - 54)

To receive the report, which asks the Committee to adopt the officer recommendations and endorse the proposed Selby Taxi Licensing Policy

which incorporates the required changes following the review of the consultation responses received and recommend the same to the Executive and Council for adoption.

6. Gambling Policy 2022 (Pages 55 - 92)

To receive the report, which asks the Committee to consider and endorse the proposed Gambling Policy 2022.

Janet Waggott

Janet Waggott, Chief Executive

<p>Date of next meeting (10.00 am) Monday, 4 April 2022</p>
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Enquiries relating to this agenda, please contact Dawn Drury on 01757 292065 ddrury@selby.gov.uk.

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Minutes

Licensing Committee

Venue:	Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Monday, 14 February 2022
Time:	10.00 am
Present:	Councillors R Sweeting (Chair), J Chilvers (Vice-Chair), I Chilvers, C Pearson, J Mackman, J Cattanach, P Welch and K Franks
Officers present:	Jade Reynolds, Solicitor (present remotely), Sharon Cousins, Licensing Manager, Drew Fussey, Operational Service Manager; and Dawn Drury, Democratic Services Officer

20 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors D Brook and J Duggan. Councillor K Franks was in attendance as a substitute for Councillor Duggan.

21 MINUTES

The Committee considered the minutes of the meetings held on 16 August and 15 November 2021.

RESOLVED:

To approve the minutes of the Licensing Committee meetings held on 16 August and 15 November 2021.

22 DISCLOSURES OF INTEREST

There were no disclosures of interest.

23 CHAIR'S ADDRESS TO THE LICENSING COMMITTEE

The Chairman started his address by wishing all Members and officers a Happy New Year and welcomed them back to the first Licensing

committee hearing of 2022.

The Chair informed Members that the meeting had been convened for officers to provide an update to the Committee on the impact of the Covid-19 pandemic and the implications for the Licensing Team at the Council.

24 THE IMPACT OF THE COVID-19 GLOBAL PANDEMIC AND IMPLICATIONS ON THE LICENSING SERVICE

The Licensing Manager presented the report, which asked the Committee to note how the licensing landscape had changed over the previous two years due to the Covid-19 pandemic; the impact this had on licence holders, and the number of licence applications and complaints received by the authority.

The Committee noted that the first United Kingdom national lockdown in response to the Covid-19 pandemic began in March 2020, at which time all committee hearings were postponed, and did not resume until August 2020. During this period the majority of businesses and public places were closed, and officers of the council were required to work from home.

Members heard that the workload for the Licensing Team throughout this period had focused on licenced premises with many enquiries received from licensees for advice, support and guidance. In addition, officers carried out visits to licensed premises in relation to covid compliance, in accordance with government guidance at that time; and to ensure that premises were continuing to abide by the licensing legislation and promote the licensing objectives.

The Licensing Manager explained that officers had continued to provide critical regulatory services which included the processing of applications for new and renewal licenses across a full range of licensing functions. Members acknowledged that there had been a 120% increase in the amount of premises licence applications received and licensing sub-committee hearings had also shown an increase.

Members was informed that the Council had adapted quickly to the new ways of working during the pandemic and many of the practices adopted had helped to improve the standard of the licensing service; to include online applications, issuing of electronic licenses, and regular email updates on any upcoming licensing amendments for licensees.

The Committee noted that, as per the statutory requirement, the Gambling Policy 2022 and Selby's Taxi Licensing Policy were both out for public consultation at the present time.

Finally, in terms of Selby's taxi licence holders, the Committee was informed that the taxi trade had suffered greatly during the periods of lockdown, with licence holders surrendering licenses and leaving the taxi trade to find alternative employment. It was noted that this had impacted

on the number of complaints received by the authority as there were fewer customers and less drivers and vehicles.

The pandemic had also had an impact on the number of first-time driver licence applications with other drivers being less likely to change their vehicle, particularly in relation to high-end executive vehicles which, in the first instance, would normally be considered at Committee, where officers did not have delegated authority to make the decision.

Members noted that due to the pandemic and fewer applications meeting the criteria to reach Licensing Committee, that although Licensing hearings were programmed into the Committee calendar monthly, if there was no business for the Committee to consider then these may need to be cancelled.

Members queried if taxi drivers had received any form of support from the Government during lockdown, it was confirmed that the government had made grants available, upon application, for the licensed trade, however this area of work was undertaken by the Council's Revenue and Benefits team rather than the Licensing team.

The Chair thanked officers for their continued hard work.

RESOLVED:

To note the update.

The meeting closed at 10.08 am.

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Report Reference Number: L/21/9

To: Licensing Committee
Date: 14 March 2022
Ward(s) Affected: Whole District
Author: Sharon Cousins, Licensing Manager
Lead Officer: Drew Fussey, Operational Services Manager

Title: Selby Taxi Licensing Policy 2022

Summary:

A consultation was held between the 10 January and 21 February 2022 with proposals to the Selby's Taxi Licensing Policy 2022 ("the Policy")

Officers have reviewed the consultation responses received and have updated the proposed Policy.

1. Recommendations:

The Committee are recommended to:-

- 1.1** That the Licensing Committee hereby resolves to adopt Officer recommendations and endorse the proposed Selby Taxi Licensing Policy (Annex A) which incorporates the required changes following the reviewing of the consultation responses and recommend the same to the Executive Council for adoption.

2. Introduction and background

- 2.1** The Secretary of State for Transport (DfT) has issued new Statutory Taxi and Private Hire Vehicle Standards to licensing authorities in July 2020 which are aimed at safeguarding children and vulnerable adults. The Statutory Standards set-out a range of robust measures to protect taxi and private hire vehicle passengers, particularly those most vulnerable. There is now an expectation that Government and licensing authorities must work together to ensure that, above all else, the taxi and private hire vehicle services the public use are safe. This is the first time that a taxi licencing statutory guidance document has been issued.
- 2.2** Officers reviewed the Policy with any outstanding recommendations from the DFT's Statutory Standards and an initial consultation was held between the 12 July and 6 September 2021.

2.3 The Policy was updated in draft form, considering the consultation responses, and updating any small areas of the Policy as required.

2.4 The Executive approved the draft Policy for consultation in January 2022.

2.5 Although the Council has no legal duty to consult, the DFT expected the Councils to consult on the standards. A consultation of the draft policy ran between the 10 January and the 21 February 2022. The consultation was wide and included:

- The taxi and private hire trade
- Trade unions
- Libraries in the district
- Parish Councils
- Selby District Disability Forum
- Selby District AVS
- Advertising on the Councils web pages
- Newspaper notice
- Advertising via the Councils social media

2.6 We received two responses in total to the consultation. One was from a company advertising DBS processing for drivers and the other, from a driver licensed by Selby (see their comments below) with officer comments to the side.

Consultation comments	Officer Comments
I am still uncomfortable re the use of CCTV cameras in vehicles as this could make clients uncomfortable and a breach of privacy and confidentiality. Certain clients make personal and business calls which they would not recording which I am sure you can understand. I have no objection personally and fully understand why such a measure might need to be carried out and also from a cost point of view when business is still difficult enough.	The Policy does not make CCTV in vehicles mandatory. It permits CCTV if permission is first requested to the Council and confirming that they have registered with the Information Commissioners Office (ICO) & comply with any ICO Code.
I would also like to recommend that high visual jackets are encouraged in all vehicles as I do which might save a life in the event of an emergency or break down.	Drivers, as with all drivers on the road can choose to have High Visual Jackets in their vehicle and officers would highly recommend this. However, this has not been consulted on and therefore not right to put into the Policy at this time.
Being totally honest and after nearly 10 years of being a private hire licence driver through Selby district council which I have loved with great pride and you have all been extremely helpful and supportive of myself & business and you know I operate	The reason for the changes to the Policy are of consequence of the DFT's Statutory Standards for taxi and private hire vehicles. The Council is expected to implement unless exceptional reasons to not.

<p>a professional business but it's getting harder and harder to keep up with all the policy changes and especially during the last two years where income has decreased due to covid as all I want to do is look after my clients and do my job within the SDC licensing policies.</p>	
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2.7 Following the consultation, the Policy was amended as necessary and can be seen in Appendix A. It is scheduled to be presented before the following committees. Any updates from the previous committees will be given verbally.

Committee	Date
Licensing	Monday 14 th March
Policy Review	Tuesday 15 th March
Executive	Thursday 7 th April

3. Implications

3.1 Legal Implications

Section 177 of the Policing and Crime Act 2017 (“the Act”) allows the Secretary of State to issue guidance to Licensing Authorities as to how hackney carriage and private hire functions should be exercised to protect children and vulnerable adults. The Statutory Taxis and Private Hire Vehicle Standards have been issued under this Act and came into effect on 20 July 2020.

The statutory guidance states at 1.3 that: *“The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.”*

The guidance also states the following:

2.6. The document sets out a framework of policies that, under section 177(4), licensing authorities “must have regard” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.

2.7. “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated. It is not a question of box ticking; the standards must be considered rigorously and with an open mind.

2.8. Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority's practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority's defence.

The Council should take into account the standards when exercising its functions and must only depart from them in exceptional circumstances and provide reasons for the departure.

3.2 Financial Implications

Any additional administration costs will be considered when reviewing the application fee in accordance with the corporate charging policy.

3.3 Policy and Risk Implications

No foreseen impacts.

3.4 Corporate Plan Implications

The consultation process, although not necessary will help us to achieve our corporate priority of making Selby a great place to make a difference. Through allowing local people and businesses to contribute to the development of the Policy we are achieving a key focus of the priority, namely, 'empowering and involving people in decisions about their area and services'.

A fit for purpose Policy will bring consistency and certainty to both the trade and customers of the trade, this will help us to make Selby a great place to do business.

3.5 Resource Implications

N/A

3.6 Other Implications

N/A

3.7 Equalities Impact Assessment

Equalities impact screening has taken place and no significant negative impacts were identified in the immediate future.

The Policy is always under review to make amendments when required

4. Conclusion

4.1 As per the recommendation in 1.1

4.2 Adoption of the revised Policy and the measures within it will support the statutory position, help protect public safety and comply with the expectations of the DFT.

5. Background Documents

Consultation Responses

6. Appendices

Appendix A – Proposed Taxi Licensing Policy 2022.

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'Taxi' Licensing Policy

Hackney Carriage and Private Hire
Vehicles, Drivers, Operators and
Proprietors.

2022





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Introduction

Selby District Council (the Council) is responsible for the licensing of Hackney Carriage and Private Hire Vehicles (collectively referred to as taxis), their Drivers, Operators and Proprietors in the District. This Policy sets out the standard that the Council will use to inform its decisions on applications for licences, their renewal and consideration of their continuance. This Policy will also be useful for members of the hackney carriage and private hire trades, those seeking licences, the travelling public and others in the community. Licence holders and applicants for licences will find guidance on the application processes in the Appendices to this Policy and on the Council website. If a member of the public has a concern or question about the taxi trade, they should get in touch with The Licensing team at the Council at: licensing@selby.gov.uk

Taxis form an important part of the local transport provision. As a regulator, the Council aims to ensure the safety of drivers and the public and promote the availability of a safe, accessible and convenient taxi service in and beyond the District.

13.1. About this policy

This Policy sets out the Council's approach to regulating the hackney carriage and private hire trades. It includes and describes the way the Council makes licensing decisions and how the required standards in respect of licenced drivers, operators, proprietors and vehicles will be enforced. Licensing and enforcement decisions will be made with regard to this policy, any national or other guidance, the law and all other relevant factors. However, the Council may depart from this policy in exceptional cases and where that occurs full reasons will be given.

13.2. Licences issued by the Council

- Hackney carriage driver's licence (HCDL)
- Hackney carriage vehicle licence (HCVL)
- Private hire driver's licence (PHDL)
- Private hire vehicle licence (PHVL)
- Private hire operator's licence (PHOL)

Note that the licence the Council issues to individuals who wish to drive taxis or private hire vehicles is referred to as a '**driver's licence**', and the licence issued to all motor road vehicle drivers by the DVLA is referred to as a '**driving licence**'.

The Council does not issue school transport permits, these are issued by North Yorkshire County Council.

Any badge, licence or vehicle plate issued to any person remains the property of the Council.

1.3 Hackney carriages and private hire vehicles; what's the difference?

The licences, fares, insurance and working practices of the vehicles are different.

Only hackney carriages may use the word 'Taxi' or 'Cabs' in their name, advertising or signage.

Other differences are set out in this table:

	Private Hire	Hackney Carriage
Bookings		
Can be pre-booked	✓	✓
Can wait in a hackney carriage rank	✗	✓
Can be hailed	✗	✓
Fares		
Set by the council	✗	✓
Uses a taximeter	✗	✓
Set by Operator	✓	✗
Visual differences		
Illuminated roof sign	✗	✓
'Black cab' type allowed	✗	✓
Cab or Taxi in name	✗	✓
Licence plate position	Front and Rear	Rear

2. Vehicle Proprietors

Taxi Vehicle Proprietors may not always drive the vehicle they licence (if they do they will have to hold a driver's licence as well) though they clearly have an interest in the vehicle. They will also be responsible for the maintenance of the vehicle. Vehicles that are not properly maintained have a clear impact on and are a potential risk to public safety.

