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Dear Members

Licensing Committee

A meeting of the Licensing Committee will be held in the **Craddock Room, Civic Suite, Civic Centre, Riverside, Stafford on Friday 18 October 2024 at 10.00am** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

Members are reminded that contact officers are shown in each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

A handwritten signature in black ink, appearing to read "I. Curran".

Head of Law and Governance

LICENSING COMMITTEE

18 OCTOBER 2024

Chair - Councillor A M Loughran

AGENDA

- 1 Apologies
- 2 Officer's Reports

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Membership

Chair - Councillor A M Loughran

- | | |
|--------------|------------|
| J A Barron | L Nixon |
| A P Edgeller | M Phillips |
| P A Leason | J P Read |
| A M Loughran | J T Rose |
| J A Nixon | J Thorley |

Agenda Item 2(a)**Statement of Licensing Policy 2025 - 2030**

Committee:	Licensing Committee
Date of Meeting:	18 November 2024
Report of:	Head of Regulatory Services
Portfolio:	Environment Portfolio

1 Purpose of Report

- 1.1 Committee is asked to consider the draft 'Statement of Licensing Policy' under the Licensing Act 2003 ('the Act') following consultation on statutory review and note its contents. The next review is due by January 2025.

2 Recommendations

- 2.1 To consider this Statement of Licensing Policy 2025 and to recommend Council adopt and publish the Statement at **APPENDIX 1** to this report.

Reasons for Recommendations

- 2.2 A requirement of the Act is that all local authorities (or Licensing Authorities as they are known under the Act) must draft, consult on and publish a "Statement of Licensing Policy". The Statement of Licensing Policy must have regard to the content of a set of guidance notes published by the Secretary of State.
- 2.3 The Act requires each Authority to review its Statement of Licensing Policy whenever necessary and, in any case, every five years. The current Policy was reviewed and approved in November 2019 and published in January 2020, and therefore a new Policy is required to be in place by the end of December 2024 in readiness for publication from the beginning of January 2025.

3 Key Issues

- 3.1 The Policy changes reflect the current issues that are now prevalent and relevant, therefore spiking advice and guidance has been added as well as counter terrorism guidance. There is also updated information on pavement licences which have now been permanently introduced following changes made by the Levelling-up and Regeneration Act 2023 to the Business and Planning Act 2020.

4 Relationship to Corporate Priorities

- 4.1 The Policy supports the priority to improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing strong communities that promote health and wellbeing.

5 Report Detail

- 5.1 Since the Act came into force the Licensing Authority has been responsible for issuing authorisations for premises in the Borough in respect of the sale and supply of alcohol, the provision of regulated entertainment and late-night refreshment.
- 5.2 The new Policy has been produced by officers in partnership with colleagues at Cannock Chase District Council. The reason for this is that Cannock Chase District and Stafford Borough are a shared service, and the statutory and legal principles are the same. A further reason is that both Councils have the same partner organisations that are “Responsible Authorities” under the Act. The draft Statement of Licensing Policy is attached as **APPENDIX 1**.
- 5.3 The content of the Policy follows the statutory guidance set out by the Secretary of State and is supported with local content which is appropriate and relevant for each authority.
- 5.4 The intention is for the Policy to be overarching and therefore a number of links are included to other relevant information which is likely to be subject to minor change within the next five years. Any changes in legislation or other fundamental issues will lead to the Council reviewing the Policy as a whole.
- 5.5 This draft Policy has highlighted several key areas for the Council and other Responsible Authorities to embrace, which have gained in emphasis since the last Policy was approved
- safeguarding and the prevention of child sexual exploitation (CSE)
 - the importance of promoting and supporting licensed premises and the night-time economy
 - the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the local community.
 - the importance of licensing public spaces owned by the Council.
 - spiking in licensed premises
 - counter terrorism
 - pavement licences.
- 5.6 The draft Policy was out for consultation from 9 August - 6 September 2024 and was sent to the following statutory consultees:
- The Chief Officer of Police

- The Fire and Rescue Authority
- The Local Authority's Director of Public Health
- Persons/bodies representative of premises licence holders
- Persons/bodies representative of club premises certificate holders

5.7 In addition the consultation included:

- publishing on Stafford Borough Council's website.
- consultation with other Responsible Authorities, e.g. Safeguarding, Trading Standards,
- focus groups with the business community, e.g. Pub Watch, Local Responsible, Bodies Group, Town Centre Partnership,
- disability and equality groups,
- Stafford and Surrounds Health and Wellbeing Group,
- reference to the consultation was included on all Licensing communications with the trade.

5.8 The Council received one response to the consultation from Staffs Police and Police Licensing, requesting consideration be given for the inclusion of a Cumulative Impact Assessment (CIA) as part of the wider policy, stating that provision of a CIA for a specified area can be relied upon, when appropriate to prevent a further rise in alcohol related crime and disorder in relation to licensed premises.

5.9 The process for introduction of a CIA is detailed in Section 5A of the Licensing Act 2003, which sets out what a licensing authority needs to do in order to publish a CIA and review it, including the requirement to consult with the persons listed in section 5(3) of the 2003 Act. Officers will undertake further work to assess the request from the Police and will present options to members in due course in line with the Council's Constitution.

5.10 During the consultation an information note was released by the Institute of Licensing, regarding spiking and contains useful resources and downloads, therefore this had now been added into the policy document under Spiking 8.12.

6 Implications

6.1 Financial

None identified; the fees for processing and issuing all licences are currently set by the Government.

6.2 Legal

The revised Policy ensures the Council discharges its statutory licensing functions effectively and that decisions made by Officers and Members are transparent, proportionate and comply with Human Rights and Equalities legislation. The Policy provides assurances that decisions made can withstand challenge and scrutiny by outside bodies including the Courts.

6.3 Human Resources

None

6.4 Risk Management

The Policy ensures the Council is able to effectively discharge its statutory licensing functions. Failure to regularly review the Policy could leave the Council open to challenge or sanctions.

6.5 Equalities and Health

An Equality Impact Assessment has been carried out for the Policy. The Policy Document will be made available in large print, Braille and as an audio version, on request.

The Policy confirms that the Council is committed to a Health in All Policies (HIAP) approach. This will help identify how best to tackle the health inequalities within our Borough and ensure that all our policies and services include consideration of the health impact, notwithstanding that Public Health is not a specific objective of the Licensing Act.

6.6 Climate Change

None

7 Appendices

Appendix 1 - Revised Statement of Licensing Policy

Appendix 2 - Cumulative Impact request and supporting documents.

8 Previous Consideration

Statement of Licensing Policy November 2020

9 Background Papers

None

Contact Officer: Julie Wallace

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Ward Interest: All

Report Track: Licensing Committee 18 October 2024
Cabinet 7 November 2024
Council 3 December 2024

Key Decision: N/A

Statement of Licensing Policy for Licensing Act 2003

DRAFT

January 2025 - 2030

Effective January 2025

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1. **Foreword by Councillor Ian Fordham**

I am pleased to introduce Stafford Borough Council's Licensing Policy 2025-2030. This Policy has been prepared in accordance with the Licensing Act 2003 and Guidance issued under Section 182 of the Act.

The Policy sets out how the Council administers its licensing functions under the Act and how decisions will be made. The Policy is valid for five years and will be subject to review and further consultation prior to any substantial changes.

The Policy focuses on the Licensing Act's four objectives:

- prevention of crime and disorder,
- ensuring public safety,
- prevention of public nuisance,
- protection of children from harm.

Whilst promoting public health is not a specific licensing objective, the Council is committed to adopting a Health in All Policies approach and recognises that the Licensing function has a role to play in reducing the harms caused by excessive alcohol consumption. The Council will work with partners and operators wherever possible to achieve better local health outcomes.

We want to encourage businesses to come to our Borough. We want to give them clear support and advice so they know what their responsibilities are. We want to make sure that all businesses, new and established, maintain the standards required of them by law. In doing this we can help businesses flourish while protecting our residents and visitors.

This document will inform the work of the Council for all matters related to the Licensing Act 2003. It should be considered by all those carrying out licensable activities in the Borough.

I am confident the Policy will contribute to the prosperity of our communities, the success of local businesses, and the safety and quality of life for residents and visitors.



Councillor I Fordham
Cabinet Member for Environment

2. Introduction

Consultation

- 2.1 A licensing Policy consultation process took place between 9 August and 6 September 2024 and followed the Cabinet Office Guidance on Consultation Principles first published in July 2012 and last updated in March 2018.

This document is available at www.staffordbc.gov.uk/surveys

- 2.2 The Council circulated the draft Policy to local stakeholders / partners, including Responsible Authorities and the local trade representatives, including the Town Centre Partnership and PubWatch groups in Stafford and Stone seeking contributions, feedback and comments.
- 2.3 The Council highlighted the consultation on the Council's website inviting comments and contributions for the draft Policy.

Commencement

- 2.5 This Policy will come into force on 5 January 2025 subject to approval from Council.

Future Changes

- 2.6 The Council is aware that the Government may from time to time amend the Licensing Act 2003, subordinate legislation and statutory guidance. The Council does not intend to automatically revise this Policy document because of any such amendments and readers of this document are advised to check on the Home Office/Gov.uk website to ensure they have the latest information.
- 2.7 The Council will continue to monitor the effectiveness of the Policy in promoting the licensing objectives and will consider further reviews as and when appropriate.
- 2.8 The Council will consider changes to the Policy in the light of new legislation and developments affecting the local area and will consult with stakeholders at the time it is considering such changes. The Council must review and publish this statement of principles at least every five years.

Data Protection

- 2.9 The Licensing Authority will exchange information with bodies responsible for auditing, administering public funds and for the prevention and detection of crime, such as the Home Office, other Government agencies, public bodies such as the Staffordshire Fire and Rescue Service, other Council departments and Enforcement agencies (when required and is necessary) and the National Fraud Initiative.

2.10 Any information provided will be used by Stafford Borough Council, which is the data controller, to allow it to carry out its statutory obligations in relation to the administration, compliance, and enforcement of the licensing function within the Borough. The Council will share information with agencies involved in licence processing, or licensing enforcement where the law requires or permits us to do so. For further information, see the following www.staffordbc.gov.uk/licensing-excluding-taxi-licensing-how-we-use-your-personal-information

2.11 While certain information may be disclosed under the Freedom of Information Act, and some information will be held on a publicly available register, and may be posted onto the Council website, personal data will be protected unless it is also official business data (e.g. a trader whose registered business address is also his home).

Equality and Diversity

2.12 Through the Council's policies and service delivery the Council's main aims for equality and diversity are to:

- Eliminate unlawful discrimination
- Promote equality of opportunity
- Promote good relations between diverse communities

2.13 A link to the Council's Equalities and Diversities Policy can be found www.staffordbc.gov.uk/equalities-and-diversity1

Crime and Disorder Act

2.14 Under section 17 of the Crime and Disorder Act 1998 the Council is required to promote the prevention of crime and disorder within its area. The Council works closely with Responsible Authorities to ensure that the Licensing Objectives are promoted and seeks to ensure that Council decisions are proportionate and appropriate.

2.15 The Council will work in partnership with licence holders, local businesses, Responsible Authorities, Councillors and local people with the aim of promoting the licensing objectives.

2.16 The Licensing Authority should look to the Police as the main source of advice on crime and disorder. The Council will also liaise with its Community Safer Partnerships Team.

2.17 A map of Stafford Borough and its Wards can be viewed www.staffordbc.gov.uk/DemServWards

3. The Licensing Objectives, Responsible Authorities and Licensable Activities

The Licensing Act 2003

- 3.1 The Licensing Act 2003, its explanatory notes and any statutory instruments made under it may be viewed online at www.legislation.gov.uk

The statutory instruments include regulations setting out the content and format of application forms and notices.

Statutory Guidance Published Under Section 182 Licensing Act 2003

- 3.2 The Home Office publishes statutory guidance for the Licensing Act 2003, which is updated from time to time and can be found by searching for “section 182 guidance” at www.gov.uk/government/organisations/home-office

Licensing Objectives

- 3.3 Whenever the Council acts as Licensing Authority it must ensure it promotes the four licensing objectives of the Act. These objectives are:-

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

- 3.4 The Act makes it clear that none of these objectives are to be given priority over the others. All four objectives should be considered to have equal importance.

- 3.5 Further details on the Licensing Objectives can be found in the statutory guidance for the Licensing Act at:

assets.publishing.service.gov.uk/media/65a8f578ed27ca000d27b1f9/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_December_2023.pdf

Responsible Authorities

- 3.6 The following organisations are Responsible Authorities, and may make representations where appropriate in cases where licensable activities may impact on the promotion of the licensing objectives -

- This Council
- Staffordshire Police
- Staffordshire and Stoke-on-Trent Fire and Rescue Service
- Staffordshire County Council Trading Standards

- The Council as the Local Planning Authority
- The Council's Environmental Health Service
- Health and Safety (either this Council or the Health and Safety Executive)
- Staffordshire County Council Children Services
- Director of Public Health
- Home Office

3.7 A number of these organisations meet on a regular basis as part of the Council's Responsible Bodies Group (RBG). At times, they will also meet as the core members of the Council's Event Safety Advisory Group (SAG).

3.8 Contact details for all of the authorities can be found at:
www.staffordbc.gov.uk/responsible-authorities

Licensable Activities

3.9 The definition of the "licensable activities" is set out in the Act. The Council is required to regulate all licensable activities, and such activities will require the benefit of an appropriate authorisation obtained from the Council - a Premises Licence, a Club Premises Certificate or a Temporary Event Notice.

3.10 Licensable activities are defined by the Act as:-

- the sale by retail of alcohol.
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.
- the provision of late-night refreshment between 11pm and 5am.
- the provision of regulated entertainment

3.11 A further explanation of licensable activities is available at:
www.gov.uk/guidance/alcohol-licensing

4. How to Use This Policy Statement

Licensing Act 2003

4.1 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act. The Licensing Act 2003 and the statutory guidance issued under section 182 of the Act provide for fundamental principles of licensing. The Council's Statement of Licensing Policy is intended to add to these fundamental principles and to give general guidance as to how it will approach issues arising under the Act. No part of the Council's Statement of Licensing Policy is intended to be inconsistent with or to undermine the provisions of the Licensing Act 2003.

Decision Making

- 4.2 This Policy is to be considered when the Council makes decisions relating to the Act, although the Council will also have regard to the Act and the guidance issued by the Secretary of State under Section 182 of the Act. The Policy is intended to show how decision making will be approached, and how the Council will work with others to promote the Licensing Objectives. The Policy is considered when decisions are made by the Licensing Committee, the Licensing Sub Committee and authorised officers.

Applications and Representations

- 4.3 Applicants, Responsible Authorities and other parties should refer to this Policy when making applications or representations under the Act. A glossary of terms and their definitions are included in **Section 11**.

Contents of This Policy

- 4.4 The first part of this Policy details the Council's vision and explains some of the matters that have to be considered when applications are made under the Licensing Act 2003. The Policy then goes on to explain how to make applications and how people can raise concerns. The latter part of the Policy explains how certain issues are to be considered, including the admission of children to premises, the licensing of petrol stations and the licensing of premises that provide adult entertainment. The last two parts of the Policy address some wider licensing considerations and explain how the Council delegates responsibility for the functions it has to carry out under the Act.

5. Our Approach

The Licensing Authority

- 5.1 Under the Licensing Act 2003 the Council is called the "Licensing Authority". As Licensing Authority, the Council is responsible for the licensing of restaurants, pubs, the sale of alcohol in retail premise, cafes, and takeaways. Throughout this document, all references to Licensing Authority mean the Council.

Responsibilities for Functions

- 5.2 The Licensing Authority's functions are carried out by the Licensing Committee, the Licensing Sub Committee and authorised officers of the Council. Some of the most important functions and details of the persons with responsibility for the functions and decision making are set out in Section 10.

Training of Members

- 5.3 Before sitting as members of the Licensing Sub Committee Council members will need to attend a Licensing Act 2003 training session with officers from Legal Services and Licensing. Members will need to attend refresher training every year that they remain as a member of the Licensing Committee.

Decision Making

- 5.4 In carrying out its functions under the Act the Licensing Authority will seek to ensure that any decision it makes is evidence based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 5.5 It should be noted that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.
- 5.6 Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.
- 5.7 The Council will take account of the statutory guidance when it makes decisions under the Act. The Council will also seek to take decisions that help to advance the following issues:
- Improving the quality of life for local residents through a reduction of crime and disorder
 - The protection of children from sexual exploitation
 - Reducing anti-social behaviour in and around licensed premises
 - Encouraging more family-friendly premises
 - Improving quality of life by bringing greater choice to residents' consumers, tourists and businesses about where, when and how they spend their leisure time
 - Developing a culture of live music, theatre and sport.
 - Encouraging a diverse range of premises for both the day-time and night-time economy
 - Giving licence holders greater flexibility to meet their customers' needs and expectations.
 - Encouraging responsible retailing and consumption of alcohol by preventing underage sales and alcohol related health issues.
- 5.8 The Council recognises that its decisions can have significant effects on residents, customers and local businesses. The Council will often have to assess competing interests and will have to try to make a decision that is balanced and fair to all parties involved.

- 5.9 The Council is therefore keen to encourage a dialogue not only with local licence holders, PubWatch and Responsible Authorities, but also with community groups and individuals. The Council supports local partnership working and is keen to encourage regular liaison between the licensed trade, local communities and Responsible Authorities. If there is a regular forum for discussion between these groups of people, then it is more likely that people will have their voices heard.

Licensed Venues and Local Communities

- 5.10 The Licensing Authority will seek to encourage the provision of a wide range of high quality and well-managed venues in the Borough of Stafford. The Licensing Authority will seek to ensure that premises are safe, vibrant meeting places for people who live, work and visit the area.
- 5.11 The Licensing Policy will respect the individual characteristics of all premises and recognise that pubs, nightclubs, restaurants, hotels, theatres, and other clubs may all wish to sell alcohol and serve food with contrasting types of patrons, styles of entertainment and characteristics. Proper regard will be given to those differences and the differing impact they are likely to have on the promotion of the licensing objectives.
- 5.12 The Council's Economic Growth Strategy aims to develop a high value, high skill, innovative and sustainable economy and maximising our visitor offer in Stafford, the market towns of Stone and Eccleshall and villages across the Borough is a key delivery priority.
- 5.13 As we strengthen and grow our economy, we must also ensure that we continue to provide a safe and healthy environment that people want to be a part of.
- 5.14 It's important that supporting a vibrant economy is balanced with a controlled expansion of licensed premises and what follows, and the need to ensure public safety and quality of life for local people.

Links with Other Policies

- 5.15 This Licensing Policy is intended to help ensure the proper integration of the licensing function with local crime prevention, planning, transport, tourism, equality schemes, cultural strategies and future local economy plans.
- 5.16 The Council will ensure that from time to time it is kept informed on issues relating to all these matters in order that they can be reflected within their considerations.

6. How to Make an Application

Applications

- 6.1 Applicants cannot assume that their applications will be successful as applications under the Licensing Act 2003 have to be considered in terms of whether the Licensing Objectives are promoted. In many cases the suitability of an applicant and the suitability of premises are part of such considerations.

Online Applications

- 6.2 Applications can be made using the forms on the Home Office website. www.gov.uk/guidance/beer-licensing
- 6.3 Online applications can also be made via the government website www.gov.uk
- 6.4 The Council's web site has links to these government websites www.staffordbc.gov.uk/responsible-authorities

Online Payments

- 6.5 In order to fulfil its obligations under the Provision of Services Regulations 2009 (and the EU Services Directive) the Council will support and encourage applications and payments made online.