A checklist to help prepare for a vehicle inspection is at Appendix C – Guidance Notes for Vehicle Inspections.

Proprietors will be required to complete a Basic Disclosure and Barring Service check (DBS) every 3 years and in addition will need to complete an annual declaration, no later than the anniversary of the grant of the licence.

Vehicle licences are issued for 1 year.

TX4 or similar vehicle (commonly referred to as a 'London cab') will not be licensed as a private hire vehicle.

The age of the vehicle will be determined from the date of first registration as stated on the vehicle registration document (V5)

A vehicle cannot be licensed for the first time when it reaches 5 years old.

Once a vehicle reaches 12 years old it can no longer be renewed as a licensed vehicle.

Proprietors of existing licensed vehicles that are beyond the maximum age set out in this policy at the date it comes into force will have a maximum period of 5 years to change the vehicles.

Taxi Vehicle proprietors have two principal responsibilities.

Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.

Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

3. Drivers

The term 'taxi driver' encompasses the occupations of hackney carriage driver (HCD) and private hire driver (PHD) and is therefore used as a broad, generic term to cover both. In both cases there are identical statutory and other criteria to be met before any applicant can be granted a licence.

Many members of society use and rely on taxis to provide transportation services. This can be on a regular or occasional basis. In all cases passengers, other road users and society as a whole must have confidence in the safety and suitability of the driver. They must feel that a taxi is a safe place to be.

Any applicant must have held a full driving licence for a minimum of 2 years, have the right to reside and work in the UK, and be able to satisfy the Council that they are a fit and proper person to hold a licence.

Private hire drivers must work through a licensed private hire operator to accept bookings and must keep the Council informed as to which operator they are working through.

Driver licences are issued for maximum of 3 years. Licences may be granted for a period of less than 3 years at the discretion of the Council if it is appropriate to do so in the circumstances of the case. The duration of the licence will be specified within the licence granted.

3.1 Plying for hire

A PHD's licence does not permit the licensee to ply or stand for hire, but only accept bookings through their licensed private hire operators. To stand or ply for hire is a criminal offence and any driver found to be doing so may be subject to enforcement action.

4. Private Hire Operators

A private hire operator (PHO) is the person who takes a booking for a private hire vehicle (PHV), then despatches a PHV driven by a licensed private hire driver (PHD) to fulfil that booking. All three licences (PHO, PHV and PHD) must have been granted by the same authority. The Council cannot grant a PHO licence unless the applicant has the right to reside and work in the UK and is satisfied that they are a fit and proper person.

Operators must:

- Have an operating base within the district.
- Make sure that all of their drivers are licensed by Selby District Council.
- Make sure that their premises are sanctioned by the Council, including any planning permission required for the site.
- Make sure that all vehicles in the fleet are licensed.
- Prevent defective or unsafe vehicles from being used, even if licensed.
- Familiarise themselves with this policy.
- Ensure that any of their staff who has access to data have a basic DBS check, renewed every 3 years and keep a record of this.
- Maintain a register of staff that will be taking bookings
- Inform the Council in writing of any changes to the detail of their licence within 3 days of the change being made, including changes to –
 - The operator's own contact details, home address or business premises

If the Council offices are closed during the 2-day period to report, please email: licensing@selby.gov.uk or put in writing.

Operators must always and only use the trading name registered on the licence for business purposes such as bookings and advertising.

4.1 Record Keeping

Operators must keep records of each booking, the name of the passenger, the destination, the name of the driver, the number of the vehicle and any fare quoted at the time of booking, including where the booking has been received from or subcontracted to another operator. This information will enable the passenger to be traced if this becomes necessary and should improve driver security. Records are to be held for at least twelve months and be available for inspection upon request.

4.2 Prompt Attendance

If a PHO accepts a booking under contract for private hire, they will use their best endeavours to ensure that that the vehicle is on time for that appointment in the correct place, unless delayed or prevented by sufficient cause. If a legitimate reason for the delay is encountered, every reasonable effort must be made to contact the passenger.

4.3 Insurance

Operators must make sure that every operating base that has access to the public is covered by public liability insurance and employer's liability insurance is in place for the duration of their licence. The insurance certificate must be available for inspection upon request.

If the licensed operator has an operating base to which the public have access, then the licence should be on display.

The operator will ensure that all vehicles and drivers under their control have the necessary insurance before allocating a booking for hire.

4.4 Hackney Ranks

PHVs are not permitted to use hackney ranks for any reason, including picking up and dropping off passengers.

PHOLs are none transferable and are issued for a maximum of 5 years. Licences may be granted for a period of less than 5 years at the discretion of the Council if it is appropriate to do so in the circumstances of the case. The duration of the licence will be specified within the licence granted.

4.5 Use of Passenger Carrying Vehicles (PCV) licensed drivers

If a PHO is also a Passenger Services Vehicles (PSV) operator they must not use a PSV driver and PCV for a private hire booking without first gaining the agreement of the hirer, as the driver is not subject to the same level of DBS enhanced check.

5. How decisions are made

The overriding aim of the Council when carrying out its functions relating to the licensing of taxi drivers, vehicles and operators, is the protection of the public and others who use (or can be affected by) hackney carriage and private hire services.

The relevant legislation provides that any person who wishes to hold a PHO, PHD, PHV, HCV, or HCD Licence must satisfy the Council that they are a fit and proper person to hold a licence and that test will be applied after an applicant has gained any reasonable required qualifications. It is the final part of the process of an application when the decision is made, whether by a committee, sub-committee or an officer under a scheme of delegation. It involves a detailed examination of their entire character in order to make a judgement as to their fitness and propriety.

Each case will be considered on its own merits. The Council can depart from its policy where it considers it appropriate to do so. This may happen where the Council considers that there are exceptional circumstances which warrant a different decision. Full reasons for any departure from the policy will be given.

Applications are not complete unless all of the pre-required documents and evidence of any qualifications have been received and any fees are paid. Only then will the application move forward for a decision to be made. When all the information have been received the decision will be made on the applicants own merits and the appropriate test applied.

The Council will make checks on the National Anti-Fraud Network database for any previous refusals and revocations of hackney carriage and private hire licences.

As the decision process is 'black and white', either 'grant or refuse' no temporary plates or probationary licences will be granted.

5.1 Vehicle proprietor

In relation to both hackney carriage and private hire vehicles, the Council has an absolute discretion over granting the licence and will therefore ensure that both its enquiries and considerations are thorough and robust. Much more is involved than simply looking at the vehicle itself and all considerations are equally applicable on applications to transfer a vehicle as on grant applications.

Vehicle proprietor means the individual, limited company, together with its directors and secretary, or all members of a partnership. This is not an exempt occupation for the purposes of the provisions of the Rehabilitation of Offenders Act 1974, but the Council are able to request a basic DBS, declaration and consideration of spent convictions.

A suitable test would be:

'Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that he / she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he / she would maintain it to an acceptable standard throughout the period of the licence?'

5.2 Taxi Drivers

A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and could also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

Where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.

The Council can require the applicant to provide such information as the Council may consider necessary to enable us to determine whether the licence should be granted or whether the licence should be granted and whether conditions should be attached to any such licence.

The information the Council may require can include, any pre-conditions or tests that the Council feel necessary.

The provision of information in these terms can satisfy the Council that a person has the skills and competencies to be a professional driver to hold a licence. However, the concept of safety and suitability goes beyond this. There is the character of the person to be considered as well.

The character of the driver in its entirety will be the paramount consideration when considering whether they should be licensed. It is important to recognise that the authority is not imposing any additional punishment in relation to previous convictions or behaviour, but are using the information that is available to us to make an informed decision as to

whether or not an applicant or licensee is or remains a safe and suitable person.

Taxi drivers are exempted from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no 'spent' convictions and that any relevant criminal convictions (apart from 'protected convictions' and 'protected cautions' can be taken into account.

The Council must be satisfied in making its decision to grant a taxi driver's licence if the person is a 'safe and suitable' person to hold such a licence.

A suitable test would be:

'Would you (as a member of the licensing committee or other person with the ability to grant a taxi driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?'

5.3 Private hire operator

A PHO does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also a licensed driver). However, in performing their duties they obtain and hold considerable amounts of personal, sensitive and private information about their passengers and their family and property which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.

The 'fit and proper' test for a PHO is applied to an individual, a limited company, together with its directors, secretary or other officers, and all members of partnerships to ensure that they are safe and suitable to hold a licence.

Where an applicant has more than one conviction, serious consideration will be given as to whether they are a safe and suitable person to hold or to continue to hold any licence.

As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers.

A suitable test would be:

'Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that he / she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he / she would maintain it an acceptable standard throughout the period of licence?'

6. Relevance of Previous Convictions

Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction.

It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, a decision not to prosecute or an investigation which is continuing where the individual

has been bailed) can and will be taken into account by the Council. In addition, complaints where there was no police involvement will also be investigated and considered. Within this document, any reference to 'conviction' will also include matters that amount to criminal or unacceptable behaviour, but have not resulted in a conviction.

In the case of any new applicant who has been charged with an offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the Council to decide what action to take in the light of these guidelines.

In all cases, the Council will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.

Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the taxi trades will not be seen as mitigating factors.

As the Council will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time have elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.

In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.

Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will most likely lead to that licence being revoked.

Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.

As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.

Generally, where a person has more than one conviction, this result will raise serious questions about their safety and suitability. The Licensing Authority is looking for safe and suitable individuals, and if a pattern or trend of repeated offending is apparent, it is less likely that a licence will be granted or renewed.

Where an applicant / licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.

These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

6.1 Drivers

As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.

In relation to single convictions, the following time periods should elapse following completion of the sentences (or the date of conviction if a fine was imposed) before a licence will be granted.

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional, or financial abuse, but this is not an exhaustive list.

Offences involving violence

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of the sentence imposed.

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the

completion of any sentence imposed.

Sex and indecency offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

Dishonesty

Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Motoring convictions

Taxi drivers are professional drivers charged with the responsibility of carrying the public. Any motoring convictions demonstrate a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

Drink driving/driving under the influence of drugs / using a hand-held telephone or hand-held device whilst driving

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, an applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Where an applicant has a conviction for using a hand-held mobile telephone or hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Other Motoring offences

A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance, or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Hackney carriage and private hire offences

Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Vehicle use offences

Where an applicant has a conviction for any offence which involves the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

6.2 Private Hire Operators

As stated above, where the applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.

Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information such as personal and private information about their passengers, are subject to the same standards as operators themselves, by means of those individual staff members being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the Council's overall criteria of obtaining the basic DBS check, this will normally lead to the operator's licence being revoked.

As public trust and confidence in the overall safety and integrity of the private hire system

is vital, the same standards of relevance will be applied to operators as those applied to drivers, which are set out above.

6.3 Vehicle proprietors

As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

7. Application Process

7.1 Licence fees

All licence fees are published on the Council's website. These are reviewed annually in line with the Corporate Charging Policy.

7.2 Guidance notes

The full fees for any application (including all associated fees for criminal records checks, medical report, driving proficiency test, wheelchair assistance test and safeguarding training or any other requirement that the Council determines is reasonably required) are to be paid by the applicant. The Council cannot reimburse applicants for any fees incurred, whether a licence is granted or not.

Applications must be submitted in their entirety, with all of the required documents and the relevant application fee/s. No application will be considered for decision unless all fees, any associated fees have been paid and all required information provided at which time the application will be deemed 'complete'.

7.3 Character reference

In order to ensure a high standard of safety for users of the taxi service in Selby District, the Council require a character reference for each applicant. Each applicant is asked to nominate a referee who has known them for at least five years, and has a position of good standing in the community. The Council normally expect a reference from a professional, qualified person, for example a lawyer, doctor or other healthcare professional, teacher, engineer or accountant.

If an applicant has, from the age of 10 years, spent six continuous months or more outside of the United Kingdom, evidence of a criminal record check from the country or countries covering the relevant period will be required.

7.4 Applying for a Vehicle Proprietor Licence

An application must include:

- A fully completed application form
- Vehicle registration document (V5)

- Vehicle insurance
- Fee
- MOT
- Vehicle compliance test certificate - Pass
- Basic DBS – On application and then every 3 years thereafter (unless already a licensed driver of Selby Council)
- Right to Reside and Right to Work check documentation (if the applicant has lived outside of the UK for more than 6 months a certificate of good conduct will be required from the relevant embassy)
- Statutory declaration (if not already a licensed driver of Selby Council)

Additional application requirements for HCV's:

- V5 confirms that the vehicle is adapted to EC Whole type approval (ECWVTA) or confirmation of compliance certificate. (Adapted to a wheelchair accessible vehicle (WAV)).
- Certificate of Installation / calibration of taxi meter from the Council approved list.
- LOLER certificate on first application (if there is mechanical wheelchair lift)

7.5 Applying for a Drivers licence

If a new applicant has held a licence as a taxi driver in any other area, or has ever had a licence suspended or revoked, they must declare this in their application form. The Council will run a check on the applicant's licensing history in these cases.

An application must include:

- A fully completed application form
- Fee
- Enhanced Disclosure and Barring Service (DBS) check
- Agreement to Sign up to and remain on the DBS update service (a check will be carried out to confirm this and no licence will be issued until you are signed up).
- One passport photograph
- One Reference
- Completed Group 2 medical (carried out by your own GP)
- Right to Reside and Right to Work check documentation (if the applicant has lived outside of the UK for more than 6 months a certificate of good conduct will be required from the relevant embassy)
- Knowledge and Safeguarding Certificate (from the provider approved by the Council)
- DVLA access code (note that these codes are only valid for 21 days)
- Pass certificate for 'Practical driving test for driver's hackney carriage or private hire vehicles.

Additional application requirements for all HCD's and the PHD's on the designated list of Wheelchair Accessible Vehicles:

- Certificate of a wheelchair assistance test.

A list of approved course providers can be found on our website.

www.selby.gov.uk/licensing or by contacting the Licensing team.

7.6 Applying for a PHO licence

An application must include:

- A fully completed application form
- Fee
- A copy of public liability insurance
- At least one reference from a professional and qualified person. (Refer to section 6.3).
- Basic DBS (If a Limited company or partnership, all directors / partners must provide this)
- Right to Reside and Right to Work check documentation (if the applicant has lived outside of the UK for more than 6 months a certificate of good conduct will be required from the relevant embassy)
- Knowledge and Safeguarding Certificate (from the provider approved by the Council)
- Declaration confirming that all staff who have access to data or engage directly with customers will have a Basic DBS check before commencing employment and every 3 years thereafter and records of the checks are kept and available for inspection.

8. Checks on drivers

To effectively meet our regulatory goals, the Council carry out a number of checks on licence holders and applicants. These checks are carried out to ensure that all licensees are and remain fit and proper to drive taxi vehicles and are eligible to reside and work in the UK. Driving a licensed vehicle will bring members of the trade into regular, close contact with members of the public, and often involves working with vulnerable groups such as children, the elderly, and disabled people. These background checks help to keep the public safe, and increase the trust in the taxi industry.

The Council require that all new drivers complete a DBS, and sign an agreement to sign up to and remain on the DBS update service. A check is carried out annually on the anniversary of the grant of the licence to confirm that the subscription is still in place.

Existing drivers previously submitted a DBS every three years. On completion of their next DBS they are required to sign up to the DBS update service. A check will be carried out to ensure that they have signed up to the DBS update service, then every 6 months a DBS update check will be carried out to ensure that the driver remains on the DBS update service.

If the subscription lapses, or the driver fails to sign up to the update service, within the specified timescales, the driver will be required to complete another DBS and sign back up to the update service, or the driver will be required to complete an enhanced DBS carried out by the Council every 6 months.

8.1 Medical checks

Drivers need to be in a good condition of health to ensure the safety of their passengers,

themselves and other road users. As well as driving, the day-to-day work of a licensed driver may also include lifting heavy items of luggage, wheelchairs and shopping etc. Any applicant for the grant or renewal of a licence who is unable to satisfy the licensing authority that they meet the required medical standard will not be issued a licence.

The Council have a standard medical form which is filled in by the applicants own GP, the costs of which must be met by the applicant. Every licence holder must undergo a medical check upon application and then every 3 years until the age of 65, after which a medical check must be done annually.

The driver must be fit to drive up to the DVLA Group 2 standard.

In addition, all licence holders are required to inform the Council of any illness or condition that affects their ability to drive, as soon as possible but always within 2 days. If the Council offices are closed during this time, please email: licensing@selby.gov.uk or put in writing to the Council.

8.2 Driving proficiency and experience

All applicants must have held a full DVLA driving licence for at least two years.

All new applicants for taxi driver's licences will be required to produce evidence that they have successfully completed a practical driving test for drivers of hackney carriage and private hire vehicles and where applicable a wheelchair assistance test from a list of approved providers prior to the initial application. The current approved list can be found on the Council's website.

If complaints are received concerning the driving standards of a licensed driver, the driver may be required to retake another driving standards test.

A DVLA driving licence check is carried out at the point of initial application and annually for existing drivers (please see Appendix C).

8.3 Changes to licensees' circumstances

All Licence holders must inform the Council if they move house, if their health condition changes, if they are involved in a motor vehicle accident, no matter how minor, convicted of a crime or cautioned by a police officer and any Immigration Penalties. A list of incidents and changes in licence details that the Council must be informed of is found in **Appendix A** – Guidance notes for applicants. Notifications of this type must be made as soon as reasonably practicable, and always within 2 days. If the Council offices are closed during this time, please email: licensing@selby.gov.uk or put in writing to the Council.

8.4 Failure to notify

Failure to report or declare these changes is very serious, and often attracts an additional weighting to the actual offence, with harsher enforcement action. Failure to report can demonstrate dishonesty or conduct which could lead to suspension or revocation due to breaching this policy and disregarding the legal obligation to notify.

Failure to notify the Council of a conviction or caution by the police is extremely serious. Licensees should note that the police will notify us directly in many cases,

and this should be in addition to the licensee's notification.

9. Safeguarding

The Council expects all licensed drivers and operators to support the Council in its aims to raise awareness of and tackle issues around child and adult safeguarding. Licensees must remain alert to these and similar issues, failure to do so may call into question their continuing fitness and propriety

All drivers and operators will be expected to complete and pass the safeguarding course upon first application and a refresher course is to be undertaken every 2 years, the costs of the courses shall be covered by the applicant / licence holder.

Existing operators and drivers will be expected to have completed the safeguarding course within 1 year of this policy coming into effect.

10. Vehicles

About the vehicle inspection

The Council's Testing Standards are based on the Freight Transport Association Hackney Carriage and Private Hire Vehicle National Inspection Standards Best Practice Guide (August 2012).

Vehicle Age	Frequency of vehicle inspections
0–1 year	1 check per year
1– 5 years	2 checks per year
5-12 years	3 checks per year

Routine vehicle inspections must be booked about 4 – 6 weeks in advance of the expiry of the vehicle license. It is required that drivers or proprietors attend and co-operate with the vehicle inspection.

If a vehicle licence is suspended the vehicle must have another inspection within two months of the suspension notice, otherwise the vehicle licence is revoked.

If a licensed vehicle fails its vehicle inspection, the proprietor must inform the Council immediately. The vehicle licence will be suspended until the Council receive confirmation that the vehicle has passed a vehicle inspection.

10.1 Vehicle age limits

The Council will only accept applications to licence vehicles for the first time for vehicles under 5 years old. Existing licensed vehicles will not be licensed after the age of 12 years. (The age of the vehicle will be taken from the V5 registration document for the vehicle). Existing vehicle proprietors will have 5 years from the date this policy comes into effect to change their vehicles.

10.2 Licence plates

The licence plates must be clearly on display at all times, as below:

- Large plate- must be fixed securely to the outside back of the vehicle
- Small plate – must be fixed securely outside, nearside Front of the vehicle (private

- hire vehicles only)
- Internal plate – must be fixed in a position easily visible to passengers, in the holder provided on the front screen.

Loss of (or damage to) a licence plate must be reported and replaced immediately at the licensee's expense. No hiring contract is to be entered into without a licence plate affixed to the vehicle. If the vehicle is being taken off the road and not being replaced, the licence plates must be returned to the Council.

10.3 Discreet plates

Some private hire operators run chauffeur services or executive travel and may not wish to display the vehicles licence plate. To apply for this an application form must be completed along with the required fee. Please refer to Appendix D.

10.4 Safety Equipment

All licensed vehicles must have seat belts in the driver's seat and all passenger seats were fitted by the manufacturer. The Council recognise that some vehicles, including purpose-built taxis with rear-facing seats, do not have seatbelts fitted for all seats. However, the Council expect that the majority of vehicles will have the same number of seatbelts as the maximum number of passengers permitted by the licence (as well as the driver's own seatbelt).

The vehicle must carry a fire extinguisher, which must be in date and tested annually.

A first aid kit must be carried and kept in an accessible position inside the vehicle. The first aid kit may be carried out of view.

The following list, recommended by the Health and Safety Executive, is for the guidance of drivers and proprietors:

- A leaflet giving general guidance on first aid
- 20 individually wrapped sterile adhesive dressings (assorted sizes)
- sterile eye pads
- individually wrapped triangular bandages
- safety pins
- large, individually wrapped, sterile, un-medicated wound dressings
- medium-sized, individually wrapped, sterile, un-medicated wound dressings
- a pair of disposable gloves

If safety equipment is not clearly visible, then signs must be in place to indicate its location.

The vehicle must also carry a replacement bulb kit.

10.5 Vehicle Condition

Between inspections the driver must maintain the licensed vehicle in good condition, making sure it is roadworthy and clean inside and out.

10.6 Logos and Liveries

PHV's will be issued with a self-adhesive door sign which states that the vehicle must be pre-booked only. This must be displayed on the front passenger door, clearly visible to passengers.

If a logo or livery is required on a licensed vehicle a request must be submitted to the Council in writing. Approval must be given by the Council before any changes can be made.

10.7 Taxi lights

In order to help members of the public tell the difference between taxis and private hire vehicles, taxis must be fitted with an illuminated sign on the roof, with the word 'Taxi' displayed on it. Private hire and mini cab vehicles are prohibited from any sign on the roof to ensure they are not mistaken for a taxi.

10.8 Tinted windows

All windows must be sufficiently transparent so as not to compromise road safety or prevent clear vision into the vehicle. As a guide, vehicles fitted with manufacturers tinted windows will only be accepted if the front windscreen allows 75% of light, all other windows must allow at least 70% of light to be transmitted through them. Any vehicles with windows darker than the above specification and which do not allow the occupants to be clearly visible from the exterior will not be licensed (notwithstanding the exceptions made in section 10.9).

10.9 Non-standard vehicles

Vehicles which do not conform to the above type of specification may still be considered for licensing, and further conditions may be attached to ensure the safety of the public. Each application will be considered on its merits by the Licensing Committee who may inspect the vehicle.

In allowing for non-standard vehicles, the Council aims to include executive vehicles, limousines and novelty vehicles in the transport hire industry. It is not to make exceptions for substandard vehicles which would not otherwise be licensed.

10.10 Taxi meters

All HCV's must be fitted with taximeters. Installation of taximeters must be carried out by an appropriate installer and accompanied with a certificate of installation and calibration. The meter shall be calibrated and set to the Council's agreed charging distances and tariffs currently in force. No attempt should be made to change the taximeter, except by an authorised officer. An officer can request to see any calibration certificate at any time.

The taximeter will be used for all journeys taken by taxi, even if under a private hire contract. For journeys ending outside of Selby District, another fee may be agreed in advance. If no such agreement is made, only the fare showing on the taximeter may be

charged. More information can be found in Section 9.23 – Fares. The taximeter must be visible to passengers at all times

10.11 Trailers

A driver who wishes to tow a trailer must satisfy the Council that insurance is in place for this use. Where the trailer obstructs the view of the rear vehicle plate, an additional licence plate must also be clearly displayed on the rear of the trailer (in addition to the rear of the vehicle) there will be a fee for the additional plate.

10.12 Advertising

If a driver or operator wishes to display advertising anywhere on or in the vehicle, written permission must be obtained from the Council. Advertising which could cause offence is not permitted in any location on a taxi or private hire vehicle. Specific subject matter that will not be permitted includes alcohol, cigarettes, and political parties. Unauthorised advertising will be subject to enforcement action.

10.13 CCTV in Vehicles

The Department for Transport Best Practice Guidance recommends that councils look sympathetically on or even actively encourage the installation of security measures such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers and passengers. It is not currently proposed that such measures should be required as part of the licensing regime, and it is considered that they are best left to the judgement of the proprietors and drivers themselves.

If CCTV is installed, the vehicle proprietor of any vehicle with CCTV must notify the Council and display a sign approved by the Council advising passengers that a CCTV system is in operation in the vehicle.

No CCTV system shall be installed in a vehicle unless it has previously been authorised in writing by the licensing authority

Where a CCTV system has been approved and installed, a notice, approved by the licensing authority, shall be displayed on the dashboard of the vehicle (passenger side, clearly visible). The proprietor shall ensure that the notices are maintained in a clean and legible condition.

Where the CCTV is in place there is an expectation that it is in working order when passengers are being carried. The CCTV system should be maintained to the manufacturer's standards and recording must be retained for 28 days and made available for viewing by the Police Officer or an authorised officer of the Council on request. Any failure to comply with this request will be reported to the Council.

The vehicle proprietor must register with the Information Commissioners Office (ICO) and to comply with any ICO Code.

Any reports of misuse of CCTV or recorded images may result in the immediate referral to the Licensing Committee with a view to suspending or revoking both the vehicle and driver licences.