Personal Licences

- 6.6 Applicants for personal licences must be free from police objection and be able to demonstrate that they have the right to live and work in the UK.
- 6.7 Between 2005 and 2015, personal licences were issued for a period of 10 years. In April 2015, the law was changed, and personal licenses no longer expire. Consequently, there is no longer a need to renew a personal licence.
- 6.8 Licence holders must contact the Licensing Section for a replacement licence where there has been a change of circumstances in respect of the licence holders name or address, or they have committed a relevant offence. It is also possible to replace an old or lost licence. More information on relevant offences can be found here. www.legislation.gov.uk/ukpga/2003/17/schedule/4

Minor variations

- 6.9 Licence holders can apply to make small changes to premises licences or club premises certificates through the minor variation process, which is cheaper, easier and quicker than the full variation process.

- 6.10 A minor variation is defined as one that could not impact adversely on any of the four licensing objectives. (These are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.) An example may be an amendment to the layout of the premises or the removal of outdated or obsolete licence conditions.
- 6.11 The Minor Variations process cannot be used to add the retail or supply of alcohol to a licence.
- 6.12 The minor variation application form and further guidance on minor variations can be found on the Home Office website www.gov.uk/government/publications/minor-variations-to-premises-licence-application-form

Temporary Event Notices

- 6.13 The Licensing Act 2003 provides that Temporary Event Notices (TENs) can temporarily authorise licensable activities upon premises, such as the sale or supply of alcohol, the provision of regulated entertainment or the supply of late night refreshments which are not already authorised by either a premises licence or a club premises certificate. The TEN process is one of notification to the licensing authority and the police by the giver of the notice.
- 6.14 Temporary Event Notices (TENs) do not seek permission to carry on licensable activity and do not make application for it. TEN's are a system of notification which the s182 guidance confirms is a light touch process.
- 6.15 There are two types of TEN: a standard TEN and a late TEN. These are subject to different processes: a standard notice is given no later than ten working days before the event to which it relates; and a late notice is given not before nine and not later than five working days before the event.
- www.gov.uk/government/collections/alcohol-licensing-temporary-events-notices
- 6.16 If a TEN event is intended to take place outside, and on land which contains a building such as a clubhouse or public house etc., then you may require planning permission for your event. Further information can be obtained from the Council's Planning Department. They can be contacted on: planning@staffordbc.gov.uk

Standard temporary event notices

- 6.17 “Ten working days” (and other periods of days which apply to other requirements in relation to TENs) exclude the day the notice is received and the first day of the event. A notice that is given less than ten working days before the event to which it relates, when the premises user has already given the permitted number of late TENs in that calendar year, will be rejected and the activities described in it will not be authorised.
- 6.18 The Police and the Council’s Environmental Health Service are the only bodies that can make representations regarding standard temporary event notices.
- 6.19 The Police and Environmental Health Service have a period of three working days from when they are given the notice to object to it based on any of the four licensing objectives. At any time before a hearing is held or dispensed with, the Police or Environmental Health Service may, with the agreement of the premises user, modify the temporary event notice by making changes to it.

Late Temporary Event Notices

- 6.20 Late TENs are intended to assist premises users who are required for reasons outside their control to, for example, change the venue for an event at short notice. However, late TENs may, of course, be given in any circumstances providing the limits specified are not exceeded. There is no right of appeal in respect of Police or Environmental Health Service objections relating to late TENs.

Event Management

- 6.21 It is the Policy of Stafford Borough Council to provide a forum within which the local authority and other agencies may develop a coordinated approach to public safety when the local authority becomes involved in, or is made aware of, certain large scale or high-risk events this includes events which take place on local authority land.

The local authority will maintain the Safety Advisory Group (SAG) with the intention of upholding reasonable standards of public safety and to encourage the wellbeing of the public, operatives and competitors.

Determining whether or not to refer an event to a SAG requires a risk-based approach and be determined by considering a combination of:

- Numbers attending (at any one time)
- Levels of risk with the event and
- Events of an unusual nature
- Other events at the same time that may increase the impact and risk

- 6.22 Events which include White Collar Boxing are of concern to the SAG and organisers must advise the Council's Licensing Team in good time of any proposed event. The owners of the venue, even if it is hired out to the promotor of the event, also have a duty to assess the risk of the event and ensure that it can take place safely.
- 6.23 Please see: www.staffordbc.gov.uk/Safety-Advisory-Group-Terms-of-Reference

7. How to Raise Concerns

Contact the Council

- 7.1 Anyone with concerns about premises or a particular event can contact the Council. It may also be advisable to speak to their local Councillor if they have such concerns.
- 7.2 If you have concerns regarding premises, or a new application for a specific event or premises you should contact the Council's Licensing section, who will be able to advise you.

Advice for Residents

- 7.3 The Home Office and the Institute of Licensing have published a Factsheet for local residents concerned about problem premises.

The Factsheet can be found at:

www.staffordbc.gov.uk/Advice-for-Local-Residents-Premises-Licence-Reviews

Child Sexual Exploitation

- 7.4 Licensing authorities must consider the need to protect children from sexual exploitation when undertaking licensing functions. If members of the public have concerns about child sexual exploitation in connection with premises licensed under the Act then they should contact the Police in the first instance also notifying First Response, Staffordshire County Council's child protection service. The local Safeguarding Board also provide advice on how to prevent child sexual exploitation. The Staffordshire Safeguarding Children Board web site provides safeguarding information for the public, parents and carers www.staffsscb.org.uk

Problem Premises

- 7.5 The expectation of the Council is that licensed premises shall be well run and well managed. The emphasis of the Policy is on ensuring the promotion of the licensing objectives and proper management and control of licensable activities.

- 7.6 The focus of the Policy is:-
- to ensure that the licensing objectives are met;
 - to ensure individual licensees have proper control over the premises.
 - on the suitability of premises or places being used for licensable activities.
 - on the direct impact of licensable activities on those living, working or otherwise engaged in the area concerned; and,
 - on the impact of those activities on the amenity of the immediate residential area and the wider community.
- 7.7 The transfer of a Premises Licence from one operator to another is a simple and inexpensive process. The prospective licence holder however must be aware that an original Premise Licence was tailored for the business activity of the previous operators and may not accurately reflect the new operator's requirements.
- 7.8 The licence holder and the Designated Premises Supervisor must ensure that a change of management does not lead to a change in the complexion of the premises. Intensification of the use of the premises or of the licensable activities may lead to complaints and possible breaches of the licence conditions.

Enforcement Principles

- 7.9 It is the intention of the Licensing Authority to work proactively with all Responsible Authorities and Licence holders. The Licensing Authority will try to ensure proportionate targeting of agreed problem premises and focus on high-risk licensed activities. There will be a corresponding lighter touch for well-run lower risk premises.
- 7.10 The Council will engage with the licensed trade in tackling underage sales ensuring that there are stringent age verification schemes in place at venues that sell alcohol, tobacco or provide adult entertainment. The Council will discourage irresponsible advertising and drinks promotions in line with the statutory guidance published under Section 182 of the Act.
- 7.11 In carrying out its enforcement duties with regard to the licensable activities and the powers to institute criminal proceedings under the above Act, the Council will have regard to the Regulators' Code.
- www.gov.uk/government/publications/regulators-code
- 7.12 In accordance with the Regulators' Code, Council will aim 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 used friendly.

Targeted:

Regulations should be focused on the problem and minimise side effects.

- 7.13 The Council will endeavour to avoid duplication with other regulatory regimes.
- 7.14 The Council will also have regard to any guidance issued and keep itself informed of developments regarding the work of the Office for Product Safety and Standards of the Department for Business and Trade in its consideration of the regulatory functions of local authorities.
- 7.15 The Council's Enforcement Policy, which explains how the Council makes decisions in the event of non-compliance and criminal offences can be found at: www.staffordbc.gov.uk/environmental-and-health-enforcement-policy
- 7.16 The Council will continue to monitor the effectiveness of this Policy and will consider changes to the Policy in the light of any new legislation, case law, statutory guidance and best practice. It may consult with stakeholders at the time it is considering any such changes.

Risk Based Inspections

- 7.17 Although the Act does not require premises inspections to be undertaken, they will take place at the discretion of the Licensing Officers charged with this role and will take place as judged necessary on a risk-based approach.
- 7.18 This will ensure that the Licensing Authority manages its resources efficiently and that 'effective enforcement' is directed at 'problem premises'.

Reviews

- 7.19 The availability of a review of licences or club certificates provides a key protection for the community where the Licensing Objectives are being undermined. The review system should allow the Licensing Authority to apply a light touch bureaucracy to the grant or variation of a licence or certificate. The Licensing Authority may then take a more robust approach when problems relating to the Licensing Objectives arise later in respect of any premises.
- 7.20 At any stage, following the grant of a premises licence or a club premises certificate, a Responsible Authority or any other person, may ask the Licensing Authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 7.21 The Licensing Authority will accept initial email applications for reviews from Responsible Authorities. This does not however, negate the requirement to serve paper copies on all parties, including the Licensing Authority.

Powers of Licensing Sub Committee on a Review

- 7.22 The Licensing Sub-Committee must, under section 52(4) of the Licensing Act 2003, having full regard to the representations, take such steps as it considers appropriate for the promotion of the licensing objectives namely;
- (a) to modify the conditions of the licence
 - (b) to exclude a licensable activity from the scope of the premises
 - (c) to remove the Designated Premises Supervisor
 - (d) to suspend the licence for a period not exceeding 3 months
 - (e) to revoke the licence.
- 7.23 It should be noted that there is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- For the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - For the sale and distribution of illegal firearms;
 - For the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - For the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - For prostitution or the sale of unlawful pornography;
 - By organised groups of paedophiles to groom children;

- As the base for the organisation of criminal activity, particularly by gangs;
- For the organisation of racist activity or the promotion of racist attacks;
- For employing a person who is disqualified from that work by reason of their immigration status in the UK;
- For unlawful gambling; and
- For the sale or storage of smuggled tobacco and alcohol

7.24 Where a premises licence has been revoked or other sanctions imposed by the Council and the same operator applies sometime later for the grant of a new premises licence or variation of an existing licence the applicant must be able to demonstrate that there has been a significant change to the management structure of the business operation, or that the application includes significant positive steps that will improve the promotion of the licensing objectives and effectively prevent the recurrence of the problems that arose previously. If the applicant cannot demonstrate such changes or improvements, then the application may be refused.

7.25 Any conditions offered by the applicant in support of their application must also demonstrate that sufficient changes have been made to the business operation and, where there has been a previous revocation of a premise licence, that the new applicant is not connected to the holder of the previous premises licence. If the applicant cannot demonstrate such changes or improvements, then the application may be refused.

7.26 In serious cases of crime or significant mismanagement of premises, the licensing authority and their responsible authorities are also likely to require that the premises have a new designated premises supervisor and new licence holder or the premises who are not associated to the previous licence holder.

7.27 The Licensing Act 2003 defines associate as:

- A relative or business partner;
- The spouse or civil partner of that person;
- A child, parent, grandchild, grandparent, brother or sister of that person;
- An agent or employee of that person; or
- The spouse or civil partner of a person listed in either of the two preceding bullet points.

Adjournments of Sub Committee Hearings

7.28 On occasion applications are made to the Council that have particularly pressing time limits - for example temporary event notices and premises licence review applications.

7.29 In some cases a party will ask for additional time to consider their position and sometimes all parties make a request for an adjournment of the Licensing Sub Committee hearing.

7.30 In consequence the Council's Head of Law and Administration, in consultation with the Chairman of the Licensing Committee has delegated powers to make certain decisions where it is in the public interest to do so.

These are:

- To adjourn hearings
- To extend time limits
- To dispense with the need for some hearings where all parties have agreed to this; and
- To take steps to address any irregularities arising from failure to comply with regulations made under the Act.

7.31 For the avoidance of doubt, a High Court judgement in the case of Walk Safe Security Services Ltd v London Borough of Lewisham [2024] EWHC 1787 (Admin), decided that under the Licensing Act 2003 and the Licensing Act (Hearings) Regulations 2005, licensing committees in England may hold licensing hearings remotely.

8. Premises Licences and Club Premises Certificates

A premises licence authorises the premises to be used for one or more of the following licensable activities:

- The sale of alcohol by retail
- The provision of regulated entertainment
- The provision of late-night refreshment

A premises licence is used where a premises is open to the general public.

A club premises certificate authorises qualifying clubs to be used to supply alcohol to members only; the general public cannot gain access to the premises and cannot just 'walk in' and buy a drink, as with a normal premises licence.

In licensed club premises, it is important to note that the premises are not open to the general public. Clubs must ensure they adhere to the club rules regarding admission to non-members.

Conditions

8.1 The licensing regime established by the Licensing Act 2003 is about regulating licensable activities on licensed premises, such as public houses, restaurants, qualifying clubs, and with temporary event notices.

- 8.2 As Licensing Authority the Council wishes to emphasise that any conditions that are attached to various authorisations should be focused on matters which are within the control of the individual licence holder. The Council will seek to avoid attaching blanket conditions or conditions that duplicate other regulatory regimes. The Council will seek to ensure that conditions applied to licences are appropriate, necessary, and proportionate.
- 8.3 The Institute of Licensing has produced a helpful document in respect of licence conditions, this can be found at:
www.acs.org.uk/sites/default/files/lobbying/the_institute_of_licensing_consultation_on_guidance_on_premises_licence_conditions.pdf
- 8.4 Premises that hold a Club Premises Certificate under the Act must ensure that they comply with their own club rules; the statutory conditions in respect of remaining a qualifying club, and general admission to the premises.

The general conditions:

- The general conditions which a club must satisfy if it is to be a qualifying club in relation to a qualifying club activity are the following:
- Condition 1 is that under the rules of the club persons may not be admitted to membership, or be admitted, as candidates for membership, to any of the privileges of membership without an interval of at least two days between their nomination or application for membership and their admission.
- Condition 2 is that under the rules of the club persons becoming members without prior nomination or application may not be admitted to the privileges of membership without an interval of at least two days between their becoming members and their admission.
- Condition 3 is that the club is established and conducted in good faith as a club (see section 63).
- Condition 4 is that the club has at least 25 members.
- Condition 5 is that alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club.

Mandatory Conditions

- 8.5 The Licensing Act 2003 states that there are certain mandatory conditions. These have to be included in every licence and/or club premises certificate in specified circumstances. Some of the mandatory conditions relate to premises licences that authorise the sale of alcohol, while others relate to conditions for door supervisors. Details of these mandatory conditions can be found at
www.legislation.gov.uk/uksi/2014/2440/resources and
www.legislation.gov.uk/uksi/2014/1252/schedule/made

Licensing Hours

- 8.6 The Licensing Authority acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The Licensing Authority will consider the individual merits of any application or representation. It is clear that longer licensing hours with regard to the sale of alcohol may be an important factor in avoiding a concentration of customers leaving premises simultaneously, however, it must also be recognised that even smaller numbers of patrons leaving licensed premises over a longer period of time, may still lead to significant and persistent problems of disorder and/or public nuisance.
- 8.7 The Licensing Authority acknowledges that greater consumer choice and flexibility is an important consideration when it comes to encouraging a thriving economy. This is important for local investment and employment opportunities. However longer licensing hours should not be permitted if evidence demonstrates that there would have been an adverse impact upon the promotion of the Licensing Objectives.
- 8.8 In some circumstances flexible licensing hours for the sale of alcohol can help to ensure that large numbers of customers do not leave various premises simultaneously, and this can help to promote the Licensing Objectives.

Capacity within licensed premises

- 8.9 Capacity and fire safety issues are covered in this useful guide: www.staffordshirefire.gov.uk/your-safety/business-safety/business-legislation/the-licensing-act-2003/

Spiking

- 8.10 Many licensed premises work incredibly hard to ensure that their customers can enjoy a night out safely and deter perpetrators.
- 8.11 To support licensed premises, several industry associations produced a factsheet which includes recommendations and some resources for the hospitality sector on how to respond to and prevent spiking. The fact sheet can be found here: www.local.gov.uk/publications/lga-guidance-note-drink-spiking-prevention
- 8.12 Within the said document, there are some recommended actions for licensed premises:

Please also refer to the Drink Spiking Information Note which provides some Key Resources and can be accessed here: <https://files.constantcontact.com/809c3e67001/85c09cdc-dc04-444d-b034-d1e9cd7fb080.pdf>

Ensure all reports of spiking are acted upon and that all incidents of alleged spiking are recorded and reported to the police. It is also helpful to the police if staff:

- obtain full details of the affected person reporting the incident, including a description of what they are wearing as officers will want to track them on CCTV.
- can provide as detailed a description of the suspected perpetrator as possible, if known, including clothing
- can provide an approximate time of the incident and the location within the premises where they believe it occurred.
- can secure the drinking vessel(s) that is suspected as containing the 'drug' so this can be tested at a later time.
- can seize any drinking vessel that the suspect may have been using.
- ensure the health and safety of the customer, which could be by calling emergency services, ensuring they are with trusted friends who will look after them, offering assistance, if needed, and providing a safe space for the customer.
- ensure appropriate training is provided to relevant members of staff.
- review searching procedures and amend as necessary, as well as reviewing how often toilets are inspected, as victims of spiking have been found in there. Premises should also review the functionality of any CCTV and ensure it is not obscured.
- consider providing information (such as posters) regarding drink spiking in the premises.
- consider if it would be useful to provide anti-spiking bottle stoppers and protective drink covers. It may also be helpful to see if drug testing kits have been made available in your area by the police or council.

8.13 The Ask for Angela initiative aims to ensure that anyone who is feeling vulnerable or unsafe is able to get discreet support. This could be on a night out, on a date or meeting friends. The initiative works by training staff in vulnerability management and what to do when someone 'Asks for Angela'.

8.14 The Council expects that when a trained member of staff hears the code-phrase they should understand that the person is in need of support and will be able to respond in an appropriate, discreet way. This could be offering them an alternative way out of the venue, calling them a taxi or in a more serious situation, altering venue security and/or the Police. More information can be found here: violencereductionalliance.co.uk/ask-for-angela/

Counter Terrorism

8.15 The licensing authority requires that applicants for premises licences and variation to those licences, to pay particular attention to possible terrorist threats in relation to security and health care provision at appropriate premises and events applying for a licence.

- 8.16 Existing licence holders should also carefully consider the information below and pay particular attention to possible terrorist threats as further legislation and guidance may be forthcoming.
- 8.17 Where appropriate applicants and existing licence holders should consider appropriate access for emergency services and vehicles such as ambulances; good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts and ensuring the presence of sufficient trained first aiders on the premises and appropriate first aid kits.
- 8.18 Guidance on counter terrorism measure and information on further security planning and health care provision in the aftermath of a particular type of incident can be found in an annex at the rear of the S182 statutory guidance. This can be found here:
assets.publishing.service.gov.uk/media/65a8f578ed27ca000d27b1f9/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_December_2023.pdf
- 8.19 Applicants for Premises licences and Variations to those licences should also consider:
- That certain members of staff must have completed the free of charge www.protectuk.police.uk/group/2 training in order that the premises has sufficient member of staff who are trained and available to promptly identify and respond to a terrorist incident.
 - Counter-terrorism awareness training session for their Designated Premises Supervisor (DPS). This will be separate to the training mentioned above and may be available through the Council and other providers.
 - A documented security assessment, which incorporates counter terrorism measures for the premises.
 - Within 28 days of the grant or variation of the licence, the premises licence holder shall evaluate any risks and take prompt steps to reduce the risk as far as is reasonably practicable. Business development support is available at: www.protectuk.police.uk/
 - Whether the premises must have a documented security plan, which sets out counter measures to be implemented in response to a terrorist attack at or near your premises. This may be particularly relevant at high profile or large premises or events or where there are factors which may increase attractiveness to attacks, and in particular when in receipt of relevant advice from police counter terrorist staff. More information and support is available at: www.protectuk.police.uk/
- 8.20 Further advice is available about risk reduction during ingress and egress to premises from the National Protective Security Authority.
www.npsa.gov.uk/mitigation-terrorist-threats-venues-during-ingress-and-egress-guidance

Alcohol sold for consumption at ‘Off Licence’ Premises

- 8.21 Premises licence holders and DPS’ with particular responsibility for town centre Off Licences are reminded of their responsibility in ensuring that sales of alcohol from their premises do not create a direct link to town centre anti-social behaviour or crime and disorder.
- 8.22 In particular, the sale of single cans of alcohol to those who have a tendency to drink in the street or within our town centres should be avoided. Where a direct link is established between sales of alcohol from a premises and anti-social behaviour or crime and disorder caused by those to whom the alcohol has been sold, then formal action may be taken against the licence holder.
- 8.23 Licence holders and DPS are also reminded that it is an offence under Section 141 of the Act, to knowingly sell alcohol or allow the sale of alcohol to a person who is drunk.