10.14 Environmental Considerations

On 29th February 2016 the Council declared the first Air Quality Management Area (AQMA) in the district, following elevated levels of pollutants measured within Selby Town Centre. Vehicles including Taxis are identified as a contributor to the poor air quality within the town centre, but the Council also recognises the importance of their availability to provide transport for Selby's residents.

Emission standards for Taxis will be subject to review, taking into consideration up-to-date emission monitoring results. To determine whether sufficient progress is being made towards achieving the health-based air quality objectives and improving health and well-being of local residents.

Frequent maintenance of vehicles is also recommended, and emissions may also be further reduced by switching off engines whilst stationary or idling, particularly at ranks and stood in traffic.

The AQMA area is along a short stretch of New Street, near Selby Abbey and The Crescent which frequently is subject to high traffic volumes and frequent idling. This area should also be avoided to aid improvement of air quality along the AQMA and alternative routes considered.

Plan of the AQMA



The Council will look further at the impact of taxi emissions via the introduction of low-emission and hybrid vehicle use and the possibility to provide grant incentives and schemes to promote the uptake of low-emission, hybrid and electric vehicles in the fleet. In addition, these types of vehicles tend to carry much cheaper road tax, fuel and insurance costs.

This policy is part of the Council's responsibility to review and assess air quality and meeting national air quality objectives to benefit people's health and create a more pleasant environment for residents and visitors of Selby District.

For further information on the AQMA, Action Plan and air quality please visit;

<https://www.selby.gov.uk/air-quality>

10.15 Vehicle Accidents

If at any time the licensed vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within one working day (by telephone or email). An accident report form will then need to be completed and submitted to the Council within five working days of the accident occurring, along with photographs of the damage. If the photographs and accident form are not returned within the time limit above, the vehicle license will be suspended.

If the damage appears to be more than minor or superficial the vehicle must be submitted for an inspection at the Council's authorised testing station. – The appointment will be made by the licence holder, who is liable for any fees incurred. The vehicle license will be suspended until a valid compliance test has been provided to the Council.

If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the Council of the fact and the Council will then advise the proprietor of the action to be taken

Failure to do the required steps above may result in enforcement action.

If a proprietor wishes to use a 'Hire vehicle' whilst their licensed vehicle is damaged, the Council will not accept any application from any insurer or hire company wishing to supply such a vehicle unless the above steps have been completed.

10.16 Changing a vehicle

The Council cannot directly transfer a licence to another vehicle. Instead, a new licence will be issued for the new vehicle and a refund made for any full calendar months remaining on the previous vehicle license.

10.17 Accessibility and hackney carriage vehicle requirements

In regulating the hackney carriage and private hire trade the Council aim to meet the diverse needs of all accessibility requirements in the district. This includes wheelchair users, the visually impaired, the elderly and other groups that may be disabled or otherwise have accessibility requirements. The Council do not place any restrictions on PHV types. However, if the vehicle is to be wheelchair accessible, to ensure public safety, PHV applicants will be required to provide the V5 document that shows that the vehicle has been defined as wheelchair accessible or the certificate of conformance (refer to section 10.20 below).

10.18 New vehicles with new applicants

Where a new application for a HCV licence is made, the licence will only be granted if the vehicle is wheelchair accessible.

10.19 Replacement vehicles

HCV's will only be replaced by vehicles that are wheelchair accessible.

10.20 Definition of a wheelchair accessible vehicle

A vehicle will only be defined as wheelchair accessible if it is 'European Community Whole Vehicle Type Approval (ECWVTA). This will be shown on either the vehicles V5 registration document or by a 'certificate of conformity' (COC), which shows that the vehicles have been produced to a very high and vigorous standard.

The COC should show the number of passengers the vehicle is able to carry with the wheelchair conversion.

Approved anchorages must be provided for the wheelchair and the wheelchair user. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other. Anchorage must also be provided for the safe stowage of a wheelchair when not in use, folded or otherwise, if carried within the passenger compartment. They must be designed so as not to cause injury within the passenger compartment. They must be designed so as not to cause injury to other passengers.

A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for existing wheelchair accessible vehicles. The entry must be either via the nearside door or via the rear. An adequate locking device must be fitted to ensure that the ramps do not slip or tilt when in use. Provision must be made for the ramps to be stored safely when not in use.

If the vehicle has a purpose designed wheelchair lift, then a 'LOLER' certificate must be produced with the initial application, and this must be renewed annually. The onus will be on the vehicle proprietor to ensure this is kept up to date and the certificate can be requested at any time by an Authorised Officer.

10.21 List of wheelchair accessible vehicles

Section 165 – 167 of the Equalities Act 2010 (the 2010 Act) came into force 7th April 2017 and allows local authorities to create a list of designated wheelchair accessible vehicles (a S167 List).

The Council will publish a S167 List of wheelchair accessible vehicles. This means that any vehicle that meets the Council's definition of a wheelchair accessible vehicle will be designated on the list.

By the Council creating the S167 List, this brings into effect the duties placed on drivers under section 165 of the 2010 Act, making it a criminal offence if the driver of a designated vehicle fails to comply with the duties specified under section 165 (see Appendix E).

The Council can exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties. There is no other form of exemption.

Council, which can also be downloaded from our website. This will need to be given to the applicant's doctor and submitted with a written request for medical exemption to the licensing team. The decision to medically exempt a driver will be made by the Licensing Committee.

If a HCD is granted an exemption, this only exempts them from the duties under section 165 and does not affect the vehicle which is still required to be wheelchair accessible.

10.22 Assistance dogs

Taxis must carry guide / assistance dogs at no extra charge, failure to comply with this may be an offence of the PHO and / or the driver.

Any person with a medical condition that would be aggravated by carrying dogs may apply to the Council for an exemption from this requirement.

10.23 Fares

The Council sets rates for taxi fares (but not for private hire vehicles). The most up to date taxi fares can be found on the Council website. The table of fares should be clearly displayed in HCV's. Private hire vehicles operators and owners are able to set their own fares.

A Hackney Carriage driver may not demand a fare in excess of the fare shown on the taxi meter, unless a fare has been previously agreed. If a fare has been previously agreed, the Hackney Carriage driver may not charge more than this agreement.

Drivers must make no attempt to cancel or hide the fare shown on the taximeter.

11. Complying with the law

All people at all times should comply with the law. Taxi and private hire drivers/operators are no exception, and should not do anything illegal at any time. There are a number of offences which are particularly serious breaches of the law for professional drivers. If a driver does not comply with the law in a way that could put members of the public in danger, the driver's licence may be suspended or revoked in addition to any enforcement action due to breach of the law.

11.1 Mobile phone use

Drivers must not use a mobile phone or any other mobile device whilst driving. It is legal to bring the vehicle to a halt in a safe place and take a phone call, although it may be considered unreasonable to do so with passengers in the vehicle. The hard shoulder of a motorway is not a safe place, and drivers must never stop on a hard shoulder to make or answer a call. The only permitted use of a mobile device while driving is with a hands-free system – though this may also be inappropriate with passengers.

11.2 Alcohol

Drink driving is a serious offence for any motorist. Professional drivers must take particular care, and not drink alcohol immediately before or at any time while driving or being in charge of a vehicle.

11.3 Discrimination

Drivers should carry all passengers upon every reasonable request without discriminating in any way. If a driver refuses to carry a passenger, they will be invited to a hearing and given a chance to state their reasons for refusal. If the Council is satisfied that the reasons are justifiable then no action will be taken, otherwise appropriate enforcement action will be considered and applied. Particularly serious is discrimination on the basis of the protected characteristics of the Equality Act 2010 (including age, disability, gender identity, race, religion, sex and sexual orientation).

11.4 Carrying the right number of passengers

Vehicles are licensed to carry up to a specified maximum number of passengers.

Carrying more passengers than this maximum is a severe breach of policy.

11.5 Parking at hackney carriage ranks

HCD's must remain with their vehicle while at the rank. Drivers are not permitted to use ranks to park their vehicle.

PHV's are not allowed to use the ranks in any capacity.

If the taxi rank is full the driver must drive on. The driver must only wait where it is safe and legal to do so without obstructing the highway or access.

11.6 Vehicle use

It is illegal to allow a person who does not hold a PHDL to drive a licensed PHV, even when that vehicle is not being used as a PHV. This means that a licensed driver's family and friends are not permitted to drive the PHV at any time.

12. Complaints

Members of the public are able to make complaints about licence holders in the taxi trade. In these cases, the Council will always keep in touch with the complainant while carrying out the investigation. The licence holder will be told about the complaint and invited to an interview to discuss it as part of the investigation. The Council will follow up by taking enforcement action where appropriate.

All licensed vehicles must have a sign in the vehicle that shows ways to make a complaint to the Licensing Authority. This information will also be published on the Council's Licensing webpage.

13. Enforcement

The Council's commitment to fair and effective enforcement activity is not only good for public safety, but also for the responsible people in the taxi trades. The Council believe that the majority of those in the taxi trades will seek to comply with this policy and the law. The Council will clamp down on unlicensed operators and liaise with other agencies, especially the police, to ensure compliance with this policy and with the law. Any enforcement action will be taken in line with the Corporate Enforcement Policy: <https://www.selby.gov.uk/enforcement-policy>

13.1 Considerations

Where enforcement action is being taken or considered by the Council, there will be a full investigation of the circumstances which may involve taking statements, interviewing the licence holder and considering the licence holders record before the appropriate action is determined.

13.2 Levels of enforcement action

In the event of minor transgressions, particularly if the driver has no history of transgressions and the Council believe that the transgression was unintentional, a written warning is likely to be issued.

In more serious cases of transgression, or where the Council find evidence of malpractice or non-compliance with this policy among licence holders, the Council can suspend or revoke licences. Where public safety is the primary cause for concern, the Council has the legal right to suspend or revoke licences immediately.

Licences which are suspended or revoked must be returned to the Council, along with any badges, cards and licence plates¹.

13.3 Joint Authorisation of enforcement officers

If considered appropriate the Council will develop a joint authorisation of officers' protocol with neighbouring authorities. This will allow the councils involved to authorise officers from other councils to use enforcement powers on their behalf. This will enable those councils to take action against vehicles/drivers which are licensed by the other authority when they cross over other council boundaries.

13.4 Appeals

The Council can refuse to grant or renew a licence or impose conditions upon a licence of any type except for HCDL.

The Council is able to suspend or revoke a licence.

Any person aggrieved by a decision by the Council can appeal to the Magistrates' Court within 28 days of receipt of notification in writing of the decision.

In the case of an immediate suspension on the grounds of public safety, this carries its own right of appeal.

13.5 Policy review

As a regulatory body, the Council are always monitoring changes to legislation. When changes take place, the Council review the policy and update it as necessary and will also regularly carry out a review to monitor its effectiveness and keep it in line with best practice, guidance, Statutory Standards issued by the Secretary of State and local considerations.

1. ¹ In an urgent situation the Chief Executive has power under Part 3, 3.8.3(k)(i) to revoke a licence following consultation with the Leader. In these circumstances the Chair of Licensing will also be informed.

Appendix A – Guidance notes for applicants (Drivers)

Am I eligible?

To become a taxi driver, you will need to get a licence from the Council. In order to be eligible for a licence you must:

- 13.4.1 Have held a DVLA licence for at least 2 years.
- 13.4.2 Be able to demonstrate that you are a 'fit and proper person' to hold a licence.

The Council carry out a number of checks to determine whether you meet these criteria as outlined in section 8, Checks on the driver.

Before you apply

You will need to contact the licensing team on 01737 705101 or licensing@selby.gov.uk to make an appointment with a member of the team. During this appointment the full application process will be explained, and the application pack given to you. A Right to work check will also be carried out; you will need to provide 3 documents for proof of identity.

Applicants must complete a practical driving test for drivers of hackney carriage and private hire vehicles and where applicable a wheelchair assistance test from a list of approved providers before applying to the Council for a driver's licence.

Drivers must have a good working knowledge of the area in which they work. Applicants will need to complete a 'knowledge and safeguarding course' held at the York work development unit.

<https://york.learningpool.com>

Further information on this course will be given to you during the meeting with licensing.

The Council may extend its course requirements, by an approved provider if deemed to be necessary at any time.

You are ready to submit your application when you have all of the following documents:

1. Completed application form
2. A digital photograph (sent via email to licensing@selby.gov.uk)
3. DVLA Access code (please be aware that these only last for 21 days)
4. DBS certificate (dated within 3 months of your application)
5. Confirmation you have signed up to the DBS update service (must be signed up within 28 of receipt of DBS certificate)
6. Group 2 medical form completed by your own GP (dated within the last 3 months)
7. The relevant fee (non-refundable)
8. Referee contact details for your character reference
9. Practical driving test certificate/wheelchair assistance certificate (if applicable)/knowledge and safeguarding certificate.

What happens next?

Once the checks have been carried out the Council will determine your application and inform you of their decision in writing. You may be asked to the Licensing Committee to provide further evidence that you are a fit and proper person.

If you are unsuccessful

Should you be unsuccessful, the reason for your refusal will be confirmed in writing. You will be informed of your right to appeal, which would go to the Magistrates' Court and must be made within twenty-one days of the notice of refusal.

If you are successful

If you are successful, you will receive your driver's badge along with your driver's handbook. Once you have received and signed for these you will be licensed to drive a hackney carriage (for hackney carriage drivers) or a private hire vehicle (in the case of private hire drivers). The vehicles used for hire must be licensed by Selby District Council, although the vehicle that you drive does not necessarily have to be owned by you. When working as a driver you must wear your badge in such a position that it can be seen at all times.

It is important that you read and fully understand the driver's handbook. If you are found to be in breach of them it may result in your licence being suspended or revoked.

When your driver's licence is due for renewal you will receive a reminder 4-6 weeks before the licence expires. It is your responsibility to ensure that the full renewal application, documents and fee are received in good time to avoid the lapse of your licence.

What if my circumstances change?

It is very important that the Council knows of changes to circumstances which affect the licence. We have put together this list of things we need to be told about; **this list is not exhaustive**. Please be aware notification of these must always be within 2 days (please see changes to licensee circumstances). If the Council offices are closed, you are still able to email on: licensing@selby.gov.uk or put in writing to the Council.

Every licensee must let the Council know if they:

- Move house, or change primary address details
- Move business premises
- Change contact details (including phone number and email address)
- Receive a police warning or caution or are fined or arrested.
- Immigration Penalties

Additionally, every licensed driver must inform the Council, again within 2 days if they:

- Have a motor vehicle accident
- Get points on their driving licence, or are suspended/disqualified from driving
- Develop a health condition, or a known health condition deteriorates
- Change the operator through whom they work (private hire only)

If you are unsure if you need to update the Council about an issue, please contact the Licensing Team within 2 days to check.

Appendix B – Guidance notes for Private Hire Operators

Operators must:

- Have an operating base within the district.
- Make sure that all of their drivers are licensed by Selby District Council.
- Make sure that their premises are sanctioned by the Council, including any planning permission required for the site.
- Make sure that all vehicles in the fleet are licensed.
- Prevent defective or unsafe vehicles from being used, even if licensed.
- Familiarise themselves with this policy.
- Ensure that any of their staff who has access to data have a basic DBS check, renewed every 3 years and keep a record of this.
- Maintain a register of all staff that will be taking bookings
- Inform the Council in writing of any changes to the detail of their licence within 2 days of the change being made, including changes to –
- The operator’s own contact details, home address or business premises
- If the Council offices are closed during the 2-day period to report, please email: licensing@selby.gov.uk or put in writing.
- Operators must always and only use the trading name registered on the licence for business purposes such as bookings and advertising.

Record Keeping

- Operators must keep records of each booking, the name of the passenger, the destination, the name of the driver, the number of the vehicle and any fare quoted at the time of booking, including where the booking has been received from or subcontracted to another operator. This information will enable the passenger to be traced if this becomes necessary and should improve driver security. Records are to be held for at least twelve months and be available for inspection upon request.

Prompt Attendance

- If a PHO accepts a booking under contract for private hire, they will use their best endeavours to ensure that that the vehicle is on time for that appointment in the correct place, unless delayed or prevented by sufficient cause. If a legitimate reason for the delay is encountered, every reasonable effort must be made to contact the passenger.

Insurance

- Operators must make sure that every operating base that has access to the public is covered by public liability insurance and employer’s liability insurance is in place for the duration of their licence. The insurance certificate must be available for inspection upon request.
- If the licensed operator has an operating base to which the public have access, then the licence should be on display.
- The operator will ensure that all vehicles and drivers under their control have the necessary insurance before allocating a booking for hire.

Appendix C – Guidance notes for vehicle inspections

Vehicles are tested at least every year at a full vehicle inspection. Vehicles over two years old also must have interim inspections (see section 10 - Vehicles).

Payment

You will be given a receipt which will show a payment reference number for the test. Telephone the Councils testing provider, Reynolds of Selby on 01757 700800 to book your vehicle in for test, you will need to quote the payment reference number on your receipt to show that you have paid, and you will be required to show this to the garage on the day of the test.

Please be aware if you miss your vehicle appointment, you will need to pay the test fee again.

Vehicle standards

At the inspection, as throughout the year, the vehicle must be:

- Safe, clean and tidy inside and out
- In good mechanical order
- Fitted with working seat belts
- Equipped with spare bulb kit
- Fitted with a fire extinguisher, which in turn must be:
 - A water or foam extinguisher
 - At least 600g
 - Within its functional date (i.e. not expired)
 - Near the driver
 - Readily available for use at all times.
- Have the Councils notice of how-to complain, visibly on display (please see the notice below under notices for display in vehicle)

Seating

The vehicle must be presented for inspection with the number of seats in position for which it is to be licensed. If it is wheelchair accessible, the number of seats and wheelchair spaces must not exceed the number of seats for which the vehicle is licensed.

Licence plates

If the vehicle is being inspected at renewal or for an interim inspection, the plates provided by the Council must be securely attached to the outside of the vehicle. The small plate must be securely attached to the dashboard.

If you are changing your vehicle or taking it off the road, the old plates must be returned to the Council at the Civic centre before new plates can be issued.

If the vehicle has not been licensed before, you will be contacted by the licensing team after your application has been determined. If the vehicle licence is granted, the vehicle plates will be sent out to you via recorded delivery post.

Notices for display in vehicle

HOW TO MAKE A COMPLAINT

If you need to complain about a driver, vehicle or operator, please contact Selby Licensing Team at Selby Council 01757 705101 or licensing@selby.gov.uk

It is encouraged that the following notices be displayed in a prominent position, visible to passengers. There is one notice for taxis and one for private hire vehicles, highlighting some of the differences between the licences and vehicle type.

Notices for private hire vehicles – What you can expect from the private hire vehicle trade and what the trade expect from you.

The driver will:

- Ensure that the passenger has pre-booked and agrees with the fare before setting off
- Drive with due care and courtesy towards the passenger and other road users
- Take the most time efficient route, bearing in mind likely traffic problems and known diversions, and explain any diversion from the most direct route.

The passenger will:

- Treat the vehicle and the driver with respect and obey any notices (e.g. in relation to eating in the vehicle).
- Ensure that they have enough money to pay the fare before travelling. If wishing to pay by credit card or to stop on route to use a cash machine, check with the driver before setting off.
- Be aware that the driver is likely to be restricted by traffic regulations in relation to where s/he can stop the vehicle.

Notice for Taxi Passengers – What you can expect from the taxi trade and what the taxi trade can expect from you.

The driver will:

- Drive with due care and courtesy towards the passenger and other road users
- Use the meter within the licensed area, unless the passenger has agreed to hire by time
- If using the meter, not start the meter until the passenger is seated in the vehicle.
- If travelling outside the licensed area, agree the fare in advance. If no fare has been negotiated in advance for a journey going beyond the licensing area, then the driver must adhere to the meter.
- Take the most time efficient route, bearing in mind likely traffic problems and known diversions, explain any diversions from the most direct route.

The passenger will:

- Treat the vehicle and the driver with respect
- Ensure that they have enough money to pay the fare before travelling. If wishing to pay by credit card or to stop on route to use a cash machine, check with the driver before setting off
- Be aware of the fare on the meter and make the driver aware if it is approaching the limit of their financial resources
- Be aware that the driver is likely to be restricted by traffic regulations in relation to where they can stop the vehicle.

Appendix D – Discreet plate licensing

The application process:

- A completed application form is required.
- At least 3 references from current customers/potential customers wishing to use the proposed service
- Photographs of the vehicle with the registration plate clearly visible.

The decision if the vehicle is suitable will be on a case by case basis.

If granted the discreet licence must be renewed annually.

Discreet Vehicle Licence Conditions:

- The vehicle must only be used for executive hire – no school contracts, or other contracts that involved the transport of children, young people, or vulnerable adults.
- The private hire licence plate must be carried in the vehicle at all times, although it need not be visible to the passenger.
- The driver of the vehicle must wear visible photo identification at all times.
- The executive hire vehicle is kept to a high standard both internally and externally at all times.
- The exemption certificate (granting the discreet vehicle licence) is to be displayed on the left of the dashboard / bottom left of the windscreen at all times.
- A record is kept of all executive hire contracts undertaken by the vehicle and is to be made available for inspection by the Police and any Authorised Officer upon request.
- That a dress code is adhered to by drivers, to include a collar and tie.

Appendix E – Applying for exemption on physical or medical grounds from the duties placed on drivers under section 165 of The Equality Act 2010

If a driver on the list under Section 166 of the Equalities Act 2010 wishes to apply for an exemption. They should contact the licensing team for an application form. This form will need to be taken to your own GP to be completed and submitted back to Licensing.

The licensing committee shall make the final decision.

(Please note the legislation quoted below is correct as of 30 November 2018 and may change)

Section 165 of the Equalities Act 2010:

Passengers in wheelchairs

(1) This section imposes duties on the driver of a designated taxi which has been hired—

(a) by or for a disabled person who is in a wheelchair, or

(b) by another person who wishes to be accompanied by a disabled person who is in a wheelchair.

(2) This section also imposes duties on the driver of a designated private hire vehicle, if a person within paragraph (a) or (b) of subsection (1) has indicated to the driver that the person wishes to travel in the vehicle.

(3) For the purposes of this section—

(a) a taxi or private hire vehicle is ‘designated’ if it appears on a list maintained under section 167;

(b) ‘the passenger’ means the disabled person concerned.

(4) The duties are—

(a) to carry the passenger while in the wheelchair;

(b) not to make any additional charge for doing so;

(c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;

(d) to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;

(e) to give the passenger such mobility assistance as is reasonably required.

(5) Mobility assistance is assistance—

(a) to enable the passenger to get into or out of the vehicle;

(b) if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;

(c) to load the passenger's luggage into or out of the vehicle;

(d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

(6) This section does not require the driver—

(a) unless the vehicle is of a description prescribed by the Secretary of State, to carry more than one person in a wheelchair, or more than one wheelchair, on any one journey;

(b) to carry a person in circumstances in which it would otherwise be lawful for the driver to refuse to carry the person.

(7) A driver of a designated taxi or designated private hire vehicle commits an offence by failing to comply with a duty imposed on the driver by this section.

(8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(9) It is a defence for a person charged with the offence to show that at the time of the alleged offence—

(a) the vehicle conformed to the accessibility requirements which applied to it, but

(b) it would not have been possible for the wheelchair to be carried safely in the vehicle.

(10) In this section and sections 166 and 167 'private hire vehicle' means—

(a) a vehicle licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976;

(b) a vehicle licensed under section 7 of the Private Hire Vehicles (London) Act 1998;

(c) a vehicle licensed under an equivalent provision of a local enactment;

(d) a private hire car licensed under section 10 of the Civic Government (Scotland) Act 1982.

Appendix F - Code of conduct

Behaviour

All licensees must behave in a civil, polite and courteous manner at all times while working as a driver or operator. No swearing, abusive language or offensive gestures are sanctioned, and licensees must conduct themselves so as to avoid offence, nuisance and hazard to the public.

Licensees may be required to attend an interview or hearing. They must therefore respond to an interview request by the licensing authority. It is an offence to fail to comply with a reasonable request from an authorised officer.

Taxi drivers have a duty of care to their passengers and must behave accordingly.

Prompt Attendance

If a driver is aware of a booking under contract for private hire, they must be on time for that appointment in the correct place, unless delayed or prevented by sufficient cause. If a legitimate reason for the delay is encountered, every reasonable effort must be made to contact the passenger.

Dress code

The Council are committed to encouraging a professional image of drivers in the district. As such, drivers' clothing must be clean, smart and professional at all times. Specifically, sportswear, including jogging or tracksuit bottoms, T-shirts and beach clothing are not appropriate for drivers while on duty.

Identification badge

Drivers must wear their licence which is the identification badge as issued by the Council at all times when on duty. It must match the photo ID displayed in the vehicle being driven.

The Council will supply a driver's badge and photo ID. If a badge is lost, damaged or stolen this must be reported immediately, and a replacement badge paid for.

The photo ID must be visibly displayed in the vehicle to the passengers. Only the ID of the driver currently driving the vehicle may be displayed.

Receipts

A driver must issue a receipt if requested by a passenger following a journey, and may not refuse to issue a receipt in these circumstances. Many licensees issue receipts as standard practice, which the Council encourage.

Luggage

Drivers are to give all reasonable assistance with passengers' luggage in loading and unloading. According to this definition of reasonable, drivers are expected to help passengers to get their luggage to and from the entrance of a building.

Safe places to drop off and pick up passengers

Drivers must never pick up or drop off a passenger in an unsafe location, nor allow a passenger to get out of the vehicle in an unsafe way (onto a road, for example).

Lost property

Drivers must check the vehicle for property that may have been inadvertently left there by a passenger. If any property is found, drivers must take all reasonable steps to return property to any passenger who leaves something in the vehicle. Where this is impractical or the attempt to return property has failed, the driver must return the property to the Council, where it will be recorded and further attempts to return the property will be made.

Animals

Drivers may not carry any animal which does not belong to a passenger in the vehicle. Carriage of an animal owned by a passenger is at the discretion of the driver, apart from guide dogs and other assistance dogs, which must be permitted with their owner free of charge.