Children in premises

- 8.24 The Council recognises the great variety of premises for which a Premises Licence may be sought and wishes to make it clear that there are a range of alternatives available for limiting the access of children where that is appropriate for the objective of the protection of children from harm.
- 8.25 Measures that may assist in the promotion of the objective relating to the protection of children from harm include:- restrictions on the hours when children may be present; restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place; restrictions on the parts of the premises to which children may have access; age restrictions (below 18); restrictions or exclusions when certain activities are taking place; requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and full exclusion.
- 8.26 The admission of children into licensed premises will normally be at the discretion of the licence holder/management and this should be reflected in the operating schedule submitted to the Council upon application.
- 8.27 The Council will not seek to limit the access of children to any premises unless it receives representations to that effect. However, where premises give film exhibitions, the Licensing Authority will expect licence holders or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification, or the Licensing Authority itself.

Live Music

- 8.28 As a result of recent changes made to the Act no licence is required for the following activities –
- a performance of unamplified live music between 08.00 and 23.00 on any day on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

Adult entertainment

- 8.29 Adult entertainment is only authorised where the Premises Licence clearly states that such entertainment is permitted. New applicants must make clear on the application form that adult entertainment may take place at the premises.
- 8.30 Existing licence holders should be aware that if adult entertainment is not mentioned within their current Premises Licence then a variation to the licence or a Temporary Event Notice (TEN) will be required before adult entertainment can take place. The TEN form makes specific reference to the provision of adult entertainment.
- 8.31 The Council has adopted a Sex Establishment Policy which deals with the interface between the adult entertainment and the Licensing Act 2003. The provision of adult entertainment within the Licensing Act 2003 licensed premises can only take place in accordance with the exemptions stated within the Council's Sex Establishment Policy.
- 8.32 This exemption permits adult or "relevant entertainment" to take place only on an "infrequent basis". "Infrequent" means on no more than 11 occasions in any 12-month period; is no more frequently than once a month and with each event lasting no longer than 24 hours.

- 8.33 An explanation and definition of sexual entertainment can be found in the Council's Sex Establishment Policy here: www.staffordbc.gov.uk/licence-sex-establishment

Pavement Licences

- 8.34 Pavement Licences are granted by the Local Authority, or deemed to have been granted, which allows the licence holder to place removable furniture over certain highways adjacent to the premises. Licences that are deemed to have been granted should remain in place for such period as the local authority may specify in the licence with a maximum limit of 2 years.
- 8.35 The Levelling Up and Regeneration Act 2023 makes permanent the provisions set out in Business and Planning Act 2020 that streamlined the process to allow businesses to secure these licences quickly.
- 8.36 Businesses that are eligible include public houses, cafes, restaurants and bars, coffee shops, snack bars and ice cream parlours which use, or proposes to use, premises for the sale of food or drink for consumption (on or off the premises) can apply for authorisation and a licence.
- 8.37 A licence allows the business to place removable furniture such as tables and chairs on the highway adjacent to their premises to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.

More information can be found here: www.staffordbc.gov.uk/pavement-licence

Suspension of Licence/Certificate

- 8.38 Premises Licence or Club Premises Certificate annual fees are due to be paid to the Licensing Authority on the anniversary of the grant of the premises licence or club premises certificate.
- 8.39 When annual fees fail to be paid the Licensing Act 2003 requires licensing authorities to suspend the premises licence or club premises certificate.
- 8.40 The Premises Licence or Club Premises Certificate is to be suspended unless the holder has failed to pay the fee at the time it became due because of an administrative error, or before or at the time the fee became due, the licence holder notified the authority in writing that the licence holder disputed liability for, or the amount of, the fee.
- 8.41 The suspension can only take place after a 21-day period of grace is afforded to the licence holder which begins on the day after the fee became due. After that 21-day period expires a suspension notice will be served by the Licensing Authority giving at least two working days of the suspension.

8.42 The suspension notice will be lifted on the day that the annual fee is paid.

www.legislation.gov.uk/ukpga/2011/13/section/120/enacted

Petrol Stations s176

8.43 Section 176 of the 2003 Act prohibits the sale or supply of alcohol at motorway service areas (MSAs) and from premises which are used primarily as a garage or are part of premises used primarily as a garage. Premises are used primarily as a garage if they are used for one or more of the following:

- The retailing of petrol;
- The retailing of derv (diesel);
- The sale of motor vehicles; and
- The maintenance of motor vehicles.

8.44 It is for the licensing authority to decide, based on the licensing objectives, whether it is appropriate for that premises to be granted a licence, taking into account the documents and information listed in section 17(3) and (4) which must accompany the application.

8.45 If a licence is granted in respect of a premises and the primary use of that premises subsequently changes (for example, the primary use becomes that of a garage rather than a shop) it would no longer be legal to sell alcohol on that premises.

8.46 If a relevant representation is made, the licensing authority must decide whether or not the premises are used primarily as a garage. The licensing authority may ask the licence holder to provide further information to help establish what the primary use of the premises is.

9. Wider Licensing Considerations

Reduction of Alcohol Harm

9.1 Health bodies have been able to act as Responsible Authorities under the Licensing Act 2003 since April 2012. Since the health reforms in April 2013 which saw the formal transfer of public health responsibilities to Local Authorities, health bodies are Directors of Public Health (in England) and they have unique access to data not available to other Responsible Authorities which may inform licensing decisions.

9.2 Public Health is not currently a licensing objective and there is not a specific licensing objective related directly to health within the current legislation but Health, Wellbeing and Leisure (HWL) at Staffordshire County Council has much to add in reducing health harms within the current licensing framework.

- 9.3 This Licensing Authority envisages an effective working relationship with the Director of Public Health (DPH) and HWL working together to ensure that the health impacts of alcohol licensing are considered. Although the DPH will be notified of all licence applications, it is acknowledged not every application will need a response from public health. However, any representations must be considered relevant by the Licensing Authority and relate to one or more of the licensing objectives.
- 9.4 Health bodies when making representation are most likely to relate such representations to the objectives on public safety and protecting children from harm but any health evidence will need to relate to a specific premises.
- 9.5 The role of the DPH is to help promote the health and wellbeing of the local populations they serve and in the DPHs annual report '*Reducing alcohol- related harm: everyone's responsibility*' 3 strategic priorities were identified:
- (a) Prevention and early intervention
 - (b) Treatment and recovery
 - (c) Regulation and enforcement
- 9.6 The above three objectives are also underpinned by the cross-cutting theme of 'taking responsibility' in that individuals, families, communities and organisations will all need to take various forms of responsibility if alcohol problems are to be reduced.
- 9.7 The health reforms along with the publication of '*The Governments Alcohol Strategy*' in March 2012 and the development of local structures, lends itself to a joined-up approach in taking the right action locally to tackle alcohol related harm: www.gov.uk/government/publications/alcohol-strategy

The Licensing Authority as a Responsible Authority

- 9.8 Although the Licensing Authority is a Responsible Authority (RA), it will not usually need to duplicate representations or applications made by other Responsible Authorities and other persons. However, if these parties do not make representations and the Licensing Authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as a Responsible Authority.
- 9.9 The Licensing Authority may sometimes be in a better position than other RAs to "see the full picture" and connect apparently unrelated reports from different sources.

- 9.10 Where appropriate, the Licensing Authority may seek to impose licence conditions onto applications for new premises licences or to amend or replace conditions on existing premises licences which are considered insufficient to deal with issues which arise at the premises. In most cases the changes to existing premises licences will be by means of Minor Variation and the Licensing Authority will encourage and support the licence holder in making such a minor application.

Planning Decisions

- 9.11 Licensing and Planning are discrete regulatory systems.
- 9.12 There are several key differences between licensing and planning control, and their respective approaches to applications. It could be said that the consideration of a planning application involves looking into how land or buildings are to be used, whereas licensing considers the behaviour of people in terms of the proposed use of the buildings or land and the impact on the licensing objectives.
- 9.13 In some cases, it is possible that the premises have different hours of operation (in particular closing times) upon its planning permission and premises licence. This is because the considerations for obtaining planning consent are different than those for obtaining an authorisation under the Licensing Act 2003.
- 9.14 The distinction between planning and licensing functions needs to be clear, but it is also important that the functions are aligned operationally to provide a joined up and customer focused service to businesses.
- 9.15 Councils are already exploring opportunities to improve customer service for businesses in this area, for example by joining up planning, licensing and other advice at an early stage through pre-application advice services.

Cumulative Impact

- 9.16 In some areas where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.

A cumulative impact assessment (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area.

To date the Council has not consulted on or published a cumulative impact assessment.

Early Morning Alcohol Restriction Orders (EMRO)

- 9.17 Under Section 172 A to E of the Act, the Licensing Authority has the power to make an EMRO prohibiting the sale of alcohol for a specified period between the hours of 24:00 and 06:00. They are designed to address recurring problems with licensed premises, serious public nuisance and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.
- 9.18 It is acknowledged by the Licensing Authority that an EMRO may be restrictive, whilst also being a powerful tool to address recurring problems of alcohol-related crime and disorder, serious public nuisance and alcohol-related anti-social behaviour. Prior to making an EMRO the Licensing Authority will consider whether any other measures (implemented by themselves or with partners) may address the problems that have been identified.
- 9.19 In taking any decision to make an EMRO, the Licensing Authority will follow the statutory process and will invite representations. An EMRO could only be made if the evidence demonstrated that it was justified as appropriate for the promotion of the licensing objectives.
- 9.20 Chapter 17 of the Section 182 statutory guidance deals with EMROs.

assets.publishing.service.gov.uk/media/65a8f578ed27ca000d27b1f9/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_December_2023.pdf

Late Night Levy

- 9.21 Under Section 125 of the Police Reform and Social Responsibility Act 2011 the Council can adopt a Late-Night Levy, following a consultation process, outlined by the Home Office.
- 9.22 The Late-Night Levy allows the Council to charge an additional fee to any licensed premises that has a licence for the sale of alcohol (on and off sales) between 24:00 and up to 06:00 in order to cover the additional costs associated with late night alcohol trading.

9.23 Legislation allows the prescribed time to start from midnight, but it is up to the Council to decide when they wish to apply it.

9.24 The Council will consider implementing a Late-Night Levy if this is shown to be justified as appropriate for the promotion of the licensing objectives.

Town Centres and Public Spaces

9.25 The Council has licensed some of its public spaces in order to encourage a wide range of licensable activities, subject to prior notification and agreement by the Council.

9.26 The public spaces which are currently licensed by the Council are listed below:

- Stafford Town Centre
- Stone Town Centre
- Westbridge Park
- Stafford Castle
- Victoria Park
- Rowley Park

10. Functions and Decision Making

Matters to be dealt with	Sub Committee	Officers
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	If a police objection	If no objection made
Application for premises licence / club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence / club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence / club premises certificate	All cases	

Matters to be dealt with	Sub Committee	Officers
Decision on whether a representation is irrelevant frivolous vexatious etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of an objection to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition	If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases

'Responsible Authorities' are public bodies, including the police and fire service etc that must be made fully aware of applications and are entitled to make representations to the Licensing Authority in relation to the application for the grant, variation or review of a premises licence or club premises certificate.

'Licensing Authority' is Stafford Borough Council.

'Designated Premises Supervisor' is the person designated as such and who is responsible for the day to day running of the premises and responsible for the sale of alcohol at the premises concerned.

'Premises Licence' is a licence granted under the Act, in respect to any premises, which authorises the premises to be used for one or more licensable activities.

'Club Premises Certificate' means a Certificate granted under the Act in respect of a premises which is compliant with Section 62 of the Act and is habitually used for the purposes of a Club.

'Personal Licence' is a licence granted to an individual by the Licensing Authority that authorises that individual to sell or supply alcohol in accordance with the premises licence.

'Drink spiking' is when someone puts drugs or alcohol into a person's drink without their consent. It can include putting alcohol into a non-alcoholic drink, adding extra alcohol to an alcoholic drink or slipping prescription or illegal drugs into an alcoholic or non-alcoholic drink. Substances used for spiking usually have no taste, odour or colour.

'Needle spiking' is when someone injects a victim with a substance using a hypodermic needle (or other form of administration such as a combi-pen).

'EMRO' An early morning alcohol restriction order (EMRO) can apply to any period on each day beginning at or after 12am and ending at or before 6am. It does not have to apply on every day and can apply for different time periods on different days. An EMRO can apply to the whole or any part of the licensing authority's area. The EMRO will apply to premises licences, club premises certificates and temporary event notices in relation to premises situated in the specified area. An EMRO can apply for a limited or unlimited period of time. For example, an EMRO may apply for a few weeks in relation to a specific event or apply for an indefinite period.

‘Late Night Levy.’ The late-night levy is a power, conferred on licensing authorities by provision in Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011. This enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority’s area, as a means of raising a contribution towards the costs of policing the late-night economy.

‘CIA’ A Cumulative Impact Area is a designated zone where evidence has indicated that the number, type or density of licensed premises is impacting adversely on the licensing objectives, namely, crime and disorder, public safety, public nuisance and the protection of children from harm.

ANNEX 7

Fair Processing Notice

How we use your personal information:

At Stafford Borough Council we take your privacy seriously and will only keep and use your personal information for reasons that the law requires or allows. We are a data controller for the personal information we hold about you in relation to the processing and renewals of your Licenses. In order to comply with data protection legislation, we want to be sure you understand how we use this information.

The purpose for which your data will be used is to establish your identity and other necessary information about you which will help us determine your fitness, propriety and suitability to hold a licence or other authorisation with this authority.

The following is a generic, non-exhaustive list of relevant legislation which may apply to your particular licensing application or renewal. The information we collect about you will permit us to process your application in compliance with the legislation.

- Licensing Act 2003
- Gambling Act 2005
- The Local Government (Miscellaneous Provisions) Act 1976 and 1982
- The Town Police Clauses Act 1847
- LAIA Regulations 2018
- Dangerous Wild Animals Act 1976
- Zoo Licensing Act 1981
- House to House Collections Act 1939
- Scrap Metal Dealers Act 2013

Stafford Borough Council is required by law to protect the public funds it administers. We may share information provided to us with other agencies involved in licence processing or licensing enforcement where the law requires or permits us to do so.

We may share information about you for the purposes of auditing and administering public funds, preventing and detecting fraud and the prevention and detection of crime. Otherwise, we will only share your data if you ask us to.

We only keep this data for the time specified in our retention schedule or as required by law. Data protection law provides you with certain rights, however not all of these rights will be available to you in all situations, particularly where we process your information as part of one of our statutory duties. Where we are under a legal duty to use data for a particular purpose you will not have the right to prevent it being used in that way.

A full list of the rights you may have, under data protection law, is given in the 'Your Rights' section of this webpage. For specific enquiries regarding personal data which we process you can contact the Data Protection Officer on email: infomanager@staffordbc.gov.uk or at Civic Centre, Riverside, Stafford, ST16 3AQ.

If you wish to complain about how your personal information has been handled by Stafford Borough Council, then please contact the Data Protection Officer in the first instance using the details above. If you are not satisfied you can submit a formal complaint to the Council via our website at:

www.staffordbc.gov.uk/Complaintsprocedure

Finally you can complain to the Information Commissioner's Office at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, Tel: 0303 123 1113 or you can visit their website at ico.org.uk/ You can also find details of how we handle your personal information by visiting www.staffordbc.gov.uk/PrivacyNotices



Consultation Response for Statement of Licensing Policy Stafford Borough Council

On receipt of the consultation documentation from Stafford Borough Council regarding the review of their Statement of Licensing Policy, Staffordshire Police have considered the proposed document, and its contents and offers the below response from the Police Licensing Unit as a Responsible Authority.

It is formally requested that consideration be given for the inclusion of a Cumulative Impact Assessment as part of the wider policy.

The provision of the Cumulative Impact Assessment Policy for a specified area can be relied upon when appropriate to prevent a further rise in alcohol related crime and disorder in relation to licensed premises.

It is recognised that these policies should only be relied on when relevant and not be utilised to prevent economic growth within a given location. In addition, in areas where Licensing Authorities have such a policy when the Police use or reference to the policy has been challenged by the legal profession representing the licensing trade, the Police have been able to demonstrate that it has been proportionate in the circumstances to cite it.

The Police continue to assess all applications on their own merits and can demonstrate that through engagement with the applicant Premises Licences have been granted without the need for a hearing before the licensing subcommittee. This has also been the case where such policies exist.

In normal times these businesses continued to flourish, largely with no calls for service to the Police, which shows an operational demonstration that the licensing objectives are not being undermined.

There is a variant of licensed premises situated within the locality that due to a number of factors around them that do bring the need for a policing response whether that be from those operationally policing the locality or the Police Licensing Team, and it is premises of this nature where this type of policy is recognised as being relevant whether it be a new application or a variation to an existing one.

It is appropriate to highlight that it is not just premises that are licensed to sell alcohol that can contribute to incidents of crime and disorder, but also those that are authorised to carry out the provision of late-night refreshment. These premises by the nature of their operation, usually being busiest at the end of a trading night at weekends are focal points for persons already intoxicated to gather which can then and often does lead to incidents of violence and/or disorder. This is referenced in the Revised Guidance issued under section 182 of the Licensing Act 2003, specifically Ch 14, para. 21:-

In some areas where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.

The Police are also aware that some local authorities nationally previously removed their respective CIA zones due to the Covid pandemic, however there were also a high proportion who retained them as did authorities within Staffordshire. It is also worthy of note that some authorities that removed their respective CIA policies have since reintroduced them as with the correct usage, and also with the scrutiny of the licensing subcommittee should a matter be brought before them, each application can still continue to be viewed on its own merits with the authorities still having the ability where appropriate to utilise the CIA to keep communities safe from an increase in violence and disorder.

This balanced approach is shown by the Police allowing for both businesses to come to the town centre and prosper without impacting on the already existing issue of violence and disorder, and those which can be shown to have a detrimental impact are prevented when appropriate from further negatively contributing.

It is recognised that with the revision of the policing model there is now better coverage of the borough by Staffordshire Police, however this is one strand of tackling crime and disorder.

It is therefore requested that a Cumulative Impact Assessment policy be created and attached to the Statement of Licensing Policy when published, to include alcohol sales (on and off) and the provision of late-night refreshment, as it is considered an appropriate element to be contained within the wider Licensing Policy.

██████████
Licensing Manager
Police Licensing Unit
Stafford Police Station
Eastgate Street
Stafford
ST16 2DQ
Email: ██████████



STAFFORD BOROUGH LPT

Town Centre

CUMULATIVE IMPACT ASSESSMENT REPORT

Author: [REDACTED]
Date: August 2024
Version: 1/24

- The information and data used within this report have been taken from Staffordshire Police recording systems.

INTRODUCTION

Stafford Borough is the focal hub of both the day and night time economies within the Borough. The Borough of Stafford includes Stone Town Centre. There are a number of parishes including Coton and Forebridge and Eccleshall, including the student / business community of Staffordshire University Beacon Group, County Hospital and St, Georges Hospital, contained within the footprint of Stafford Borough.

Stafford Town Centre is the busier area - both from a retail / footfall perspective, and also crime / disorder associated with day and night economy.

Statistics provided are correct as Month to date [MTD] June 2021 to June 2024 [unless stated].

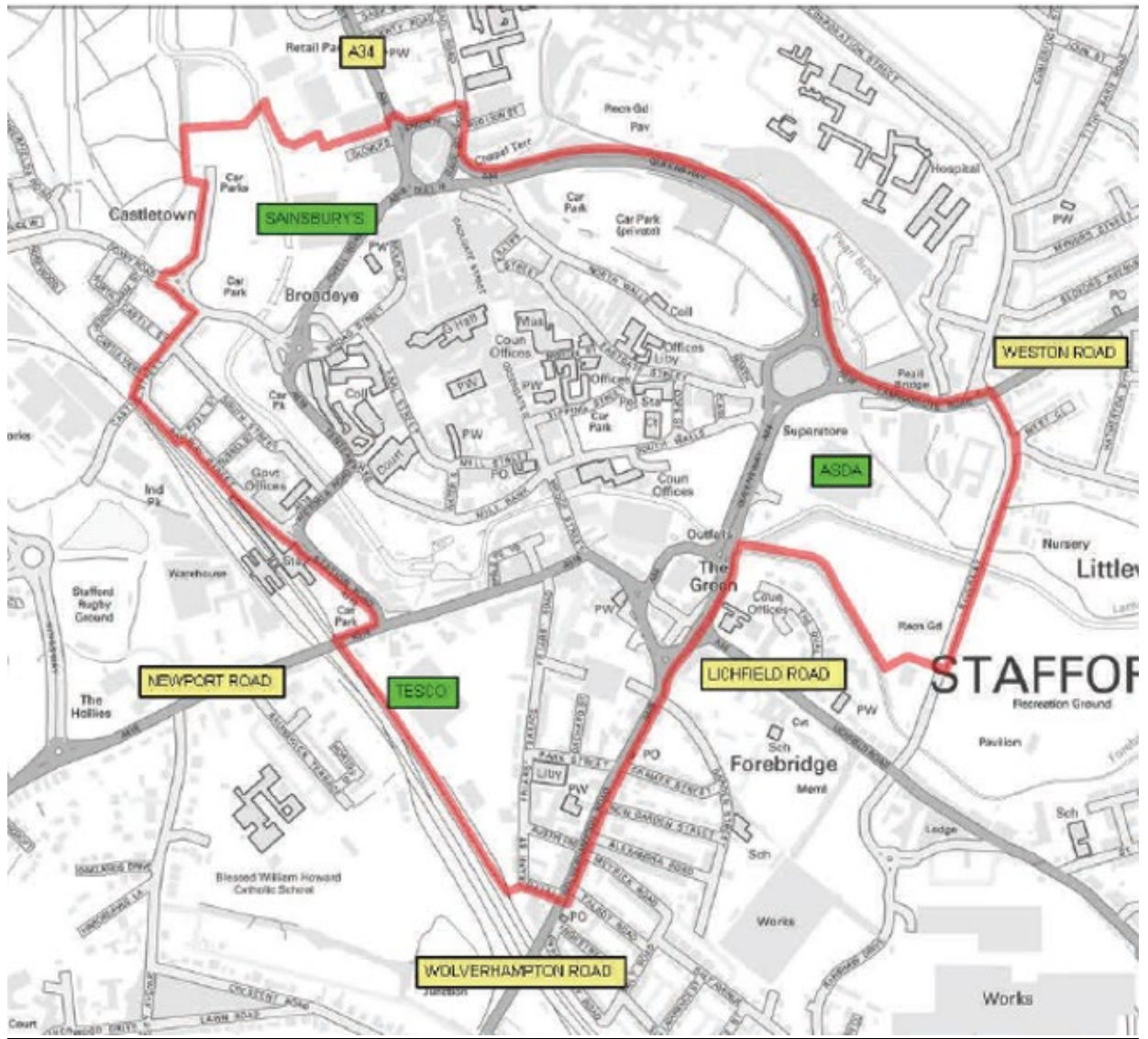
For the most part crime and disorder attributed to the night time economy takes place as bordered within an area known as the PSPO exclusion zone consisting of Gaol Island, Gaolgate Street, Greengate Street, Bridge Street, Newport Road and Victoria Park.

For the purposes of this report 'licensed premises' relates to premises licensed to carry out any licensable activity, including the sale of alcohol for consumption on or off the premises and the provision of late-night refreshment. This includes late night food outlets which are not licensed to sell alcohol.

In 2022, Staffordshire Police changed its policing model and reverted back to having officers based 24/7 at the 10 local policing stations. This has supported a renewed focus on local matters and a more intensive problem solving approach in line with our partner agencies and shared objectives.

The area defined as the town center is illustrated on the map below.

STAFFORD EXCLUSION ZONE



Overview

Stafford town has a mixture of retail premises, some of which are licensed to sell food and or liquor and residential premises mainly in the form of multi-story flats, self-contained apartments and residential properties above or connected to business premises.

Supporting the town centre functions are a host of local authority partner agencies, charities and other marshals. Within Stafford town there are three independent retail parks, which consist of The Hough, The Madford and The Friary retail parks.

Recent years have seen business changes with small companies relocating, choosing to invest into the local economy of Stafford town centre, and some businesses either cease trading or relocate elsewhere.

There are three main hotels which offer overnight accommodation in the area – both within walking distance of the town centre and The Swan Hotel and The Vine are directly in the middle of the town centre.

Staffordshire University Beacon Group which also is a short drive from the town center and hosts around 2,000 students in term time. The Beacon Group also host private hire for businesses and local events, such as conferencing and public local authority community meetings.

Within the Borough of Stafford is the army MOD site, Beacon Barracks Division, in addition to private housing development for MOD staff, workers and officers of the MOD families, including the Gurkha regiment. The MOD provide in excess of 1000 homes to officers and families of the MOD and RAF.

Licensed Premises

There are currently 135 licensed premises on Staffordshire Police's Innkeeper system within the areas referred to as Stafford Town 1 and Stafford town 2, and classed as having either a Premises Licence or Club Premises Certificate. This includes all pubs, clubs, micropubs, off-licences and other retail premises where alcohol is purchased. The majority of these are within the area of the CIA but this figure also includes those in the outlying areas that have an impact on the Town Centre and Policing within the Borough of Stafford. This number includes a varied mix of businesses involved within both the daytime and night time economy. The vast majority of venues close between 2300 – 0200hrs with 3 regular premises making use of an extended 0300hrs license on a Friday and Saturday evening. The total number of licensed premises and those with late opening hours can vary as new premises open, current premises close or there is a change of ownership though the figure has consistently sat around the same number.

It is observed through discussion with premise managers that licensed premises will employ discretion and close earlier than their normal licensing hours where it is financially advantageous for them to do so.

Friday and Saturday nights traditionally see the most patrons attending the town with average numbers beginning to increase steadily from 8pm and peaking around 2230 - 2300hrs.

Venues that close between 0200 – 0300hrs will see exiting patrons often gathered in number on both Bridge Street and Newport Road, Stafford due to the late hours fast food businesses, directly adjacent to the premises and immediate Taxi ranks. Progressing into 2024 and beyond, the prospect of large crowds gathering will be an extra factor to consider both from a public order point of view, but also from any new independent licensed premises or continued development of new housing estates within the Borough.

Popular bars which attract greater number of patrons during evening hours are commonly:

CASA, Bridge Street, Stafford

Couture, Newport Road

The Picture House (Wetherspoons), Bridge Street

The Grapes, Bridge Street

Hogarths, Gaolgate Street

The Post House - Tenterbanks

Representations have been made via the support of Staffordshire Police Licensing in recent years to a number of premise owners, and Designated Premise Supervisors (DPS) relating to poor license observations, drunkenness of patrons, drug possession / supply, violence and related criminality.

Any new or updated applications would be subject to very close scrutiny and liaison with Staffordshire Police Licensing and Local Authority Licensing teams.

As part of Stafford Borough's Town Centre Policing Plan officers consistently engage with the local Pubwatch group where we are able to share certain information, obtain intelligence, provide relevant support and make any necessary representations to those involved in the scheme.

Public / Private Transport

With the support of the local authority, both private hire and hackney carriage services are pooled at agreed locations on Waterfront Way and Bridge Street and Stafford has a number of centralized bus pick up locations throughout the Town centre, although the main concentrated bus stations in the Town centre with a higher footfall are located at Northwalls and Stafford Train Station. The bus services operate during the day and evenings and provide direct transport links, in and out of Stafford, to and from Stone, Stoke-On-Trent and Telford. Daytime provisions operate within agreed bus routes, and taxi ranks.

Policing

Night time economy is policed by a small team of officers, complemented by a number of Special Constables based at Stafford Police Station, Eastgate Street and will offer a combination of high visibility and plain clothes foot patrol of the town center area from 1800 – 0300hrs. High visibility patrols on the Town Centre are increased on both Friday & Saturday night time and for specific events that certain license premises hold, for example leavers ball or junior nights where the club Couture, open their doors for teenagers aged under 18 years old.

Officers operate a *meet and greet* theme to ensure patrons and premises staff are reassured by an early policing presence when visiting premises, obtaining number of patrons and then this presence continuing into the night and

monitoring the number of patrons attending locations, throughout the evening/early hours.

Police make frequent use of relevant legislation to prevent, detect and deter crime with the focus of promoting a safer environment for businesses and visitors of the town centre. This is referred to as SAFERNIGHTS OPERATION, in addition to Section 34 Dispersal Orders are put in place for Stafford Town Centre

Within the Town centre as defined by the exclusion zone or PSPO parameters, where a higher footfall centres through the town centre is a pedestrianized area, with Bridge Street allowing one-way access for traffic and bus routes only. The Night time economy, mostly Friday and Saturday nights, Taxi Marshalls assist in patrons leaving the town centre and coordinate a constant flow of available taxis to transport patrons' home, to reduce large numbers of people congregating in one area in a shorter timescale. This allows safer passage of pedestrians throughout the busier areas and offers a more controlled and efficient traffic flow.

Structured licensing checks feature as a regular method of monitoring and supporting licensed premises to ensure a safe environment for staff and patrons.

CCTV

The majority of local businesses offer their own private and independent CCTV systems in addition to a system of CCTV cameras owned by Stafford Borough Council that is managed locally by the Council.

41 x cameras provide both police and the local authority safe, secure and compliant coverage of public areas.

The contact between, license premises, businesses and CCTV operatives, within the town centre is monitored through The Store net radio scheme. Businesses and licensed premises can sign up to the scheme and this facilitates direct communication between CCTV control and Police.

Crime (STAFFORD Town)

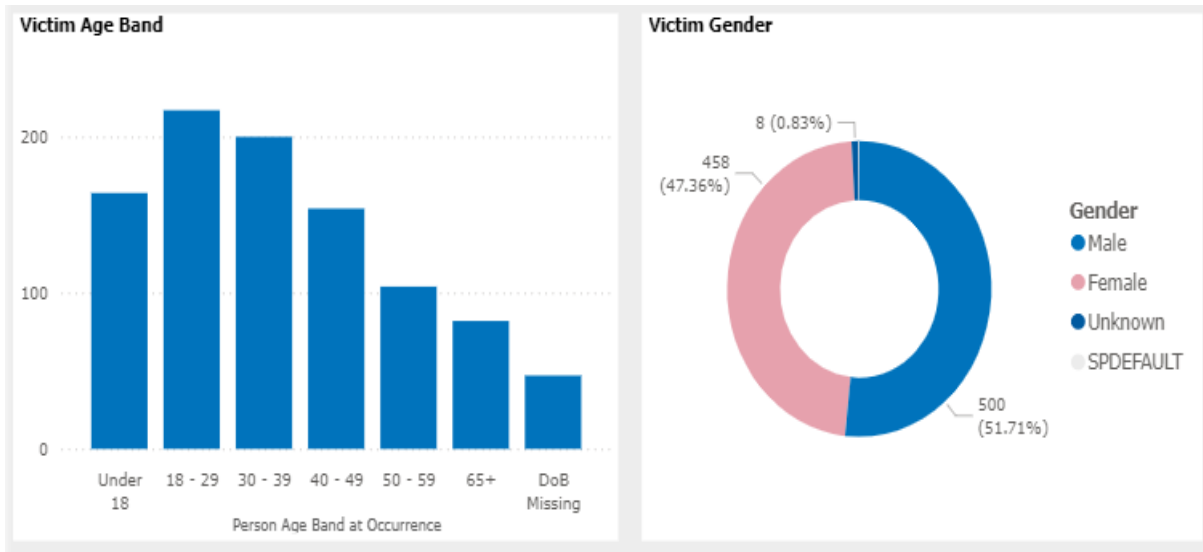
The following comparative reports of crime are summarised.

Information is taken from Staffordshire Police recording system: PowerBI 01/01/2023 – 01/08/2024. This information covers the area of Stafford Town WM01.

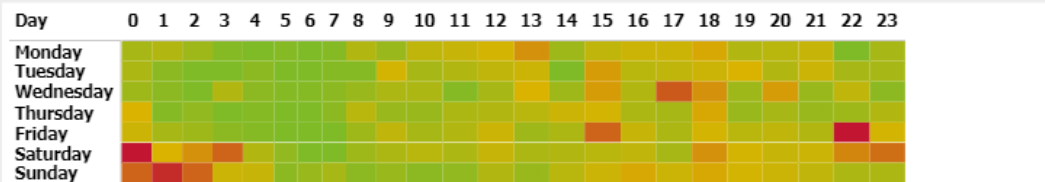
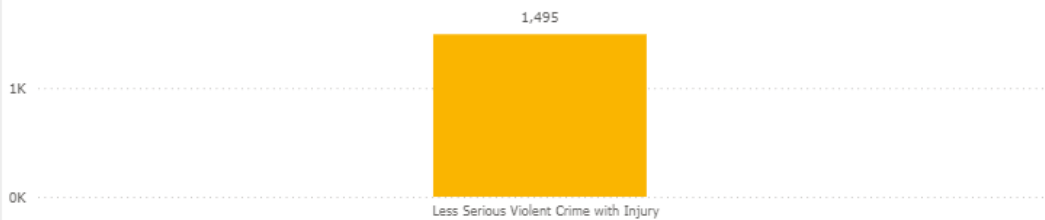
CRIME HEAT MAPS

This information is taken from Staffordshire Police recording system PowerBI. This system breaks down the umbrella offences which have multiple sub-categories for example, under the above violence data there are the three sub-categories of other violence against the person, more serious violence and less serious violence. The below chats provide maps of where the offences were committed, a heat map of the times and days of offences and a graph showing the volume.

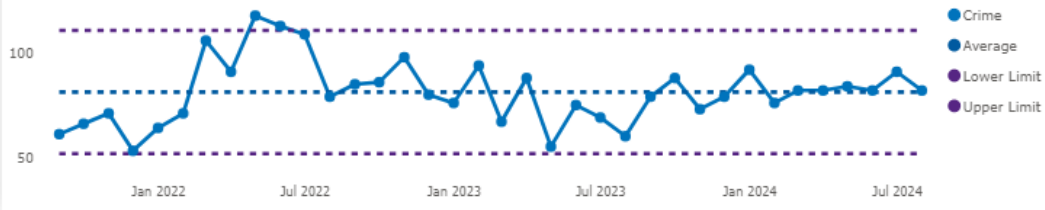
The below charts reflect violence, less violent offences with injuries and most serious violence with injury and includes data reflective of victims age and gender at the time of the relevant offences;



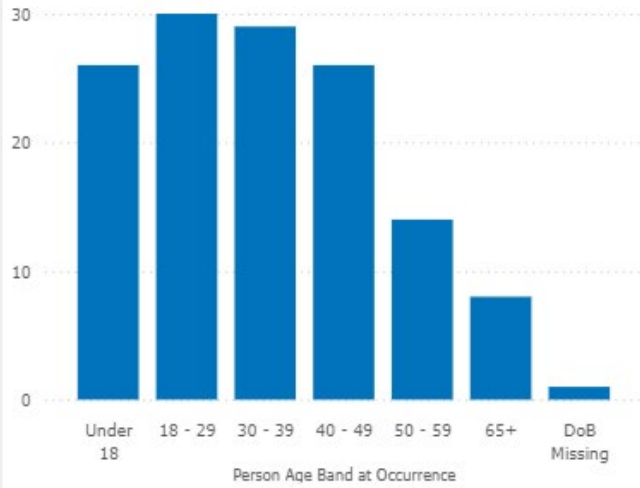
Crimes by Offence Group



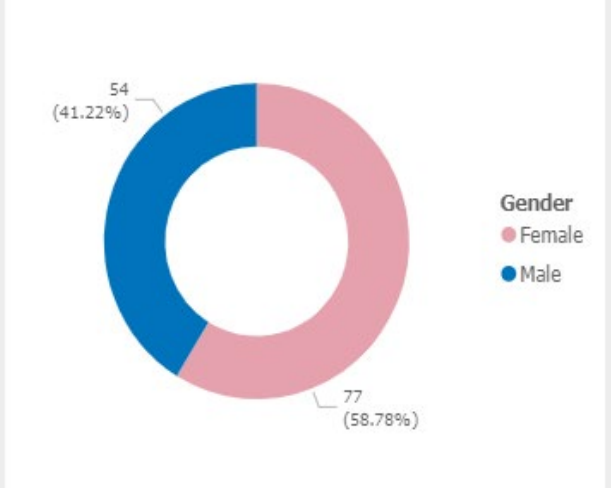
Crime Volume SPC Chart



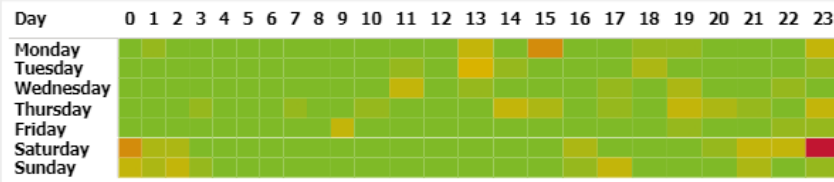
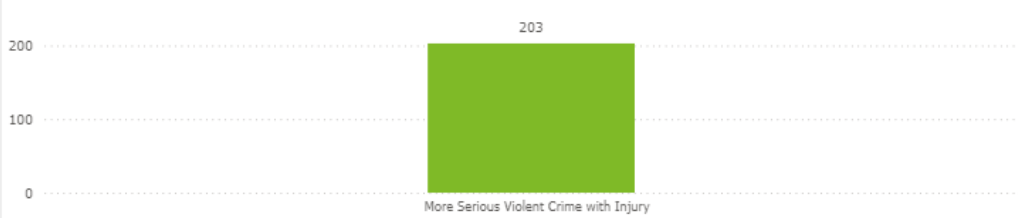
Victim Age Band