Food in the vehicle

The driver must not eat or drink whilst carrying fare-paying passengers in the vehicle.

Music

Noise nuisance is to be avoided. Drivers must not use the radio or any other sound equipment without the express permission of the passenger. Even with passenger permission, the radio system must never be used in a way that would alarm or cause nuisance to any person, including members of the public.

Smoking and e-cigarettes

The Council enforces a no smoking and no e-cigarette policy in licensed vehicles. Drivers must not smoke tobacco or use e-cigarettes or vaporisers, nor allow passengers to do so whilst in the vehicle. The vehicle must clearly have a no smoking sign on display.

Appendix G – Hackney Carriage - Enforcement

The following sections outline the hackney carriage offences. It is important that drivers become familiar with the offences, as ignorance of an offence will not protect a licence holder from the full weight of the law.

Many of the offences are explicitly discussed in the policy. This is simply provided as a comprehensive list of offences for which we can prosecute.

Offences under the Town Police Clauses Act 1847

- Giving false information on application for hackney carriage proprietor's licence
- Failure to notify change of address of hackney carriage proprietor
- Plying for hire without hackney carriage proprietor's licence
- Driving a hackney carriage without hackney carriage driver's licence
- Lending or parting with hackney carriage driver's licence
- Hackney carriage proprietor employing unlicensed driver
- Failure by hackney carriage proprietor to hold hackney carriage driver's licence
- Failure by hackney carriage proprietor to produce hackney carriage driver's licence
- Failure to display hackney carriage plate
- Refusal to take a fare
- Charging more than the agreed fare
- Obtaining more than the legal fare
- Travelling less than the lawful distance for an agreed fare
- Failing to wait after a deposit to wait has been paid
- Charging more than the legal fare
- Carrying other person than the hirer without consent
- Driving hackney carriage without proprietor's consent
- Person allowing another to drive hackney carriage without proprietor's consent
- Drunken driving of hackney carriage
- Wanton or furious driving or wilful misconduct leading to injury or danger

- Driver leaving hackney carriage unattended
- Hackney carriage driver obstructing other hackney carriages

Offences under the Local Government (Miscellaneous Provisions) Act 1976

- Failure to notify transfer of hackney carriage proprietor's licence
- Failure to present hackney carriage for inspection as required
- Failure to inform local authority where hackney carriage is stored if requested
- Failure to report an accident to local authority
- Failure to produce hackney carriage proprietor's licence and insurance certificate
- Failure to produce hackney carriage driver's licence
- Making false statement or withholding information to obtain hackney carriage driver's licence
- Failure to return plate after notice given, after expiry, revocation or suspension of hackney carriage proprietor's licence
- Failure to surrender driver's licence after suspension, revocation or refusal to renew
- Permitting any vehicle other than hackney carriage to wait on a hackney carriage stand
- Charging more than the meter fare for a journey ending outside the district, without prior agreement
- Charging more than the meter fare when hackney carriage used as private hire vehicle
- Unnecessarily prolonging a journey
- Interfering with a taximeter
- Obstruction of authorised officer or constable
- Failure to comply with requirement of authorised officer or constable
- Failure to give information or assistance to authorised officer or constable

The above list is not exhaustive, and the Council reserves the right to prosecute any other appropriate offence in line with the Corporate Enforcement policy.

Appendix H – Private Hire - Enforcement

The following sections outline the private hire offences. It is important that drivers become familiar with the offences, as ignorance of an offence will not protect a licence holder from the full weight of the law.

Many of the offences are explicitly discussed in the policy. This is simply provided as a comprehensive list of offences for which we can prosecute.

Offences under the Local Government (Miscellaneous Provisions) Act 1976

- Using an unlicensed private hire vehicle
- Driving a private hire vehicle without a private hire driver's licence
- Proprietor of a private hire vehicle using an unlicensed driver
- Operating a private hire vehicle without a private hire operator's licence
- Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle
- Operating a private hire vehicle when the driver is not licensed as a private hire driver
- Failure to display private hire vehicle plate
- Failure to notify transfer of private hire vehicle licence
- Failure to present private hire vehicle for inspection as required
- Failure to inform local authority where private hire vehicle is stored if requested
- Failure to report an accident to local authority
- Failure to produce private hire vehicle licence and insurance certificate
- Failure to produce private hire driver's licence
- Failure to wear private hire driver's badge
- Failure by private hire operator to keep records of bookings
- Failure by private hire operator to keep records of private hire vehicles operated by him
- Failure to produce private hire operator's licence on request
- Making false statement or withholding information to obtain private hire driver's or operator's licence
- Failure to return plate after notice given after expiry, revocation or suspension of private hire vehicle licence

- Failure to surrender drivers' licence after suspension, revocation or refusal to renew
- Charging more than the meter fare when hackney carriage used as private hire vehicle
- Unnecessarily prolonging a journey
- Interfering with a taximeter
- Obstruction of authorised officer or constable
- Failure to comply with requirement of authorised officer or constable
- Failure to give information or assistance to authorised officer or constable
- Knowingly sub-contracting a booking to another operator who is not complying with the relevant legislation

Offences under the Transport Act 1980

- Driving a private hire vehicle with a roof sign which contravenes section 64(1)
- Causing or permitting a private hire vehicle to be driven with a roof sign which contravenes section 64(1)

The above list is not exhaustive, and the Council reserves the right to prosecute any other appropriate offence in line with the Corporate Enforcement policy.

Appendix I – Definitions in this Policy

Applicant	An individual or organisation applying for the grant or renewal of a licence or licences
Authorised officer	An officer of the Council with powers to administer and enforce relevant legislation.
the Council	Selby District Council
DBS	Disclosure and Barring Service
Driver licence	A licence issued by the Council to taxi drivers.
Driving licence	A licence issued by the DVLA.
DVLA	Driver and Vehicle Licensing Agency
DVLA Group 2	The minimum standard of medical health required of professional drivers.
DVSA	Driving Standards Agency
Hackney Carriage Vehicle	A vehicle which can be hired under the Town Police Clauses Act (1847) either immediately or pre booked.
Licensing Committee	A committee of the Council with authority to determine applications for licences, including private hire operators, drivers and vehicle proprietors.
MOT test	A statutory inspection required for all licensed vehicles.
MOT	Ministry of Transport
Private Hire Operator	An individual, a company or a partnership licenced to make arrangements for the hire of a Private Hire Vehicle
Private Hire Vehicle	A vehicle which can be hired under the Local Government (Miscellaneous Provisions) Act 1976.
Taximeter	A meter which calculates the distance travelled and time spent on a journey in a taxi. The rates are set by the Council and determine a fair fee for the passenger.
Vehicle Proprietor	A person responsible for the maintenance of the vehicle (Usually the owner of the vehicle).

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Report Reference Number: L/21/10

To: Licensing Committee
Date: 14 March 2022
Ward(s) Affected: Whole District
Author: Sharon Cousins, Licensing Manager
Lead Officer: Drew Fussey, Operational Service Manager

Title: Gambling Policy 2022

Summary:

Selby District Council is the Licensing Authority responsible for the licensing of certain gambling premises licences and all types of gaming machine permits in Selby District. As part of this role the Council must have regard to the statutory licensing objectives and issue a Statement of Licensing Principles (“the Gambling Policy”), which must be reviewed every 3 years. The existing Gambling Policy has been reviewed and it is considered that very minor changes are required. The Council consulted on the revised Gambling Policy between 10 January 2022 to 21 February 2022.

Recommendations:

That the Licensing Committee consider and endorse the proposed Gambling Policy (Annex A).

1. Introduction and background

1.1. Selby District Council as a Licensing Authority is given responsibility by the Gambling Act 2005 (“the Act”) for issuing premises licences for the following in Selby District:

- Casino Premises
- Family Entertainment Centre Premises
- Bingo Premises
- Betting Premises
- Adult Gaming Premises

1.2 The Act also passes responsibility to the Council for the granting of all types of gaming machine permits and alters the way certain categories of lotteries are registered and controlled.

1.3 In exercising functions under the Act, the Council must have regard to the Licensing Objectives, which are distinct and different from those contained under the Licensing Act 2003. They are:

- Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way; and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.4 The Council has a duty which it must discharge under s349 of the Act. The Council is required to formulate a Gambling Policy that it proposes to apply in exercising its functions under the Act.
- 1.5 The Gambling Policy must be reviewed at least every three years, and the current Gambling Policy must be reviewed and revised (if necessary) in 2022.

2. The Report

- 2.1 The Gambling Commission (the Commission) is required by s25 of the Act to issue guidance to licensing authorities on the discharge of their functions under the Act. It deals primarily with matters intended to assist in the development of a licensing authority's Gambling Policy and is something the Council must have due regard to. The Commission's guidance was most recently updated in May 2021.
- 2.2 The draft Gambling Policy has been reviewed (Appendix A). It was previously adopted in 2019 and the regulatory regime is unchanged. For that reason, it is considered that the only changes required are to update:
- population size of the district
 - removal of section 7.7 as the Enforcement policy is currently being reviewed and the link and pages mentioned may change.
 - Merkur Slots added under the list of consultees
 - Name change of the Police Licensing Officer
- 2.3 The Executive considered the draft Gambling Policy on 6 January 2022 and approved it for consultation from 10 January 2022 to 21 February 2022. The Consultation was wide, including, those consultees required by statute (listed at Appendix B of the draft Gambling Policy), as well as non-statutory consultees such as the public, Parish Councils and Selby District Councillors. The consultation was also published on the Councils website, advertised in the local newspaper, and regularly published on the Councils social media.
- 2.4 Four comments were received to the consultation; in summary these were:
- 2.4.1. BeGambleaware.org commented that although unable to offer specific feedback to the Gambling Policy, information was shared about the national helpline and where to find interactive maps. The helpline information has been added to our website.
- 2.4.2. Licence holder of a lottery licence required operational information on payments and applying for a renewal – this information was

provided.

- 2.4.3 Police – Section 14.2, Preventing Gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime – from a police perspective if operators wished to seek information on crime in our area they could use the link provided to the Police UK crime map. This has been added to this section.
 - 2.4.4 A resident commented on concerns over how gambling premises communicate to children what is normal, expected and shapes what they see as a possible future.
- 2.5 Following this consultation, the Gambling Policy was amended as necessary and can be seen in Appendix A, which is scheduled to be presented before the following committees. Any updates from the previous committees will be given verbally.

Committee	Date
Licensing	Monday 14 th March
Policy Review	Tuesday 15 th March
Executive	Thursday 7 th April
Council	Tuesday 17 th May

- 2.6 If the Gambling Policy is adopted at Full Council, following the call-in period, there will be a further two weeks advertising that the Gambling Policy has been adopted. If there are no comments to the advertising, it is anticipated that the Gambling Policy will come into effect towards the end of June 2022.

3. Legal Implications

- 3.1. The review of the Gambling Policy is a legislative requirement. The Act requires the Licensing Authority to publish a Gambling Policy every three years, but it can be reviewed at any time within the three year period. In accordance with section 349 of the Act, when reviewing the Gambling Policy, the Licensing Authority is required to carry out a consultation process.
- 3.2. The final approval for the new Gambling Policy is given by Full Council. Failure to review the Gambling Policy and follow the correct guidelines will leave decisions on gambling licensing open to challenge.

4. Financial Implications

- 4.1. This Gambling Policy proposes no significant changes, and no financial risk is identified.

5. Equalities Impact Assessment

- 5.1. Given the minor nature of the changes to the draft Gambling Policy, no impacts are anticipated and therefore no screening document completed.

6. Conclusion

- 6.1. In line with the Act and the most recent Gambling Commission guidance, the Council, in its role as Licencing Authority, has now completed the statutory review of the policy, which will ensure the Council is carrying out its role as Licensing Authority. The draft Gambling Policy went out for consultation between 10 January 2022 to 21 February 2022. It received 4 comments only.
- 6.2 Subject to comments from the Licensing Committee, following approval by full Council on 17 May 2022, the new Gambling Policy will come into force on the 30 June 2022.