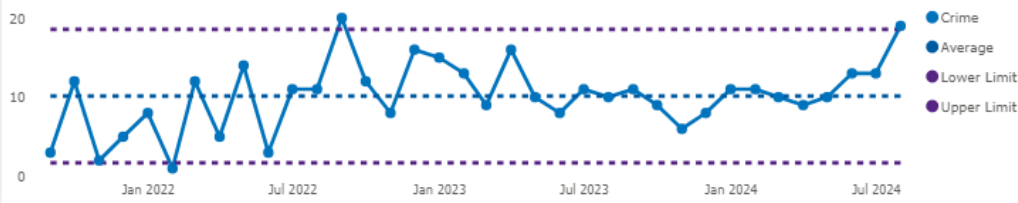
Victim Gender



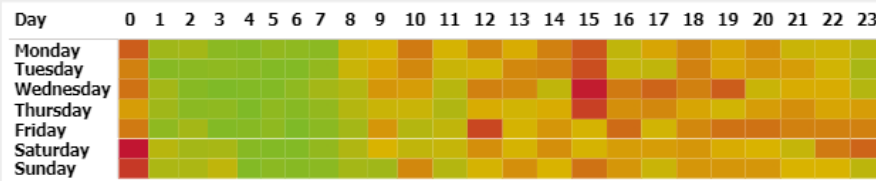
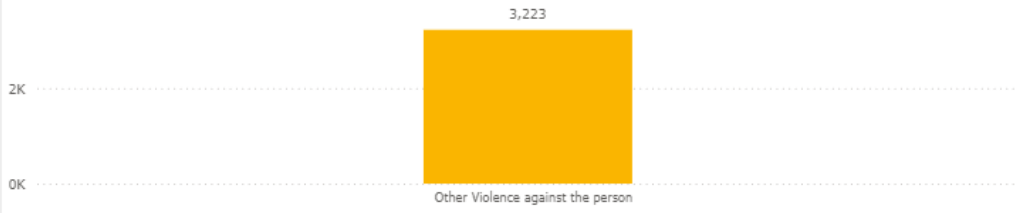
Crimes by Offence Group



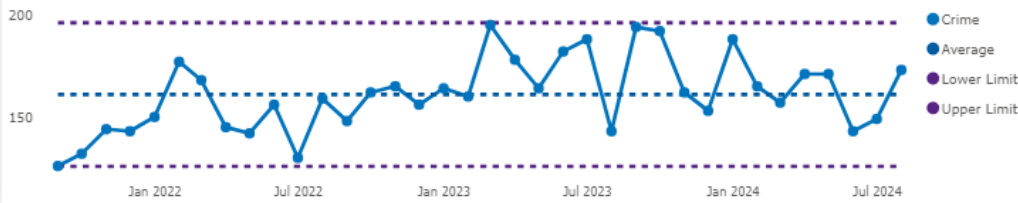
Crime Volume SPC Chart



Crimes by Offence Group

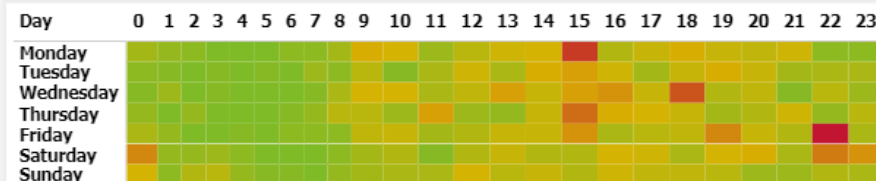
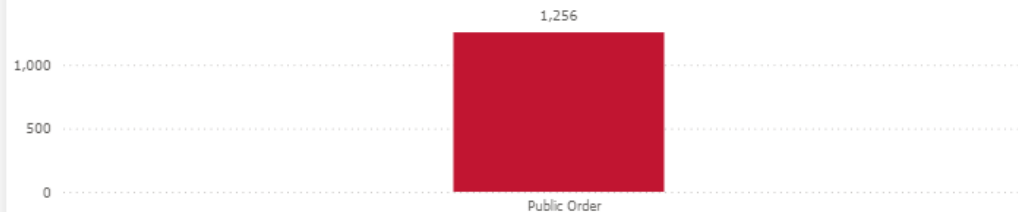


Crime Volume SPC Chart



The below charts reflect offences for Robbery, Sexual offences and Public order:

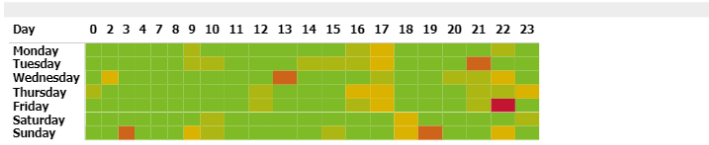
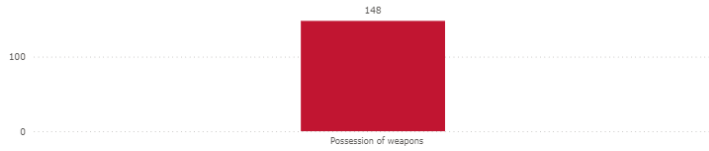
Crimes by Offence Group



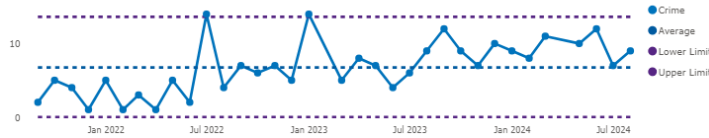
Crime Volume SPC Chart



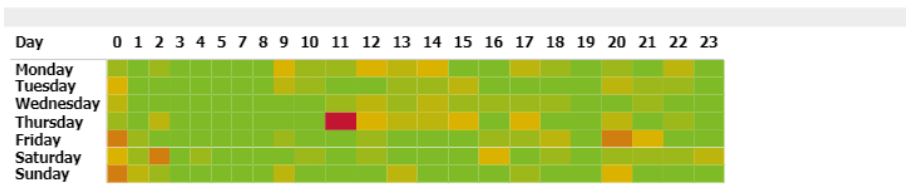
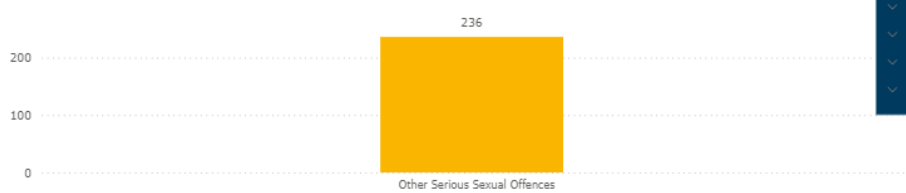
Crimes by Offence Group



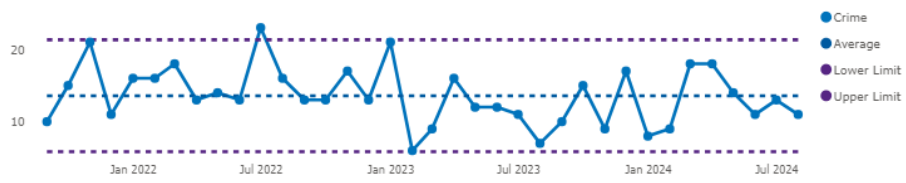
Crime Volume SPC Chart



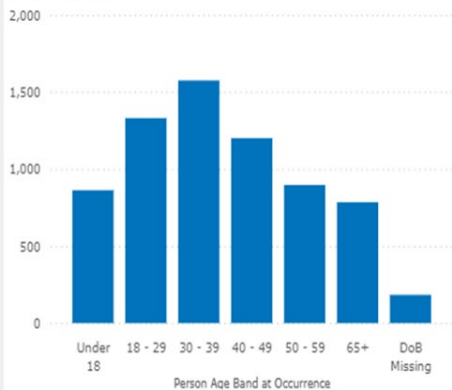
Crimes by Offence Group



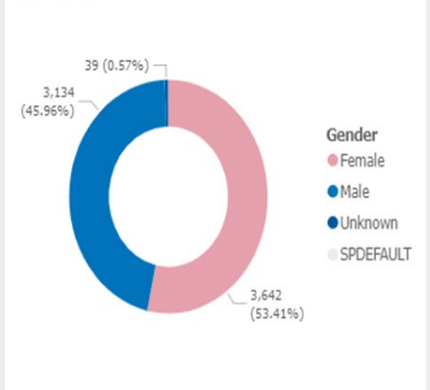
Crime Volume SPC Chart



Victim Age Band

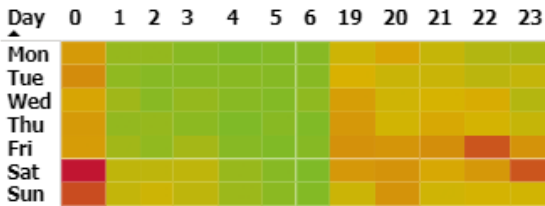


Victim Gender



The following data displayed below, indicates recorded offences for the Night time economy of Stafford Town Centre from January 2022 – July 2024

Occurrence by Type



Occurrence Volume Chart



Anti-Social Behavior (Stafford Town)

Information is taken from Staffordshire Police Power BI recording system recorded July 2022 – July 2024. This information covers the area of Stafford Town WM01.

Anti-social behavior is classified into three collective groups:

Community

Likelihood of a general and nonspecific effect on an area whether towards businesses, visitors, or residents. Likely to be more than one person / group effected.

Examples of which are begging, street drinking, littering, etc

Personal

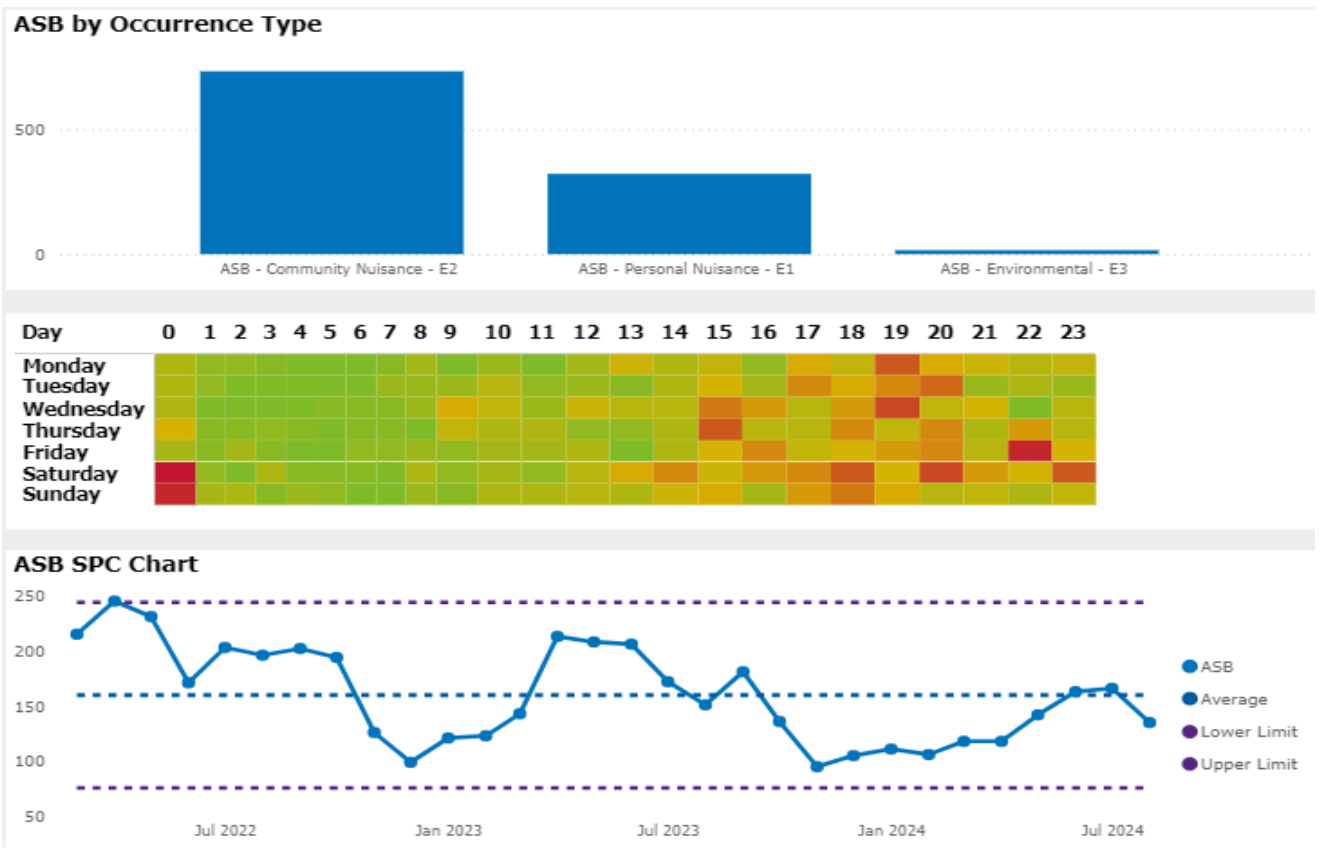
Direct, Indirect or intended effect on an individual or business

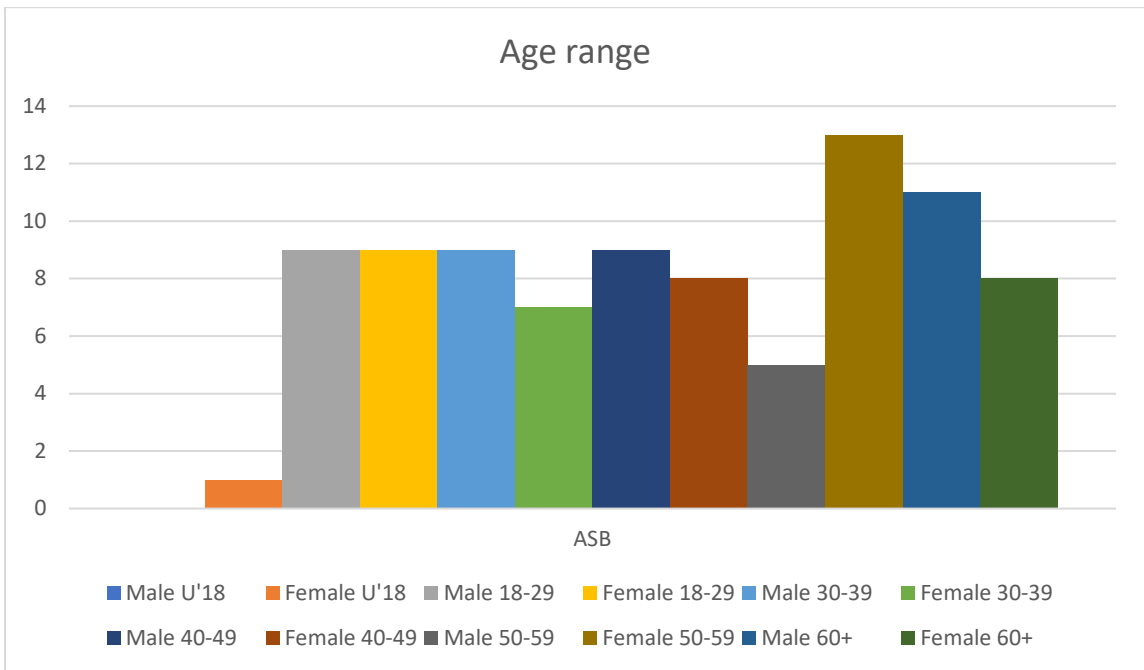
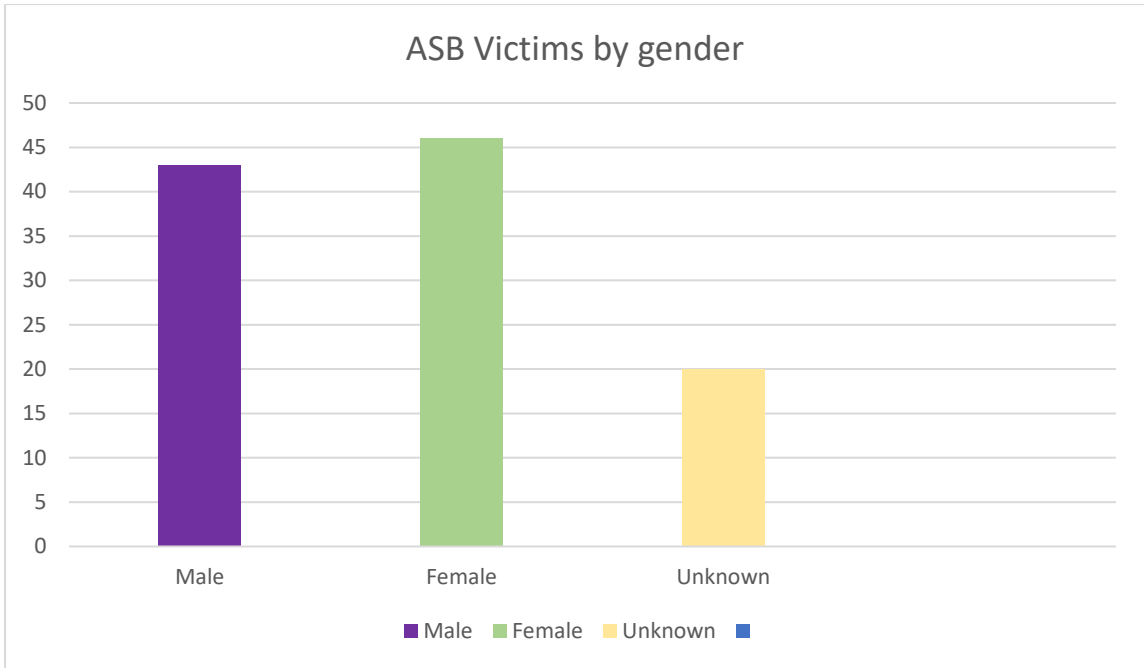
Examples of which – Foul / abusive language, drunken behavior, behavior causing harassment, alarm or distress.

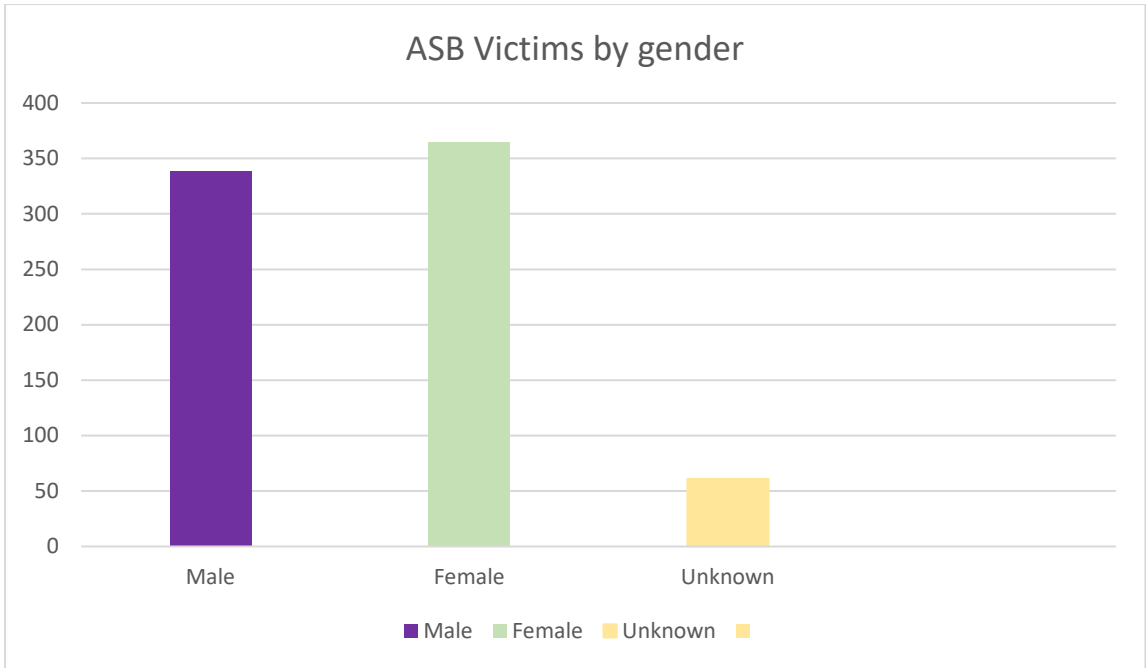
Environmental

Likelihood of impact on environmental issues.

Examples such as – excessive noise, fly-tipping, burning of waste.







Conclusion and recommendations

The publishing of a Cumulative Impact Assessment to limit the number and type of licenses within the Stafford Borough Town area is considered key in supporting the licensing objectives and helping keep the area a safe place to live, work or visit.

From the above data there is a consistent theme of crime and anti-social behavior impacting on both daytime and nighttime economies and the achievement of the Licensing Objectives;

The prevention of crime and disorder;

The prevention of public nuisance;

Public safety; and

The protection of children from harm.

When considering the data for the Town Centre alone, and thus the area of the CIA, we can see that while all crime categories have shown a reduction, they are still significant in volume and in excess of the figures recorded in 2021-2022. Violence and public order stand out from the other categories as having the greatest impact within the Town centre for Stafford. The same is true when we look at the comparative data of crime and ASB recording across the entire Borough for the same period. There are reductions from the previous 12 months (2022-2023) and this can likely be attributed to the change in the policing model, with greater local focus, partnership working, problem solving and formal interventions with specific licensed premises, but the volume is still high in most categories.

Centre the stand out figure for the Borough as a whole is in relation to violence and sexual offences which clearly shows far more females are victims than males. This may be attributable to the type of offences, such as domestic abuse, which predominantly tend to occur within the home and residential areas.

When considering the data provided by the crime heat maps, particularly in the crime categories with the greatest volume, we can see that there is clearly a correlation between the nighttime economy and the peak times for offences.

Without a CIA we are likely to see a similar expansion in licensed premises as we have with Vape Shops and that is highly likely to have a detrimental impact on the safety of the Town Centre leading to an increase in crime and anti-social behavior.

When looking at the statistics around ASB it is apparent that the new local policing model and renewed focus on problem solving is having a positive impact in the reduction of such incidents as this is replicated across both the Town Centre alone and the Borough as a whole. The CIA can only complement these reductions and assist with our work in targeting such problems.

As the local police force we will continue to robustly police the Town Centre in conjunction with our partners and local communities

New businesses are welcomed and encouraged by the local policing team and the local community within the Borough and will be afforded equal levels of support and intervention where needed to tackle crime and disorder.

The Neighbourhood Policing Team continue to be key partners providing a practical and informed insight sharing recommendations based on operational policing experience. Additionally, in conjunction with Partners Against Business Crime in Staffordshire (PABCIS) the theme of “banned from one, banned from all” is in place to discourage repeat offending by individuals which supports reducing crime and disorder.



Changes to Stafford Borough Council's Licensing Policy 2025

Page/Paragraph	Amendments to Existing Policy	Reason
Page 11, Paragraph 6.16	Additional information in respect of the possible need to obtain planning permission following service of a Temporary Event Notice. (TEN)	For clarification and compliance with legislation.
Page 17, Paragraph 7.31	update on Remote Hearings judgement	Clarification and guidance on judgment.
Page 17, Paragraph 8.3	Removal of outdated reference to the Institute of Licensing's advice on premises licence conditions.	For clarification and compliance with the legislation.
Page 19, Paragraph 8.11	additional information and guidance relating to the spiking of drinks.	For clarification and compliance with good practice and statutory guidance.
Page 20, Paragraph 8.12	additional information and guidance relating to the spiking of drinks.	For clarification and compliance with good practice and statutory guidance.

Page/Paragraph	Amendments to Existing Policy	Reason
Page 20, Paragraph 8.13	additional information and guidance relating to vulnerable women in licensed premises.	For clarification and compliance with good practice and guidance.
Page 21, Paragraphs 8.15 - 8.20	additional information and guidance relating to Counter Terrorism, measures.	For clarification and compliance with good practice and statutory guidance.
Page 24, Paragraphs 8.34	Additional information and guidance relating to Pavement Licences.	For clarification and compliance with legislation, good practice and guidance.
Pages 32/33 - Section 11 Glossary	Explanation n respect of terminology used within the policy document.	For clarification and avoidance of doubt.

Agenda Item 2(b)**Gambling Act 2005 - Statement of Principles 2025 - 2028**

Committee:	Licensing Committee
Date of Meeting:	18 October 2024
Report of:	Head of Regulatory Services
Portfolio:	Environment Portfolio

1 Purpose of Report

- 1.1 Committee is asked to consider the revised Statement of Principles (Policy Statement) in respect of functions under the Gambling Act 2005 (the Act), following consultation on statutory review and note its contents. The next review is due by 5 January 2025.

2 Recommendations

- 2.1 To consider the Gambling Act 2005 Policy Statement 2025 at **APPENDIX 1** to this report and recommend to Council for adoption and publication.
- 2.2 That the Head of Regulatory Services be authorised to make any amendments to the Policy required due to changes in legislation or government guidance and minor variations to the Policy in the interests of operational efficiency.

Reasons for Recommendations

- 2.3 Members are asked to approve the policy in order to ensure that the Council complies with its statutory responsibilities under the Act.
- 2.4 Authorising the Head of Regulatory Services to make amendments to the policy is in the interests of operational efficiency

3 Key Issues

- 3.1 The revised Policy Statement has been developed having regard to the Gambling Commission's revised *Guidance to Licensing Authorities* last updated in April 2023 and has been subject to a consultation process.
- 3.2 A summary of the changes made to the made to the Policy Statement prior to consultation is attached to this report as Appendix 2.

- 3.3 The Council's Licensing Section received three responses to the consultation two of them required no amendments to the Policy and the third created a slight amendment made on Appendix 1 (Descriptors of Terms) under the Lottery description in relation to the National Lottery now being regulated by the Gambling Commission rather than the National Lottery Commission.

4 Relationship to Corporate Priorities

- 4.1 The Policy will support the priority to improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing strong communities that promote health and wellbeing. It will support this by:
- implementing risk-based, proportionate regulation;
 - ensuring high standards of regulatory compliance;
 - tackling non-compliant businesses, so these do not gain unfair competitive advantage;
 - preventing gambling from becoming 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;
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.

5 Report Detail

- 5.1 The Gambling Act 2005 (the Act) came into effect on 1 September 2007 and contains the regulatory system to govern the provision of all gambling in Great Britain, other than the National Lottery and online betting. Section 349 of the Act requires the Council to prepare and consult on a Policy Statement setting out the principles the Council will apply in exercising its functions under the Act. The Act requires a review of the Policy Statement every three years.
- 5.2 The Gambling Commission (the Commission) is the unified regulator for gambling in Great Britain. The Commission has responsibility for granting operating and personal licences for commercial gambling operators and personnel working in the industry. It also regulates certain lottery managers and promoters.
- 5.3 Licensing authorities license gambling premises within their area, as well as undertaking functions in relation to lower stake gaming machines in clubs and miners' welfare institutes. In England and Wales local councils have these responsibilities.

5.4 The Council will carry out its functions under the Act and will aim to permit gambling in accordance with the three licensing objectives set out at Section 1 of the Act. The expectation is that gambling premises will ensure that the licensing objectives are met. The three licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime 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.

The Policy Statement explains in detail how the Council will ensure that licensed premises promote these objectives.

5.5 A draft revised document was consulted on between 9 August - 6 September 2024. Every effort was made to bring it to the attention of everyone with an interest in gambling matters. A link on the Council's website also brought it to the attention of the wider public with details of how they could comment on it.

6 Implications

6.1 Financial

None identified; the fees for processing and issuing all licences are currently set by the Government.

6.2 Legal

The revised Policy ensures the Council discharges its statutory licensing functions effectively and that decisions made by Officers and Members are transparent, proportionate and comply with Human Rights and Equalities legislation. The policy provides assurances that decisions made are able to withstand challenge and scrutiny by outside bodies including the Courts.

6.3 Human Resources

None

6.4 Risk Management

The Policy ensures the Council is able to effectively discharge its statutory licensing functions. Failure to regularly review the Gambling Policy could leave the Council open to challenge.

6.5 Equalities and Diversity

An Equality Impact Assessment has been carried out for the Policy. The Policy Document will be made available in large print, Braille and as an audio version, on request.

6.5 Health

The policy confirms that the Council is committed to a Health in All Policies (HIAP) approach. This will help identify how best to tackle the health inequalities within our Borough and ensure that all our policies and services include consideration of the health impact that can be made.

6.6 Climate Change

None

7 Appendices

Appendix 1: Revised Statement of Licensing Policy

Appendix 2: Summary of changes to the Policy Statement prior to consultation

8 Previous Consideration

Review of Gambling Act, Statement of Principles - Council - 25 November 2018

Review of Gambling Act, Statement of Principles - Council - 19 December 2021

9 Background Papers

Guidance to Licensing Authorities , Gambling Commission, published April 2021 and amended in April 2023, available at:

www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities

Consultation Responses available on request from the Council's Licensing Section at ehlicensing@staffordbc.gov.uk

Contact Officer:	Julie Wallace
Telephone Number:	01785 619605
Ward Interest:	All
Report Track:	Licensing Committee 18 October 2024 Cabinet 8 November 2024 Council 3 December 2024
Key Decision:	N/A

**Gambling Act 2005
Statement of Principles
2025 - 2028**

DRAFT

Effective from Jan 2025



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Part A - The Gambling Act 2005

1 The Licensing Objectives

- 1.1 Under the Gambling Act 2005 (the Act), Stafford Borough Council is the Licensing Authority. The Council licenses premises for gambling activities as well as granting various other gambling permits. In this document, unless otherwise stated, any references to the Council are to Stafford Borough Council.
- 1.2 The Gambling Commission issues operators' licences and personal licences. Any operator wishing to provide gambling at certain premises must have applied for the requisite operator's licence and personal licence from the Gambling Commission before they approach the Council for a premises licence.
- 1.3 The Council is responsible for licensing premises where gambling activities are to take place. The Council is also responsible for a number of other matters which are listed in paragraph 12.1 below.
- 1.4 The Council will carry out its functions under the Act and will aim to permit gambling in accordance with the three licensing objectives set out at Section 1 of the Act. The expectation is that gambling premises will ensure that the licensing objectives are met. The three licensing objectives are:
 - Preventing gambling from being a source of crime or disorder, being associated with crime 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.
- 1.5 More information on the licensing objectives can be found later in this document. It should be noted that the licensing objectives do not include ensuring public safety or the prevention of public nuisance.
- 1.6 When making decisions about applications for premises licences, the Council is bound by, and committed to, a statutory aim to permit gambling insofar as it considers that any application made:
 - Is in accordance with any relevant Code of Practice issued by the Gambling Commission;
 - Is in accordance with any relevant guidance issued by the Gambling Commission;
 - Is reasonably consistent with the licensing objectives; and
 - Is in accordance with the Council's Statement of Principles.

- 1.7 The Licensing Authority would emphasise that moral or ethical objections to gambling are not valid reasons for the rejection of premises licences applications.

2 Introduction and consultation process

- 2.1 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions under the Act.

- 2.2 The Council has consulted widely on this Statement of Principles before finalising and publishing. The consultation took place from 9 August - 6 September 2024. The list of those consulted during this consultation is provided within paragraph 2.4 below.

- 2.3 The Council will continue to monitor the effectiveness of this policy and will consider changes to the policy in the light of any new legislation and/or developments affecting the local area. It will consult with stakeholders at the time it is considering any such changes. The Council must review and publish this statement of principles at least every three years.

- 2.4 List of persons and agencies consulted by this authority:

- Staffordshire Police
- Staffordshire Safeguarding Children Board
- Staffordshire County Council Social Services
- Staffordshire County Council Trading Standards
- Representatives of local businesses
- Local Member of Parliament
- National charities concerned with the social impact of gambling
- Director of Public Health
- Community Wellbeing Partnership
- National bodies representing the gambling trade
- Community Safety Partnership
- Stafford Borough Council elected Members
- All parish and town councils in Stafford Borough
- Stafford Chamber of Commerce
- Neighbouring local authorities
- Existing licence holders and trade associations

- 2.5 The statement of Principles consultation took place between 9 August and 6 September 2024 and followed the Cabinet Office Guidance on Consultation Principles first published in July 2012 and last updated in March 2018. This document is available at: www.gov.uk/government/publications/consultation-principles-guidance

- 2.6 The Council will need to approve and adopt this Statement of Principles at full Council before 5 January 2025.

3 Exchange of Information and Data Protection

- 3.1 Licensing authorities are required to include, in their policy, the principles which are to be applied to the exchange of information between it and the Gambling Commission, as well as other persons listed in Schedule 6 to the Act. It may also share information with other bodies responsible for auditing or administering public funds for these purposes, e.g. UK National Fraud Initiative.
- 3.2 The information that you have provided will be used by Stafford Borough Council, as data controller, to allow it to carry out its statutory obligations in relation to the administration, compliance and enforcement of the licensing function within the Borough. The Council will only share your information with agencies involved in licence processing or licensing enforcement where the law requires or permits it to do so. For further information, please see: www.staffordbc.gov.uk/PrivacyNotices

4 Equality and Diversity

- 4.1 The Council is committed to promoting diversity and equality of opportunity to everyone it comes into contact with. This is an essential part of improving services for everyone. This can only be achieved by promoting equality for all groups of people and removing discrimination and harassment.

Through policies and service delivery, the Council's main aims for ensuring equality and diversity are to:

- Eliminate unlawful discrimination.
- Advance equality of opportunity between those who share a protected characteristic and people who do not;
- Foster good relations between diverse communities.

- 4.2 The Council has refreshed its Equalities Policy and the overarching aim of this policy is that consideration to equality becomes an intrinsic part of daily working, the organisation culture and service delivery.

- 4.3 There are two main objectives that support the aim and objectives in the Corporate Business Plan and these relate to:

- Organisational commitment.
- Delivering the best outcomes for residents, businesses and visitors in our borough.

A copy of the policy can be found at: www.staffordbc.gov.uk/equality-and-inclusion-policy

5 Crime and Disorder Act 1998

- 5.1 Under section 17 of the Crime and Disorder Act 1998 the Council is under a statutory duty to do all that it can to prevent crime and disorder within its area and is mindful of concerns over the use of licensed premises for criminal activity, for example money laundering and drug dealing.
- 5.2 The Council will work in partnership with licence holders, local businesses, responsible authorities, councillors and local people with the aim of promoting the licensing objectives.

6 The Licensing Framework

- 6.1 The Gambling Act 2005 changed the way that gambling is administered in the United Kingdom. The Gambling Commission is the national gambling regulator and has a lead role in working with Central Government and local authorities to regulate gambling activity.
- 6.2 The Gambling Commission issues operators' licences and personal licences. Any operator wishing to provide gambling at certain premises must have applied for the requisite operator's licence and personal licence from the Gambling Commission before they approach the Council for a premises licence. In this way, the Gambling Commission is able to ensure that applicants have the correct credentials to operate gambling premises.
- 6.3 The Council's role is to ensure premises are suitable for providing gambling in accordance with the three licensing objectives and any Codes of Practice issued by the Gambling Commission. The Council also issues various permits and notices for smaller scale gambling.
- 6.4 The Council does not license large society lotteries, the National Lottery or remote gambling through websites. These are regulated by the Gambling Commission.

7 Local Area Profile

- 7.1 Applicants are referred to the web links given in paragraphs 8.9 to 8.15 below. These web pages give wide ranging information on the Council's local area which should be taken into account by applicants who are preparing local risk assessments. These web links are reviewed and updated on a regular basis so as to reflect changes to local characteristics, trends and conditions.

- 7.2 Stafford Borough is one of eight District and Borough Councils that make up Staffordshire in the West Midlands. Stafford is the county town, and the Borough is the largest Staffordshire district, stretching across 59,187 hectares equating to approximately 230 miles. Predominately rural, with 32% of the population living in these areas, its economic scale score of 84.71 ranks it as medium size by British standards.
- 7.3 Stafford Borough currently has more than 136,900 residents and this population figure is expected to increase, to approximately 145,800 by 2033.
- 7.4 The ethnicity of the population is approximately 93% White British, which is comparable to the population of Staffordshire.
- 7.5 The health of people in Stafford Borough is varied compared with the England average. About 10.9% (2,285) children live in low-income families. Life expectancy for both men and women is higher than the England average.
- 7.6 Life expectancy is 6.2 years lower for men and 5.6 years lower for women in the most deprived areas of Stafford than in the least deprived areas.
- 7.7 In adult health the rate for alcohol-related harm hospital admissions is 1008* worse than the average for England. This represents 1,441 admissions per year.
- 7.8 The rate for self-harm hospital admissions is 273*, worse than the average for England. This represents 350 admissions per year. (***rate per 100,000 population**): fingertips.phe.org.uk/profile/health-profiles/data#page/1/ati/301/are/E070001977.9
- 7.9 The top reported crimes in Stafford Borough during March 2024 are Violence and Sexual offences, Shoplifting, Public Order and Anti-Social Behaviour.
- 7.10 The ward indicator matrix demonstrates that there are eight ward areas that are more deprived and experience poorer outcomes. The wards with the highest levels of need in terms of families and communities facing multiple issues are: Common, Coton, Doxey and Castletown, Forebridge, Highfields and Western Downs, Holmcroft, Littleworth and Penkside.
- 7.11 Approximately 70% of households in the borough are predominantly owner-occupied.
- 7.12 The average price of a house in Stafford Borough was £257,000, in April 2024 (provisional) Across the West Midlands, the average house price rose slightly by 2.0% over the same period to £246,000.

- 7.13 Private rents rose to an average of £749 per month in May 2024, an annual increase of 3.6% from £722 in May 2023. This was lower than the rise in the West Midlands (8.0%) over the year.
- 7.14 The economic activity status in Stafford Borough is that 58.3% of the population are in employment, 2.5% are unemployed and 39.2% are economically inactive.
- 7.15 Stafford Borough Council currently has 11 gambling premises licences, predominantly Adult Gaming Centres and Betting shops with one bingo premises and a Family Entertainment Centre.
- 7.16 The new Corporate Business Plan sets out the council's vision and objectives for the next three years and details a shared vision for economic and housing growth, community health and wellbeing and financial sustainability:
www.staffordbc.gov.uk/corporate-business-plan
- 7.17 All of our outcomes for our residents, families and communities are affected by a wide range of social, demographic, environmental and economic factors which are inextricably linked. It is often the same families and communities that have poor outcomes who are more likely to be the victims and also perpetrators of crime and anti-social behaviour. There is increasing focus upon public sector organisations working in partnership with each other, the voluntary, business sectors and communities to plan, design, resource, build and deliver services around people, families and communities in the most disadvantaged communities to support them to improve their life opportunities.
- 7.18 The Council will proactively engage with all responsible authorities as well as other organisations to ensure any new applications or applications to vary existing licences are assessed by taking the local area profile risks into account. Applicants should therefore consider how they will address these risks and address these matters in any applications.

8 Local Risk Assessment

- 8.1 The Gambling Commission's Licence Conditions and Code of Practice (LCCP) require operators to consider local risks from the provision of gambling at their premises. Please see Code of Practice provisions, section 10: www.gamblingcommission.gov.uk/licensees-and-businesses/lccp
- 8.2 The Social Responsibility (SR) code requires applicants to assess the local risk to the licensing objectives posed by the provision of gambling facilities at each of their premises. It also requires them to have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, applicants must take into account any relevant matters identified within this statement of principles.