7. Background Documents

Existing Gambling Policy

8. Appendices

Appendix A – Draft Gambling Policy (Statement of Principles)

Contact Officer:

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Gambling Policy 2022

Gambling Act 2005

Statement of Principles





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PART A

1. Introduction

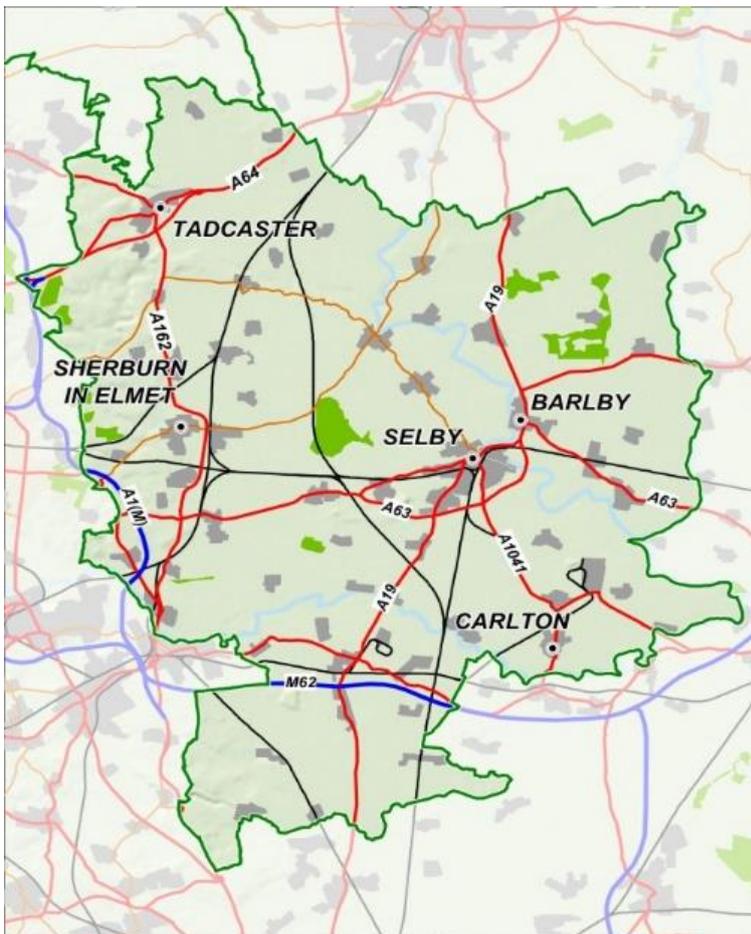
- 1.1 Section 349 of the Gambling Act 2005 ('the Act') requires us (Selby District Council) as a Licensing Authority in England and Wales to define and publish our Policy Statement on the exercise of our gambling functions at least every three years.
- 1.2 We will review our statement from "time to time" and consult upon any amended parts to the statement. We will then re-publish the amended statement.
- 1.3 In exercising most of our functions under the Act, we must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.3 We have 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".
- 1.4 We have noted that, as per section 153 of the Act, in making decisions about premises licences and temporary use notices we should aim to permit the use of premises for gambling in so far as we think it is:

The 'aim to permit' framework provides wide scope for licensing authorities to impose conditions on premises licence, reject, review, or revoke premises licences where there is inherent conflict with the relevant codes of practice, relevant guidance issued by the Commission, the licensing objectives, or the licensing authorities own policy statement.
- 1.5 The Act requires that we consult with the following parties:
 - The Chief Officer of Police
 - One or more persons who appear to us to represent the interests of persons carrying on gambling businesses in our area
 - One or more persons who appear to us to represent the interests of persons who are likely to be affected by the exercise of our functions under the Gambling Act 2005
- 1.6 We have consulted widely on this policy statement from 10th January 2022 to 21st February 2022. A list of persons consulted can be found at Appendix A.
- 1.7 There were 4 comments received in response to the consultation.

- 1.8 This statement of Principles was approved at a meeting of the Full Council on. This is published on our website (www.selby.gov.uk). In addition, copies are placed in the public libraries of the area as well as being available in our customer contact centre.
- 1.9 It should be noted that this Statement of Principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

2. Profile of Selby District

- 2.1 Selby District is situated in the County of North Yorkshire. It covers an area of 602 square kilometres and is situated to the south of the city of York. The 2020 mid-year estimate for the district's population is 91,697¹ and the principal settlements are Selby, Tadcaster and Sherburn-in-Elmet. The council area is mainly rural in character and aspect with a dispersed settlement plan. There are 74 Parish Councils as well as various Parish and Community meetings. Selby in particular is of historical importance built as it is around Selby Abbey. As consequence tourism and leisure are important industries. Detail of the district is shown in the map below.



¹ ONS Mid-Year Estimates 2018



3. Declaration

- 3.1 In producing this Statement of Principles, we have given regard to the licensing objectives of the Act, the guidance issued by the Gambling Commission, and any responses from those consulted on the Statement of Principles.

4. Responsible Authorities

- 4.1 We are required by regulations to state the principles we 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
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group
- 4.2 In accordance with the Gambling Commission's Guidance for local authorities this authority designates Corporate Director of Children and Young People's Services, North Yorkshire County Council, Room 122 County Hall, Racecourse Lane, Northallerton, North Yorkshire, DL7 8DD for this purpose.
- 4.3 The contact details of the Responsible Authorities under the Act can be found at Appendix B and on our website www.selby.gov.uk

5. Interested parties

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

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person-

- a) lives sufficiently close to the premises to be likely to be affected by the authorities activities,*
- b) has business interests that might be affected by the authorised activities, or*
- c) represents persons who satisfy paragraph (a) or (b)"*

- 5.2 We are required by regulations to state the principles we will apply in exercising our powers under the Act to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits. We will not apply a rigid rule to our decision making. We will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities at 8.12 to 8.17. Note though that decisions on premises and temporary use notices must be "in accordance" with



Gambling Commission Guidance (Section 153 of the Act). We 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.

- Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these, however, we will generally require written evidence that a person/body (e.g., an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- If individuals wish to approach Councillors to ask them to represent their views, then care should be taken that the Councillor(s) are not part of the Licensing Committee dealing with the licence application. If there are any doubts, then please contact the licensing team at:

Licensing

Selby District Council
Civic Centre
Doncaster Road
Selby
YO8 9FT
licensing@selby.gov.uk

01757 705101

6. Exchange of Information

- 6.1 We are required to include in our policy statement the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between us and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between us and the other persons listed in Schedule 6 to the Act. This is detailed as a separate section to comply with Regulation 5.
- 6.2 The principle that we apply is that we will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. We 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 Act.

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

7. Enforcement

- 7.1 We are required by regulation under the Act to state the principles we will apply to 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.

- 7.2 Our principles are that:

We will be guided by the Gambling Commission's Guidance for local authorities. We will endeavour to be:

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

- 7.3 As per the Gambling Commission's Guidance for local authorities we will endeavour to avoid duplication with other regulatory regimes so far as possible.

- 7.4 We have adopted and implemented a risk-based inspection programme, based on:

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this Statement of Licensing Principles
- We will be guided by complaints from Responsible Authorities and Interested Parties in establishing the level of risk from any premises in the district.
- It will investigate complaints about licensed premises where appropriate. In the case of valid representation, the Licensing Authority where appropriate will endeavour to seek a resolution through mediation.

Where considered appropriate, the Licensing Authority may pass a complaint on for investigation to any other statutory agent under whose enforcement responsibility the complaint falls

- 7.5 Our main enforcement and compliance role in terms of the Act will be to ensure compliance with the premises licences and other permissions which we authorise. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that we will not deal with concerns about manufacture, supply or repair of gaming machines but these concerns will be notified to the Gambling Commission.



7.6 We will also keep ourselves informed of developments regarding the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

8. Licensing Authority functions

8.1 As the Licensing Authority we 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) of 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 more than two machines are required
- 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

8.2 It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via Operator Licences.



PART B

PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

9. General Principles

- 9.1 Premises Licences will be subject to the requirements set-out in the Act 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

- 9.2 We are aware that in making decisions about premises licences we should aim to permit the use of premises for gambling in so far as we think it is:
- in accordance with any relevant code of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the authority's statement of licensing policy (which is available to view at the following webpage: <http://www.selby.gov.uk/licensing-policies>)
- 9.3 It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below) and also that unmet demand is not a criterion for us.

10. Definition of “premises”

- 10.1 In the Act “premises” is defined as including “any place”. Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.
- 10.2 The Gambling Commission states in the fifth edition of its Guidance to Licensing Authorities that: “in most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be



regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.

10.3 We take particular note of the Gambling Commission’s Guidance to Local 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.

10.4 The Guidance also gives a list of factors which we should be aware of when considering if two or more proposed premises are truly separate, which may include:

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

10.5 We will consider these and other relevant factors in making decision, depending on all the circumstances of the case.

10.6 **The Gambling Commission’s relevant access provisions (as defined at 7.23 of the Guidance) for each premises type are reproduced below:**

Type of premises	Access Provisions
Casinos	<ul style="list-style-type: none"> • The principal access entrance to the premises must be from a street • No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons • No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

Adult Gaming Centre	<ul style="list-style-type: none"> No customer must be able to access the premises directly from any other licensed gambling premises
Betting Shops	<ul style="list-style-type: none"> Access must be from a street or from another premises with a betting premises licence No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.
Tracks	<ul style="list-style-type: none"> No customer should be able to access the premises directly from: <ul style="list-style-type: none"> a casino, or an adult gaming centre
Bingo Premises	<ul style="list-style-type: none"> No customer must be able to access the premises directly from: <ul style="list-style-type: none"> a casino an adult gaming centre, or a betting premises, other than a track
Family Entertainment Centre	<ul style="list-style-type: none"> No customer must be able to access the premises directly from: <ul style="list-style-type: none"> a casino an adult gaming centre, or a betting premises, other than a track

10.7 Part 7 of the Gambling Commission’s Guidance to Licensing Authorities contains further guidance on this issue, which we will also take into account in our decision-making.

11. Premises “ready for gambling”

11.1 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that we can be satisfied is 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.

11.2 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

11.3 In deciding whether a premises licence can be granted where there is outstanding construction or alteration works at premises, this authority will determine applications on their merits, applying a two stage consideration process:

- Stage 1:** whether the premises ought to be permitted to be used for gambling
- Stage 2:** whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.



- 11.4 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.
- 11.5 More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.59-7.66 of the Guidance.

12. Location:

- 12.1 We are 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 our decision-making. As per the Gambling Commission's Guidance to Local Authorities, we will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this policy statement will be updated.
- 12.2 We will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives before refusing. From 6 April 2016, it has been a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 10, for licensees to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at each of their premises, and have policies, procedures and control measure to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement. It is a Council requirement that Local Risk assessments (LRA) are kept on the premises. These should be structured in such a manner that offers sufficient assurance that the premises have suitable controls and procedures in place. These controls should reflect the level of risk within the particular area, which will be determined by local circumstances.
- 12.3 The LCCP say that licensees must review (and update as necessary) their local risk assessments:
- to take account of significant changes in local circumstances, including those identified in this policy statement;
 - when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
 - when applying for a variation of a premises licence; and
 - in any case, undertake a local risk assessment when applying for a new premises licence.
- 12.4 We expect the local risk assessment to consider as a minimum:
- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;
 - the demographics of the area in relation to vulnerable groups;
 - whether the premises is in an area subject to high levels of crime and/or disorder.
- 12.5 Local risk assessments should show how vulnerable people, including people with gambling dependencies are protected.



12.6 It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how the concerns can be overcome.

13. Duplication with other regulatory regimes:

13.1 We will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. We will not consider whether a licence application is likely to be awarded planning or building approval, in our consideration of it. We will though listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

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

14. Licensing objectives

14.1 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, we have considered the Gambling Commission's Guidance to Local Authorities:

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

We are aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. We are 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.

Operators seeking information about levels of crime and disorder in our area can use the following link to the Police UK Crime Map: [Selby | Police.uk \(www.police.uk\)](http://Selby | Police.uk (www.police.uk))

14.3 Ensuring that gambling is conducted in a fair and open way

We note 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 (but, if such concerns come to our notice we will forward them to the Commission). There is, however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section below.

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

We have noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). We will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

14.5 We will also make ourselves aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific types of premises.

14.6 As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that "it will for regulatory purposes assume that this group includes:

- people who gamble more than they want to;
- people gambling beyond their means; and
- people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs."

14.7 We will consider this licensing objective on a case by case basis.

15. Conditions

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

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

15.2 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures we will consider utilising should there be a perceived need, such as:

- the use of door supervisors;
- supervision of adult gaming machines; and
- appropriate signage for adult only areas etc.

15.3 There are specific comments made in this regard under some of the licence types below. We will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

15.4 We will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to



pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

15.5 We 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.

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

15.7 It is noted that there are conditions which we cannot attach to premises licences these are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

16. Door Supervisors

16.1 The Gambling Commission advises in its Guidance to Licensing Authorities that if we are concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then we may require that the entrances to the premises are controlled by a door supervisor, and we are entitled to impose a condition on the premises licence to this effect.

16.2 It is noted that the door supervisors at casinos or bingo premises are not required to be registered by the Security Industry Authority (SIA) under the Private Security Act 2001. Where door supervisors are provided at these premises the operator should ensure that any persons employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a Disclosure and Barring Service check on potential staff and for such personnel to have attended industry recognised training. Door supervisors not directly employed by a casino or bingo operator do have to be SIA registered.

17. Adult Gaming Centres

17.1 We 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.

17.2 We may consider measures to meet the licensing objectives such as:

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

This list is not mandatory, nor exhaustive.

18. (Licensed) Family Entertainment Centres

18.1 Licensed Family Entertainment Centres (FECs) are those premises which usually provide a range of amusements such as computer games, penny pushers and may have a separate section for adults, over 18's.. Licensed FECs will be able to make available unlimited category C and D machines where there is a clear segregation in place, so children do not access the areas where the category C machines are located.