- 8.3 Applicants are required to undertake a local risk assessment (LRA) when applying for a new premises licence. Further, their risk assessment must also be updated:
- When applying for a variation of a premises licence.
 - To take account of significant changes in local circumstances, including any identified within this policy statement.
 - Where there are significant changes at premises that may affect the mitigation of local risks.
- 8.4 The Council encourages operators to keep a copy of the LRA at the premises at all times. The LRA must be provided to the Council when applying for a new premises licence or for a variation to the existing premises licence. Upon such application, the Council will consider the need to condition premises licences to require operators, to keep the most recent copy of the LRA on the premises at all times.
- 8.5 The LRA should set out measures the applicant has in place to address areas of local concern. In broad terms, the LRA should include reference to any specified local risk, how the operator intends to mitigate any risks identified and how the operator will monitor those risks.
- 8.6 The Council will expect the LRA 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.
 - LRAs should show how vulnerable people, including people with gambling dependencies are protected.
- 8.7 Applicants will need to consider socio-economic, demographic and health and wellbeing factors when drafting their LRA. These factors are referred to within the paragraphs 8.9 to 8.13 below.
- 8.8 The Council will expect applicants to have an understanding of the local profile and address the Council's concerns in respect of protecting children and other vulnerable people by ensuring that the licensing objectives are met. This should be demonstrated via the LRA.
- 8.9 The web links below are links to external documents which are intended to assist applicants in obtaining a greater understanding of the local area. Applicants should take this information into account when drafting any LRA.

- 8.10 The Public Health England Stafford Borough Health Profile can be viewed at: fingertips.phe.org.uk/profile/health-profiles/area-search-results/E07000197?place_name=Stafford&search_type=parent-area
- 8.11 Area data - www.staffordshire.gov.uk/Observatory/Data/Area-data.aspx
- 8.12 Housing prices in Stafford - www.ons.gov.uk/visualisations/housingpriceslocal/E07000197/
- 8.13 Public Health Outcomes Framework At A Glance Summary for Stafford can be viewed here: fingertips.phe.org.uk/static-reports/health-profiles/2019/E07000197.html?area-name+Stafford
- 8.14 The Stafford and Surrounds Health and Wellbeing Strategy 2020-2024 can be found at: www.staffordbc.gov.uk/Community-Safety-and-Wellbeing-Strategy-2020-2024
- 8.15 The Stafford Borough Community Safety Strategic Assessment: www.staffordbc.gov.uk/Community-Safety-Strategic-Assessment
- 8.16 Having considered the information provided above, applicants should provide the licensing authority with the policies and procedures they have in place, which are designed to prevent underage gambling. These policies and procedures should also take account of the structure and layout of the particular premises as well as any training provided to staff.
- 8.17 In the event of any application to vary a premises licence, operators will be required to provide the licensing authority with any age-related compliance test results which relate to the premises concerned and the following information:
- Self-exclusion details
 - Attempts to gamble by under 18s
 - Test Purchase results
 - Anti-social behaviour issues on the incident log
 - Police reports and call outs
 - Sharing information with nearby agencies e.g. treatment centres
 - Protections in place when footfall is highest
 - Betwatch or similar
- 8.18 With respect to preventing vulnerable people from gambling, applicants must demonstrate how they intend to ensure that the licensing objective is met. This might include providing details about their own self exclusion schemes and their intentions towards the Multi Operator Self Exclusion Scheme (MOSES). Relevant information can be found here: self-exclusion.co.uk/
-

- 8.19 In LRAs applicants should provide details of the responsible gambling information that they make available to customers. This should include information from organisations such as Gambleaware www.about.gambleaware.org and GamCare www.gamcare.org.uk/
- 8.20 Further information should be provided which detail what controls are in place for challenging excluded persons from entering into the premises and what arrangements are in place for monitoring the use of fixed odds betting terminals (FOBT). More information can be found at: www.gamblingcommission.gov.uk/

9 Declaration

- 9.1 This Policy Statement will not override the right of any person to make an application, make representations about an application or apply for a review of a licence; these applications will be considered on their own merits and according to the statutory requirements of the Gambling Act 2005.
- 9.2 In producing the finalised Statement of Principles, the Council declares that it will have regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission and any responses from those consulted on the Policy Statement.
- 9.3 Appendix 1 provides more in-depth descriptors of various Term's used for Gambling purposes.

10 Responsible Authorities

- 10.1 The Act allows certain agencies to act as responsible authorities. Responsible authorities are able to make representations about licence applications or apply for a review of an existing licence. Responsible authorities may also offer advice and guidance to applicants.
- 10.2 The Council is required by regulations to state the principles it will apply 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.
- 10.3 In accordance with the regulations, the Council designates the Staffordshire County Council, Local Safeguarding Children Board for this purpose: staffsscb.org.uk/working-together-to-safeguard-children/

- 10.4 The contact details of all the responsible authorities under the Gambling Act 2005 can be found on the Council's website at:
www.staffordbc.gov.uk/responsible-authorities

11 Interested Parties

- 11.1 Interested parties are people or organisations that have the right to make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as set out below.
- 11.2 For the purposes of this part, a person is an interested party if, in the opinion of the licensing authority which issued 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 authorised activities.
 - (b) has business interests that might be affected by the authorised activities, or;
 - (c) represents persons who satisfy paragraphs (a) or (b).
- 11.3 The Council is required by regulations to state the principles it will apply to determine whether a person is an interested party. The principles are:
- Each case will be decided upon its merits. The Council will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission: Guidance to Local Authorities.
 - In order to determine if an interested party lives or has business interests sufficiently close to the premises to be likely to be affected by the gambling activities, the Council will consider factors such as the size of the premises and the nature of the activities taking place.
- 11.4 The Council will consult with the Director of Public Health on all Premises Licence applications.

12 Licensing Authority Functions

- 12.1 Licensing authorities are responsible under the Act for:
- Licensing premises where gambling activities are to take place by issuing premises licences.
 - Issuing provisional statements.
 - Regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits.
 - Issuing Club Machine Permits to commercial clubs.

- Granting permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres.
- Receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of up to two gaming machines.
- Granting 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.
- Registering small society lotteries below prescribed thresholds.
- Issuing Prize Gaming Permits.
- Receiving and endorsing Temporary Use Notices.
- Receiving Occasional Use Notices (for tracks).
- Providing information to the Gambling Commission regarding details of licences issued (see section above on information exchange).
- Maintaining registers of the permits and licences that are issued under these functions.

12.2 The Council does not license remote gambling. This matter falls to the Gambling Commission however the Council note it is a condition of some companies' remote operator's licence that they must notify both the commission and the relevant LA at least 28 days before any event takes place in a new premises. We would encourage venues hosting such events to promote responsible gambling.

Part B - The Licensing Objectives

13 Preventing Gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

13.1 The Gambling Commission takes the lead role in preventing gambling from being a source of crime. However, as a Licensing Authority, we will take into account any local considerations that may impact with regard to this licensing objective, particularly in respect to the location of the premises, to ensure the suitability of the gambling premises. When considering whether a disturbance was serious enough to constitute disorder, we will have regard to the individual merits of the situation including, but not limited to, whether police assistance was required and how threatening the behaviour was to those who could see or hear it. We acknowledge that the Gambling Commission highlights in its guidance to local authorities that "disorder is intended to mean activity that is more serious and disruptive than mere nuisance".

- 13.2 Whilst regulatory issues arising from the prevention of disorder are likely to focus almost exclusively on premises licensing, rather than on operating licences; if there are persistent or serious disorder problems that we consider an operator could or should do more to prevent, we will bring this to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence.
- 13.3 Licensees and applicants will be expected to demonstrate that they have given careful consideration to preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime.
- 13.4 We encourage that premises liaise with their Neighbourhood Policing Team to develop relationships at a local level and promote effective communication and co-operation. Additionally, operators are expected to actively support and participate in any local business partnership schemes, where any such schemes are in operation, and where such schemes are reasonably consistent with the licensing objectives.
- 13.5 Operators are also required to consider child protection issues such as the risk of child sexual exploitation, as part of this Licensing Objective.

14 Ensuring that Gambling is conducted in a fair and open way.

- 14.1 The Gambling Commission takes the lead role in ensuring that gambling is conducted in a fair and open way and addresses this via operating and personal licences.
- 14.2 The Council will take operator licence conditions into account and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other information.
- 14.3 Examples of the specific steps the Council may take to address this area can be found in the various sections covering specific premises types in Part C of this document, and also in Part D which covers permits and notices.
- 14.4 The Council may work in partnership with external authorities.

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

- 15.1 This licensing objective seeks to prevent children from taking part in most types of gambling and where appropriate, the Council may require specific measures at particular premises which are designed to ensure that the licensing objectives are met. The Gambling Act defines ‘children’ as those persons under 16 years of age and ‘young persons’ as those persons aged 16 or 17 years of age. The term ‘vulnerable persons’ is not defined and what constitutes harm or exploitation will have to be considered on a case-by-case basis.
- 15.2 Gambling-related harms are the adverse impacts from gambling on the health and wellbeing of individuals, families, communities and society. These harms are diverse, affecting resources, relationships and health, and may reflect an interplay between individual, family and community processes. The harmful effects from gambling may be short-lived but can persist, having longer term and enduring consequences that can exacerbate existing inequalities.
- 15.3 Preventative measures may include the supervision of premises and machines and appropriate training for staff with regard to suspected truanting school children and how staff should deal in general with unsupervised children.
- 15.4 The Council will pay particular attention to any Licence Codes of Practice (LCCP) which the Gambling Commission issues with respect to this licensing objective. Link to current LCCP - [Licence Conditions and Codes of Practice \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk)
- 15.5 The Council does not seek to offer a definition for the term “vulnerable people” but for regulatory purposes it will assume that this group includes elderly people, people who gamble more than they want to; people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs.

Part C - Premises Licences

16 Introduction to Premises Licensing

- 16.1 The Council will issue premises licences to allow those premises to be used for certain types of gambling. Premises licences may, for example, be issued to amusement arcades, bingo halls and bookmakers.

- 16.2 The Council expects high standards from all gambling premises. Operators will be expected to demonstrate that they have given careful consideration to the licensing objectives and have appropriate measures in place to uphold them. Premises licences will be subject to the permissions/restrictions set out in the Gambling Act 2005 and regulations as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach other conditions, where it is believed to be necessary and proportionate.

Definition of 'Premises'

- 16.3 Premises are defined in the Act as 'any place'. Different premises licences cannot apply in respect of single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact within any given circumstances.
- 16.4 The Council will take particular care when 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, the Council will assess entrances and exits from parts of a building covered by one or more licences to satisfy itself that they are separate and identifiable so that the separation of different premises is not compromised, and that people do not 'drift' into a gambling area.
- 16.5 The Council will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Issues that the Council will consider before granting such applications include whether children can gain access; compatibility of the two establishments and the ability to comply with the requirements of the Act. In addition, an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

Location and Cumulative Impact

- 16.6 The Council is aware that demand issues (e.g. the likely demand or need for gambling facilities in the area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The Council 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.

- 16.7 When considering the licensing objectives, the Council's may, upon receipt of any relevant representations, look at location as a specific issue. Location issues might include, but are not be limited to:
- The proximity of the premises to schools and vulnerable adult centres.
 - The proximity of the premises to residential areas where there may be a high concentration of families with children.
 - The size of the premises and the nature of the activities taking place.
 - The level of organised crime in the area.
- 16.8 Such information may be used to inform the decision the Council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.
- 16.9 This policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant to show how any concerns can be overcome.
- 16.10 Stakeholders may wish to note that the government has a stated intention to align the regimes for alcohol and gambling licensing by introducing a formal system of cumulative impact assessments and consult on increasing fees for premises licences and permits. The Council will consider these matters should it become appropriate to do so.

Duplication with other regulatory regimes

- 16.11 The Council will seek to avoid any duplication with other statutory/regulatory systems such as planning. The Council will not consider whether a licence application is likely to be awarded planning permission or building regulations approval in its consideration of it. It will listen to and consider carefully any concerns about conditions which the licence holder cannot meet because of planning restrictions.

Conditions

- 16.12 Applications will be granted subject only to the mandatory and default conditions. Such conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. Additional conditions will only be imposed where there is evidence of a risk to the licensing objectives that requires that the mandatory and default conditions be supplemented. Conditions will only be attached to premises licences where there is evidence of a need to do so.
- 16.13 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, and/or related to the area where the premises are based.
- Fairly and reasonably related to the scale and type of premises; and,
- Reasonable in all other respects.

16.14 Decisions about individual conditions will be made on a case-by-case basis, although there will be a number of control measures which the Council may consider. These include the use of door supervisors, supervision of adult gaming machines and appropriate signage for adult only areas. The Council will also expect the applicants to ensure that the licensing objectives are effectively met.

16.15 There are conditions which the Council cannot attach to premises licences which are:

- Any condition on the premises licence which makes it impossible for the applicant 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; and,
- Conditions in relation to stakes, fees, winnings or prizes.

Door supervision

The Council may consider whether there is a need for door supervision in terms of the licensing objectives. Where door supervisors are required, it is the operator's responsibility to ensure that any persons employed in this capacity are fit and proper to carry out such duties.

17 Adult Gaming Centres and Licensed Family Entertainment Centres

17.1 Adult gaming centres (AGCs) are premises able to make category B, C and D gaming machines available to their customers and are commonly found within town centre environments. Persons operating an AGC must hold a gaming machines general operating licence from the Commission as well as a premises licence from the Council.

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

- 17.3 Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises, e.g. motorway service areas and shopping malls. The council will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises and that the premises is adequately supervised at all times.
- 17.4 Licensed Family Entertainment Centres (LFECs) are those premises which usually provide a range of amusements such as computer games and penny pushers. They may have a separate section set aside for adult only gaming machines with higher stakes and prizes and are able to make available a certain number of category C and D machines. Clear segregation must be in place to ensure children do not access the areas where the category C machines are located.
- 17.5 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling, in such premises, 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 or adult gaming centres within the LFEC.
- 17.6 The Council will expect applicants to offer their own measures to meet the licensing objectives.
- 17.7 Appropriate measures/licence conditions may cover:
- Proof of age schemes (e.g. PASS schemes).
 - The use of Challenge 25 policy.
 - The use of 'No ID No Entry' policy.
 - CCTV.
 - Staff supervision and training.
 - Detailed plan.
 - Social responsibility policies.
 - Staff easily identifiable.
 - Door supervision.
 - Supervision of machine areas.
 - Physical separation of areas.
 - Location of entry.
 - Clear Notices/signage.
 - Specific opening hours.
 - Staff training in the law and the provision of a named point of contact to help ensure compliance.
 - Measures/training for staff on how to deal with suspected truanting school children and how to recognise signs of potential child sexual exploitation.

- Clear policies that outline the steps to be taken to protect children from harm.
- Self-exclusion schemes and the provision of leaflets/helpline numbers to organisations such as GamCare, the Responsible Gambling Trust or GambleAware etc.
- Ensure that there is a policy in place which addresses the Multi operator self-exclusion scheme (MOSES).

This list is not mandatory nor exhaustive and is merely indicative.

18 Casinos

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

19 Bingo & Bingo Premises

- 19.1 Bingo is not statutorily defined within the Gambling Act 2005 but is essentially lottery which is played as an equal chance game. Such premises may provide cash and prize bingo. In addition, bingo premises are also able to provide a limited number of gaming machines in line with the provisions of the Act.
- 19.2 It is important that where children are allowed to enter Bingo premises, that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted then the operator must ensure that:
- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
 - Only adults are admitted to the area where the machines are located
 - Access to the area where the machines are located is supervised
 - The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder, and
 - At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 19.3 Other measures which applicants will need to consider in meeting the licensing objectives are outlined in paragraph 17.7 above.

- 19.4 The Council note it is a condition of some companies' remote operator's licence that they must notify both the commission and the relevant LA at least 28 days before any event takes place in a new premises. We would encourage venues hosting such events to promote responsible gambling.

20 Betting Premises

- 20.1 Betting premises are premises such as bookmakers where various types of gambling are authorised to take place. The Act contains a single class of licence for betting premises.
- 20.2 The Council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines and the nature and circumstances in which they are made available by attaching a licence condition to a betting premises licence. The Council is also aware that it is not possible to restrict the number of gaming machines which may be made available within betting premises.
- 20.3 It is not possible to reduce the maximum of four £500 pay out gaming machines which may be made available by law within betting premises.
- 20.4 When considering whether to impose a condition to restrict the number of betting machines in particular premises the Council, amongst other things, will 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 children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.
- 20.5 Measures which applicants will need to consider in meeting the licensing objectives are outlined in paragraph 17.7 above.

21 Tracks

- 21.1 Currently this licensing authority does not licence any tracks which permit on-course betting. Where an application for a track premises licence is proposed, the applicant should contact the Council's Licensing Unit at the earliest opportunity. The Council's focus will be on the need to protect children and vulnerable persons from being harmed or exploited by gambling and the need to ensure that entrances to premises are distinct. Children must be excluded from gambling areas where they are not permitted to enter.

22 Travelling Fairs

- 22.1 Travelling fairs have the right to provide an unlimited number of category D gaming machines and/or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than an ancillary amusement at the fair.

22.2 The 28-day statutory maximum for the land being used as a fair is per calendar year. This 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. Where appropriate, the Council will liaise with neighbouring authorities to ensure that land which crosses its boundaries is monitored so that the statutory limits are not exceeded.

23 Provisional Statements

23.1 The provisional statement process provides an alternative to making a premises licence application. The process permits an applicant to examine the likelihood of whether a building which has yet to be constructed or is about to be altered for the purpose of gambling would be granted a premises licence when the building work is complete.

23.2 A provisional statement is not a licence and merely gives the holder some form of assurance that a premises licence would be granted so the project can be started. Once works are complete a full premises licence would still be required.

23.3 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from Responsible Authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage or they reflect a change in the applicant's circumstances. In addition, the Council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional licence stage; or
- (b) which in the Authority's opinion reflect a change in the operator's circumstances.

23.4 When determining a provisional statement application, the Council will operate in accordance with the Act and will not have regard to any issues related to planning consent or building regulations, e.g. the likelihood that planning consent will be granted.

Part D - Permits, Temporary / Occasional Use Notices and Small Society Lottery Registrations

24 Unlicensed Family Entertainment Centre Gaming Machine Permits

- 24.1 The term 'Unlicensed Family Entertainment Centre' is one defined in the Act and refers to premises which provide category D gaming machines along with various other amusements such as computer games and penny pushers. The premises are 'unlicensed' in that they do not require a premises licence but do require a permit to be able to provide category D machines. It should not be confused with a 'Licensed Family Entertainment Centre' which does require a premises licence because it contains both category C and D gaming machines.
- 24.2 In accordance with Gambling Commission guidance, the Council will carefully consider child protection issues when considering applications for permits. This consideration will generally engage two of the three licensing objectives: These are:
- Preventing Gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 24.3 The Council will expect applicants to show that there are policies and procedures in place to protect children and vulnerable persons from harm or from being exploited by gambling and to promote wider child protection issues as part of the crime prevention objective. Policies must include appropriate measures/training for staff regarding how staff would deal with unsupervised children being on the premises, or children causing problems on or around the premises.
- 24.4 The Council will also expect applicants to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs, that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act), and that staff are trained to have a full understanding of the maximum stakes and prizes.
- 24.5 The Council is aware that an application for a permit may only be granted if the Chief Officer of Police has been consulted on the application.
- 24.6 In line with the Act the Council cannot attach conditions to this type of permit and the statement of principles only applies to initial applications and not to renewals.

25 Gaming Machine Permits in premises licensed for the sale of alcohol

- 25.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines of categories C and/or D.
- 25.2 The Council 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.
- 25.3 If a premises wishes to have more than two gaming machines, the application must be made for a permit. The Council must consider the application based upon the licensing objectives, any guidance issued by the Gambling Commission under Section 25 of the Gambling Act 2005, and 'such matters as it thinks relevant'. The Council considers that 'such matters' will be decided on a case-by-case basis, but generally regard will be given to the need to protect children and vulnerable persons from harm or being exploited by gambling. The Council will also 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.
- 25.4 Measures which may satisfy the Council that there will be no access could include the adult machines being situated in close proximity to the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18 years of age. Notices and signage may also help. Regarding the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as Gam Care.
- 25.5 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 dealt with under the relevant provisions of the Act.
- 25.6 The Council can decide to grant the application with a smaller number of machines and/or a different category of machines from that applied for. Conditions (other than these) cannot be attached.

- 25.7 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.
- 25.8 A summary of gaming machine categories and entitlements can be found at Appendix B of the Guidance issued to licensing authorities by the Gambling Commission: www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities

26 Prize Gaming Permits

- 26.1 Prize gaming premises will appeal to children and young persons and weight will be given to child protection issues. Therefore, the licensing authority will expect the applicant to demonstrate that they are suitable to hold a permit and the suitability of the premises. The Council will also expect the applicant to set out the types of gaming that he or she is intending to offer and 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.
- 26.2 In making its decision on an application for prize gaming permits, the Council does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 26.3 There are conditions in the Gambling Act 2005 with which the permit holder must comply, but the Council 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.

27 Club Gaming and Club Machines Permits

- 27.1 Members' clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club gaming machines permit. The club gaming permit will enable the premises to provide gaming machines (three machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations. A club gaming machine permit will enable the premises to provide gaming machines (three machines of categories B, C or D).
- 27.2 To qualify for these special club permits, a members' club 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. It is anticipated that this will cover bridge and whist clubs, which will 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 the Royal British Legion and clubs with political affiliations.
- 27.3 Before granting the permit, the Council will need to satisfy itself that the premises meet the requirements of a members' club, and that the majority of members are over 18 years of age.
- 27.4 The Council 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 they have 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 Gambling Commission or the Police.

28 Temporary Use Notices

- 28.1 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 useful for a temporary use notice would include hotels, conference centres and sporting venues.

- 28.2 The Act makes a special reference, in the context of temporary use notices, to a 'set of premises' to try and ensure that large premises which cannot reasonably be reviewed as separate are not used for more temporary use notices than permitted under the Act. The Council considers that the determination of what constitutes a 'set of premises' will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a 'set of premises', the Council will look at, amongst other things, the ownership/occupation and control of the premises.
- 28.3 The Council will be ready 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.

29 Occasional Use Notices (for Tracks)

- 29.1 There is a special provision in the Act which provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. Track operators and occupiers need to be aware that the procedure for applying for an occasional use notice is different to that for a temporary use notice.
- 29.2 The Council has very little discretion regarding these notices apart from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Council will however consider the definition of a 'track' and whether the applicant is entitled to benefit from such notice.
- 29.3 Occasional Use Notices (OUN) are designed to allow licensed betting operators to provide betting facilities at genuine sporting events, such as point-to-point racecourses and golf courses for major competitions, within the boundaries of the identified venue on a specific date.
- 29.4 An OUN must be submitted for EACH day that the betting activity will be conducted on the premises. For example, four notices for four consecutive days of betting and not one notice covering the four days.
- 29.5 We will liaise with the Gambling Commission should we receive an OUN that does not relate to a genuine recognised sporting event to ensure that OUN's are not misused, for example, venues seeking to become tracks through a contrived sporting event, utilising OUNs to solely or primarily facilitate betting taking place on events occurring away from the identified venue.

30 Small Society Lottery Registrations

- 30.1 The Act creates two principal classes of lotteries- licenced lotteries and exempt lotteries.

- 30.2 Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be regulated by the Gambling Commission. Within the class of exempt lotteries, there are four sub classes, one of which is small society lotteries. A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less.
- 30.3 A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These may be administered by the Council for small societies who have a principal office in the area and wish to run such a lottery.
- 30.4 To be 'non-commercial', a society must be established and conducted:
- For charitable purposes.
 - For the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity; or;
 - For any other non-commercial purpose other than that of private gain.
- 30.5 This licensing authority 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 the operator:
- Submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held).
 - Submission of incomplete or incorrect returns.
 - Breaches of the limits for small society lotteries.
 - The eligibility of society as 'non-commercial'.
- 30.6 The other types of exempt lotteries are 'incidental non-commercial lotteries', 'private lotteries' and 'customer lotteries'
- 30.7 The Gambling Commission has introduced a new voluntary code which requires that lottery tickets may only be sold to those who are aged 18 and older. The Council will expect the promotor of small society lotteries to comply with this voluntary requirement unless there is good reason to depart from this agreement.

Part E - Enforcement

31 Enforcement Principles

- 31.1 The Council will work closely with other agencies in targeting known high risk premises. In doing so, the Council will follow Government guidance on better regulation.

31.2 The Council recognises that the Regulators Code applies to all activities under the Act. This will however, be most obvious in respect of the Councils inspection and enforcement duties and the powers to institute criminal proceedings. The Regulators' Code can be found at:
www.gov.uk/government/publications/regulators-code

31.3 The Council will aim 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.

Targeted:

Regulation should be focused on the problem and minimise side effects.

31.4 The Council's Enforcement Policy, which explains how the Council deals with non-compliance and unlawful gambling activity, can be found at:
www.staffordbc.gov.uk/environmental-and-health-enforcement-policy

31.5 Known enforcement issues which the Council's Licensing Unit will address include illegal gambling machines in takeaways and poker in pubs.

31.6 The Council will endeavour to avoid duplication with other regulatory regimes.

31.7 The main enforcement and compliance role for the Council in terms of the Gambling Act 2005 will be to ensure compliance with the premises licence conditions and other permissions. The Gambling Commission will be the enforcement body for the operator and personal licences. Concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the Council but will be notified to the Gambling Commission.

31.8 In circumstances where the Council believes a premises requires a premises licence for gambling activities and no such licence is in force, the Council will notify the Gambling Commission.

- 31.9 The Council will also have regard to any guidance issued and keep itself informed of developments regarding the work of the Regulatory Delivery Division of the Department of Business Innovation and Skills in its consideration of the regulatory functions of local authorities.
- 31.10 Since October 2013, the Primary Authority scheme, under the terms of the Regulatory Enforcement and Sanctions (RES) Act 2008, has been extended to include age-restricted sales of gambling in England. The Council is aware that Primary Authority Partnerships have been agreed with a number of national bookmaking companies. The Council will follow any 'age-restricted sales of gambling' national inspection plans that are published on the Primary Authority register, when considering proactive age-restricted sales (gambling) activity, including test purchasing.

32 Reviews

- 32.1 A review is a process defined in the legislation which ultimately leads to a licence being reassessed by the Licensing Committee with the possibility that the licence may be revoked or suspended or that conditions may be amended or new conditions added.
- 32.2 Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the Council to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is:
- In accordance with any relevant Code of Practice issued by the Gambling Commission.
 - Reasonably consistent with the licensing objectives; and;
 - In accordance with this Authority's Statement of Gambling Policy.
 - In accordance with any relevant guidance issued by the Gambling Commission.
- 32.3 A link to the Gambling Commission's Guidance to Licensing Authorities is here: www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities
- 32.4 In addition, the Council may also reject the application on the grounds that the request is frivolous, vexatious, will not cause the authority to wish to alter, revoke or suspend the licence, or is substantially the same as previous representations or requests for review.
- 32.5 The Council can also initiate a review of a licence on the basis of any reason which it thinks appropriate. This may for instance follow a second failed compliance test at the premises.

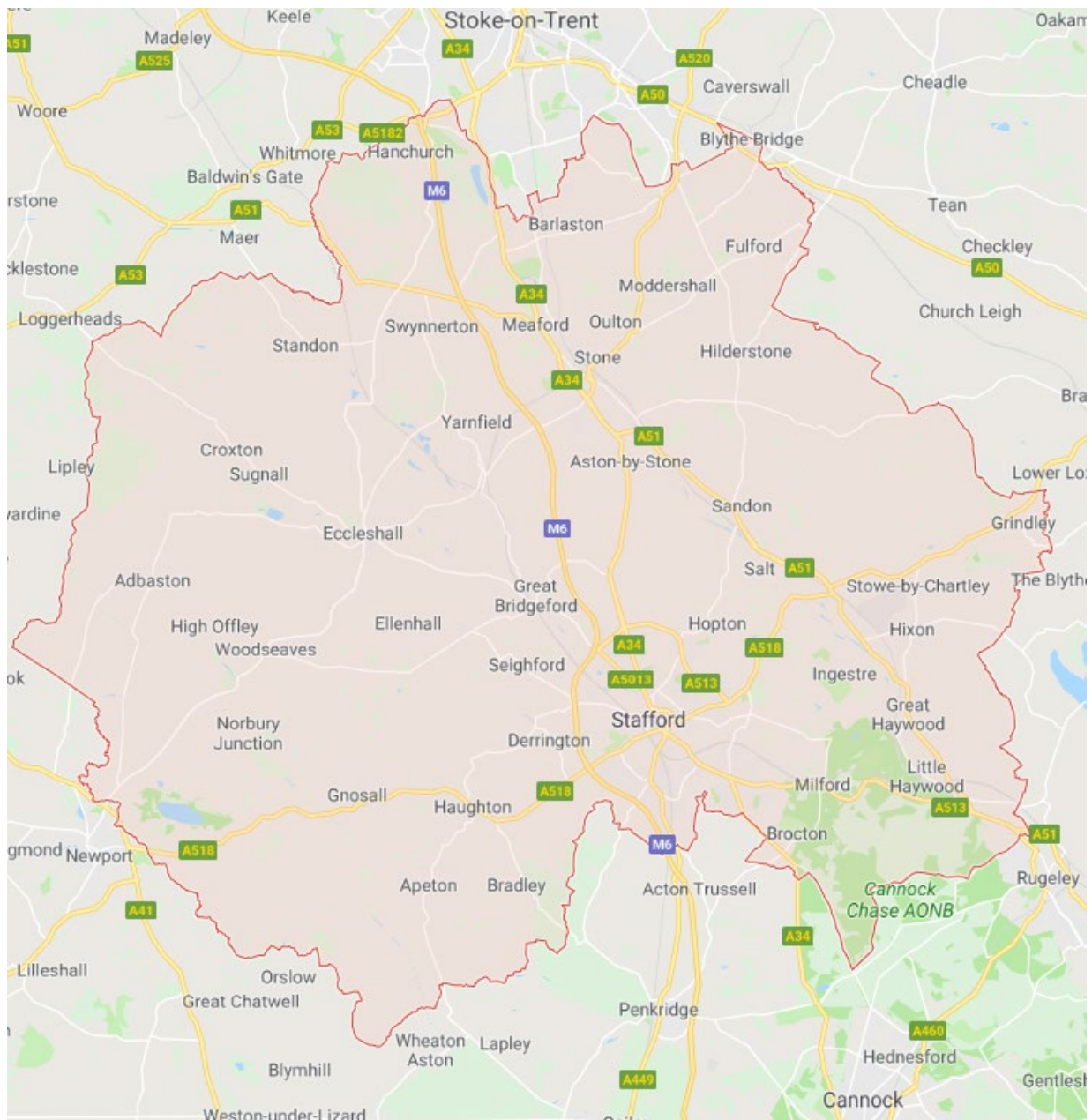
32.6 Before sitting as a member of the Licensing Sub Committee, members will need to attend a Gambling Act 2005 training session with officers from Legal Services and Licensing. Members will need to attend refresher training every year that they remain a member of the Licensing and Public Protection Committee.

33 Functions and Delegations

A table showing the delegation of functions within the Council can be found at Appendix G of the Gambling Commission Guidance:

www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities

Stafford Borough Boundary Map



Appendix 1 - Descriptors of Terms used within Gambling.

Term	Description
Lottery	<p>A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part.</p> <p>A lottery is defined as either a simple lottery or a complex lottery.</p> <p>A simple lottery is one where people are required to pay to participate and one or more prizes are allocated to one or more members of a class and the prizes are allocated by a process which relies wholly on chance.</p> <p>A complex lottery is where people are required to pay to participate and one or more members of a class and the prizes are allocated by a series of processes where the first of those processes relies wholly on chance.</p> <p>Prize means money, articles or services provided by the members of the class among whom the prize is allocated. (It should be noted that the National Lottery is not included in this definition of lottery and is regulated by the Gambling Commission.</p>
Money prize machine	A machine in respect of which every prize which can be won as a result of using the machine is a money prize.
Non-money prize machine	<p>A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize. The winner of the prize is determined by:</p> <ul style="list-style-type: none"> (i) the position in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or (ii) if the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been so released.
Odds	The ratio to which a bet will be paid if the bet wins, e.g. 3-1 means for every £1 bet, a person would receive £3 of winnings.

Term	Description
Off-course betting operator	Off-course betting operators may, in addition to premises away from the track, operate self-contained betting premises within a track premises. Such self-contained premises will provide facilities for betting on both events taking place at the track (on-course betting), as well as other sporting events taking place away from the track (off-course betting). In essence such premises operate like a traditional high street bookmakers. They will however only normally operate on race days.
On-course betting operator	The on-course betting operator is one who comes onto on a track, temporarily, while races are taking place, and operates at the track side. On-course betting operators tend to offer betting only on the events taking place on the track that day (on-course betting).
Pool Betting	For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: <ul style="list-style-type: none"> (1) Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the people betting (2) Shall be divided among the winners or (3) Shall or may be something other than money. For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horse-racing in Britain.
Regulations or Statutory instruments	Regulations are a form of law, often referred to as delegated or secondary legislation. They have the same binding legal effect as Acts and usually state rules that apply generally, rather than to specific people or things. However, regulations are not made by Parliament. Rather, they are made by people or bodies to whom Parliament has delegated the authority to make them, such as a minister or an administrative agency.
Representations	In the context of the Gambling Act representations are either positive statements of support or negative objections which are made in relation to a licensing application. Representations must be made in time, e.g. during a designated notice period.
Responsible authority (authorities)	Responsible authorities (RAs) are agencies which have been appointed by the Gambling Act or regulations to fulfil a designated role during the licensing process. RAs must be sent copies of all licensing applications and have the power to make representations about such applications. RAs also have the power to ask for licences to be reviewed.

Term	Description
Skill machine / Skill with prizes machine	<p>The Act does not cover machines that give prizes as a result of the application of pure skill by players.</p> <p>A skill with prizes machine is one on which the winning of a prize is determined only by the player's skill - any element of chance imparted by the action of the machine would cause it to be a gaming machine. An example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes.</p>
Spread betting	<p>A form of investing which is more akin to betting, and can be applied either to sporting events or to the financial markets. Spread betting is regulated by the Financial Services Authority.</p>
Stake	<p>The amount pledged when taking part in gambling activity as either a bet, or deposit to the bank or house where the house could be a gaming machine.</p>
Statement of principles document	<p>A document prepared by the Authority which outlines the areas that applicants need to consider before applying for gaming permits.</p>
Table gaming	<p>Card games played in casinos.</p>
Tote	<p>"Tote" is short for Totaliser, a system introduced to Britain in 1929 to offer pool betting on racecourses.</p>
Track	<p>Tracks are sites (including horse tracks and dog tracks and stadia) where races or other sporting events take place</p>
ATM	<p>Auto teller machine or cash machine.</p>
Betting	<p>Betting is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. It is irrelevant if the event has already happened or not and likewise whether one person knows the outcome or not. (Spread betting is not included within this definition).</p>
Betting Machines / Bet Receipt Terminal	<p>Betting machines can be described as automated betting terminals where people can place bets on sporting events removing the need to queue up and place a bet over the counter.</p>

Term	Description
Bingo	There are essentially two types of bingo: cash bingo, where the stakes paid make up the cash prizes that can be won and prize bingo, where various forms of prizes can be won, not directly related to the stakes paid.
Book	Running a 'book' is the act of quoting odds and accepting bets on an event. Hence the term 'Bookmaker'.
Casino games	A game of chance, which is not equal chance gaming. Casino games includes Roulette and black jack etc.
Chip	Casinos in the UK require you to use chips to denote money. They are usually purchased and exchanged at a cashier's booth.
Coin pusher or penny falls machine	A machine of the kind which is neither a money prize machine nor a non-money prize machine
Crane grab machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.
Default condition	These are prescribed in regulations and will be attached to all classes of premises licence, unless excluded by the Authority.
Equal Chance Gaming	Gaming which does not involve playing or staking against a bank.
Fixed odds betting	If a gambler is able to establish what the return on a bet will be when it is placed, (and the activity is not 'gaming' see below), then it is likely to be betting at fixed odds.
Fixed Odds betting terminals (FOBTs)	FOBTs are a type of gaming machine which generally appear in licensed bookmakers. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.
Gaming	Gaming can be defined as 'the playing of a game of chance for winnings in money or monies worth, whether any person playing the game is at risk of losing any money or monies worth or not'.

Term	Description
Gaming Machine	Any type of machine allowing any sort of gambling activity including betting on virtual events but not including home computers even though users can access online gaming websites.
Licensing Objectives	<p>The licensing objectives are three principal goals which form the basis of the Act. Stakeholders who have an interest in the Act need to try and promote these objectives. The licensing objectives are:</p> <ul style="list-style-type: none"> • 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 people from being harmed or exploited by gambling.

Changes to Stafford Borough Council's Gambling Act 2005 Statement of Principles 2025

Page/Paragraph	Amendments to Existing Policy	Reason
Page 4, 2.4	Updated consultees list.	Information and clarification.
Pages 6,7 & 8. Section 7 Local Area Profile.	Update on statistical information related to the local population as well as removal of redundant weblinks and replacement with new weblinks.	Clarification and the avoidance of doubt.
Pages 8, 9 10 & 11 Section 8 Local Risk Assessment	Updated statistical information and removal of redundant weblinks and replaced with new weblinks.	Clarification and the avoidance of doubt.
Page 13, 12.2 Section 12 Licensing Authority function	Expanded upon.	For clarification and avoidance of doubt.
Page 13, 13.1 Section 13 The Licensing Objectives	Expanded upon to give more information.	Clarification.

Page/Paragraph	Amendments to Existing Policy	Reason
<p>Page 15. 15.1 - 15.5</p> <p>Section 15 Protection children and other vulnerable persons from being harmed/exploited by gambling.</p>	<p>Expanded upon to give definition and new weblink to the Licence Codes of Practice which the Gambling Commission issues with respect to this licensing objective.</p>	<p>Clarification and avoidance of doubt.</p>
<p>Page 16, Paragraph 16.6</p>	<p>Mention of the future potential for cumulative impact assessment of gambling premises.</p>	<p>To reflect Government's stated intention.</p>
<p>Page 28, Paragraph 30.5</p> <p>Section 30 - Small Society Lottery Registrations.</p>	<p>Information on the authority's risk-based approach towards its enforcement responsibilities which could affect the risk status of the operator.</p>	<p>Clarification and make stakeholders aware of Council expectations.</p>
<p>Page 28, Paragraph 30.7</p> <p>Section 30 - Small Society Lottery Registrations</p>	<p>Mention of voluntary changes to the Gambling Commission's requirements of small society lotteries.</p>	<p>To reflect good practice and make stakeholders aware of Council expectations.</p>
<p>Appendix 1 - Descriptors of Terms used with Gambling.</p>	<p>Explanation of the terms used in relation to gambling and descriptions given of what they are.</p>	<p>Clarification and avoidance of doubt.</p>