18.2 We 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.

18.3 We may consider measures to meet the licensing objectives such as:

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

This list is not mandatory, nor exhaustive.

18.4 We 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. We will also make ourselves aware of any mandatory or default conditions on these premises licences.

19. Casinos

- 19.1 *No Casinos resolution* – We have not passed a ‘no casino’ resolution under Section 166 of the Gambling Act 2005, but we are aware that we have the power to do so. Should we decide in the future to pass such a resolution, we will update this Statement of Principles with details of that resolution. Any such decision will be made by the Full Council.
- 19.2 *Licence considerations / conditions* – We will attach conditions to casino premises licences according to the principles set out in the Gambling Commission’s Guidance at paragraph 9, bearing in mind the mandatory conditions listed at paragraph 17 of the Guidance, and the Licence Conditions and Codes of Practice published by the Gambling Commission.

20. Bingo premises

- 20.1 We note that the Gambling Commission’s Guidance states:
- 20.2 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.
- 20.3 Children and young people are allowed into bingo premises; however, they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

21. Betting premises

- 21.1 *Betting machines* - Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, we will, amongst other things, take into account:
- the size of the premises;
 - the number of counter positions available for person-to-person transactions; and
 - the ability of staff to monitor the use of the machines by vulnerable persons
- 21.2 Where an applicant for a betting premises licence intends to offer higher stake category B gaming machines (categories B2-B4) including any Fixed Odds Betting Terminals (FOBTs), then applicants should consider the control measures related to the protection of vulnerable persons.

21.3 Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commission's Codes of Practice or by the applicant, we may consider licence conditions to address such issues.

Appropriate licence conditions may be:

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

This list is not mandatory, nor exhaustive.

22. Tracks

22.1 Tracks (as defined by s353 the Act means a horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place) are different from other premises in that there may be more than one premises licence in effect and that the track operator may not be required to hold an operating licence as there may be several premises licence holders at the track which will need to hold their own operating licences.

22.2 There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and this authority would expect the premises licence applicants 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, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

We may consider measures to meet the licensing objectives such as:

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



This list is not mandatory, nor exhaustive.

- 22.3 *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.
- 22.4 *Betting machines* – We have a power under the Act, to restrict the number of betting machines, their nature and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence. In relation to betting premises away from tracks, we will take into account the size of the premises and the ability of staff to monitor the use of the machines by vulnerable people when determining the number of machines permitted.
- 22.5 Similar considerations apply in relation to tracks, where the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines, the ability of track staff to supervise them if they are scattered around the track and the ability of the track operator to comply with the law and prevent children betting on the machine. We will consider restricting the number and location of betting machines, in the light of the circumstances of each application for a track betting premises licence.
- 22.6 We take the view that it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences. This would ensure that there was clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.
- 22.7 **Condition on rules being displayed** - This authority will consider whether to attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.
- 22.8 **Applications and plans** – The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that we have the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for us to plan future premises inspection activity. (See Guidance to Licensing Authorities, paragraph 20.28).
- 22.9 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations (See Guidance to Licensing Authorities 20.29).
- 22.10 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities 20.31).



22.11 In rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the premises boundaries do not need to be defined (See Guidance to Licensing Authorities, paragraphs 20.32).

22.12 We appreciate that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information so that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan. (See Guidance to Licensing Authorities, paragraph 20.33).

23. Travelling Fairs

23.1 Where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, we are responsible for deciding whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

23.2 We will also consider whether the applicant falls within the statutory definition of a travelling fair.

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

24. Provisional Statements

24.1 Developers may wish to apply to us for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

24.2 Section 204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed
- expects to be altered; or
- expects to acquire a right to occupy



- 24.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 24.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 24.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. We will be constrained in the matters we can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
- they concern matters which could not have been addressed at the provisional statement stage, or
 - they reflect a change in the applicant's circumstances
- 24.6 In addition to this, we may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional statement stage;
 - which in the authority's opinion reflect a change in the operator's circumstances; or
 - where the premise has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan, and we note that it can discuss any concerns it has with the applicant before making a decision.

25. Reviews

- 25.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for us, as 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 this Gambling Act 2005 - Statement of Principles.
- 25.2 The request for the review will also be subject to our consideration as to whether the request is frivolous, vexatious, or whether it will certainly not cause us to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.



- 25.3 We 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.
- 25.4 Once we have received a valid application for a review, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after we receive the application, we will publish notice of the application within 7 days of receipt.
- 25.5 We must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 25.6 The purpose of the review will be to determine whether we should take any action in relation to the licence. If action is justified, the options open to us are to:-
- (a) add, remove or amend a licence condition we impose;
 - (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
 - (c) suspend the premises licence for a period not exceeding three months; and
 - (d) revoke the premises licence
- 25.7 In determining what action, if any, should be taken following a review, we must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 25.8 In particular, we 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.
- 25.9 Once the review has been completed, we must, as soon as possible, notify our decision to:
- the licence holder
 - the applicant for review (if any)
 - the Commission
 - any person who made representations
 - the chief officer of police or chief constable; and
 - Her Majesty's Commissioners for Revenue and Customs



PART C

Permits / Temporary & Occasional Use Notice

26. Unlicensed Family Entertainment Centre gaming machine permits

- 26.1 Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to us for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238 of the Act).
- 26.2 The Act states that a Licensing Authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25 of the Act.
- 26.3 S24.9 of the Guidance also states: "An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application" Licensing Authorities might wish to consider asking applications to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
 - that staff are trained to have a full understanding of the maximum stakes and prizes.
- 26.4 It should be noted that a Licensing Authority cannot attach conditions to this type of permit.
- 26.5 **Statement of Principles:** We expect applicants to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. We 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.

27. (Alcohol) Licensed premises gaming machine permits



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

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

27.2 **Permit: 3 or more machines-** If a premises wishes to have more than 2 machines, then it needs to apply for a permit and we must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as [we] think relevant.*”

27.3 We consider that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff, who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

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

27.5 It should be noted that we can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

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

28. Prize Gaming Permits

28.1 The Act states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

28.2 We have prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer, and that the applicant should be able to demonstrate:



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

28.3 In making our decision on an application for this permit we do not need (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

28.4 It should be noted that there are conditions in the Act by which the permit holder must comply, but to which we cannot attach conditions.

The conditions in the Act are:

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

29. Club Gaming and Club Machines Permits

29.1 Members Clubs and Miners' welfare institutes may apply for a Club Gaming Permit or a Club Gaming Machines Permit. A Commercial Club may only apply for a Club Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D), equal chance gaming and games of chance as set out in regulations. A Club Gaming Machine Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D). Only one category B3A machine can be sited as part of this entitlement.

29.2 Gambling Commission Guidance for licensing authorities states: "Members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs, which replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include; working men's clubs, branches of Royal British Legion and clubs with political affiliations."

29.3 Before granting the permit we will need to be satisfied that the premises meet the requirements of a members' club and we may grant the permit only if the majority of members are over 18 years old.

29.4 We are aware that we may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;



- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

29.5 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Gambling Act 2005 (Schedule 12 paragraph 10). Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced.

- 29.6 The grounds on which an application under the process may be refused are that:
- (a) the club is established primarily for gaming, other than gaming prescribed under schedule 12;
 - (b) in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - (c) a club gaming permit or club machine permit issued to the applicant in the last ten years have been cancelled."

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

30. Temporary Use Notices

30.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for Temporary Use Notices, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

30.2 We 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.

30.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this statement the relevant regulations (The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

30.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

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

30.6 We expect 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.



31. Occasional Use Notices:

- 31.1 The Act provides that where there is betting on a track on eight days or fewer in a calendar year, betting may be permitted by an Occasional Use Notice without the need for a full premises licence.
- 31.2 We have very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. We will, however, consider the definition of a 'track' and whether the applicant is permitted to benefit him/herself of the notice.

32. Registration of Small Society Lotteries

- 32.1 We will adopt a risk-based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of an operator:
- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
 - submission of incomplete or incorrect returns
 - breaches of the limits for small society lotteries
- 32.2 Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:
- by, or on behalf of, a charity or for charitable purposes
 - to enable participation in, or support of, sporting athletic or cultural activities.



Appendix A – List of Consultees

The Gambling Act requires that the following parties be consulted on the Licensing Policy:

(a) The Chief Officer of Police

Chief Constable, North Yorkshire Police

(b) One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area

Done Brothers (Cash Betting) Ltd
Betfred
Ladbrokes Betting & Gaming Ltd
Ladbrokes
Stan James
William Hill Organisation Ltd
William Hill Bookmakers
William Hill Bookmakers
William Hill
Bowl 'N' Fun
Gamestec Leisure Limited
Popleston Allen

Selby Bowling Club
Inspiring Healthy Lifestyles
BACTA
Association of British Bookmakers Ltd
The Bingo Association
Greyhound Board of Great Britain
The Jockey Club
Federation of Licensed
Victuallers Associations
Alcohol Premises Licence Holders
Merkur Slots

(c) 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.

- Jacqueline Booth, Police Licensing Officer
- Chief Fire Officer
- The Gambling Commission
- H M Revenue & Customs
- Social Services Strategy & Performance
- Officer
- GamCare
- GambleAware
- Health and Safety Executive
- North Yorkshire Trading Standards
- Mr Nigel Adams, MP
- Selby District Councillors
- Selby District Town and Parish Councils
- Selby District Council Licensing Committee
- Selby District Council Policy Review Committee
- Responsible Authorities



Appendix B – Responsible Authorities

This list of Responsible Authorities is also available on our website www.selby.gov.uk

North Yorkshire Police (For Licensing applications only)
North Yorkshire Police Headquarters
The Licensing Section
Fulford Road
York
YO10 4BY
nyplicensing@northyorkshire.pnn.police.uk

North Yorkshire Fire and Rescue Authority
Chief Fire Officer
Fire Brigade Headquarters
Crosby Road
Northallerton
North Yorkshire
DL6 1AB
www.northyorkshire.gov.uk/contact-us

The Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP
Tel: 0121 230 6500

Social Services
Strategy & Performance Officer
Children & Young People's Service
Room SB012
County Hall,
Racecourse Lane
Northallerton
DL8 7AE

Lead Officer – Development Control
Selby District Council
Civic Centre
Doncaster Road
Selby
YO8 9FT

H M Revenue & Customs
Exercise Processing Teams
BX1 1GL
Tel: 0141 555 3633

The Licensing Officer
Selby Police Station
Portholme Road
Selby
North Yorkshire
YO8 4QQ

Environmental Health
Selby District Council
Civic Centre
Doncaster Road
Selby
YO8 9FT

Solicitor to the Council
Selby District Council
Civic Centre
Doncaster Road
Selby
YO8 9FT

Health & Safety Section
Environmental Health Department
Selby District Council
Civic Centre
Doncaster Road
Selby
YO8 9FT

Appendix C - Table of delegation of licensing functions

Matter to be dealt with	Full Council	Licensing Sub Committee	Officers
Application for premises licences		✓ Where representations have been received and not withdrawn	✓ Where no representations received / representations have been withdrawn
Application for a variation to a licence		✓ Where representations have been received and not withdrawn	✓ Where no representations received / representations have been withdrawn
Application for a transfer of a licence		✓ Where representations have been received from the Commission or responsible authority	✓ Where no representations received from the Commission or responsible authority
Review of a premises licence		✓	
Application for a provisional statement		✓ Where representations have been received and not withdrawn	✓ Where no representations received/representations have been withdrawn
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		✓	
Applications for other permits		✓ Where the application is for 5 or more machines	✓ (except where there is a possibility of refusal or grant of a reduced number of gaming or betting machines)
Cancellation of licensed premises gaming machine permits			✓
Consideration of temporary use notice			✓
Decision to give a counter notice to a temporary use		✓	

Matter to be dealt with	Full Council	Licensing Sub Committee	Officers
notice			
Determination as to whether a representation is frivolous, vexatious or repetitive		✓	
Fee Setting – when appropriate		✓	
Three year Gambling Policy	✓		
Policy not to permit casinos	✓		

✓ indicates the lowest level to which decisions can be delegated.

NB. The Council reserves the right to amend this table of delegation



Appendix D – Categories of Gaming Machines

Section 236 of the Gambling Act 2005 provides for the Secretary of State to make regulations to define four classes of gaming machine: categories A, B, C, and D, with category B further divided into sub-categories. The regulations define the classes according to the maximum amount that can be paid for playing the machine and the maximum prize it can deliver.

The following table shows the different categories of machine and the maximum stakes and prizes that currently apply.

Category of machine	Maximum stake (from Jan 2014)*	Maximum prize (from Jan 2014)*
A	No category A gaming machines are currently permitted	
B1	£5	£10,000*
B2	£100	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize (other than a crane grab machine or a coin pusher or penny falls machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D – money prize (other than a coin pusher or penny falls machine)	10p	£5
D – combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be prize money)
D – combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be prize money)

* with the option of a maximum £20,000 linked progressive jackpot on a premises basis only.

**Stakes and Prizes may change.

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