

AGENDA FOR

LICENSING AND SAFETY COMMITTEE

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To: All Members of Licensing and Safety Committee

Councillors : S Walmsley (Chair), J Grimshaw, T Holt,
K Leach, J Lewis, G McGill, J Rydeheard, M Smith,
C Walsh, S Wright and Y Wright

Dear Member/Colleague

Licensing and Safety Committee

You are invited to attend a meeting of the Licensing and Safety Committee which will be held as follows:-

Date:	Thursday, 11 November 2021
Place:	Council Chamber, Bury Town Hall
Time:	7.00 pm
Briefing Facilities:	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
Notes:	

AGENDA

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

Members of the Licensing and Safety Panel are asked to consider whether they have an interest in any of the matters on the agenda, and if so, to formally declare that interest.

3 MINUTES OF PREVIOUS MEETING *(Pages 5 - 14)*

The minutes of the meeting held on the 7th October 2021 are attached. Members of the Licensing and Safety Committee are asked to consider whether these are a correct record of the meeting, and if so, to formally approve them.

4 PUBLIC QUESTION TIME

Questions are invited from members of the public present at the meeting on any matters for which this Panel is responsible.

Approximately 30 minutes will be set aside for Public Question Time if required.

5 OPERATIONAL REPORT *(Pages 15 - 20)*

A report from the Executive Director (Operations) is attached.

6 REVIEW OF STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005 *(Pages 21 - 162)*

A report from the Executive Director (Operations) is attached.

7 COMMON MINIMUM LICENSING STANDARDS- STAGE 2 (VEHICLES) *(Pages 163 - 246)*

A report from the Executive Director (Operations) is attached.

8 URGENT BUSINESS

Any other business, which by reason of special circumstances, the Chair agrees may be considered as a matter of urgency.

9 EXCLUSION OF PRESS AND PUBLIC

To consider passing the appropriate resolution under section 100 (A)(4) of the Local Government Act 1972 that the press and public be excluded from the meeting during consideration of the following item of business since it involves the likely disclosure of the exempt information stated.

10 SUSPENSION/REVOCAION OF PRIVATE HIRE DRIVER LICENCE
(Pages 247 - 254)

A report from the Executive Director (Operations) is attached.

11 APPLICATIONS FOR THE GRANT/RENEWAL OF PRIVATE HIRE DRIVER LICENCE *(Pages 255 - 262)*

A report from the Executive Director (Operations) is attached.

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Minutes of: LICENSING AND SAFETY COMMITTEE

Date of Meeting: 7 October 2021

Present: Councillor T Holt (in the Chair)
Councillors J Grimshaw, K Leach, J Lewis, G McGill,
J Rydeheard, S Wright and Y Wright

Also in attendance: Michael Bridge – Licensing Unit Manager
Michael Cunliffe – Democratic Services
Ben Thomson- Head of Public Protection
Janet Witkowski – Council Solicitor

Public Attendance: 6 members of the public were present at the meeting.

Apologies for Absence: Councillors M Smith, S Walmsley and C Walsh.

LSP.1 APOLOGIES FOR ABSENCE

Councillors Leach, M Smith, C Walsh and S Walmsley.

LSP.2 DECLARATIONS OF INTEREST

Councillor Rydeheard declared an interest that in his employment he had worked on a number of cases involving Private Hire and Hackney Carriage drivers.

LSP.3 MINUTES OF PREVIOUS MEETING

Following the last Licensing and Safety Committee under the public questions agenda item it was reported that a number of topics raised at that meeting would be discussed at a future taxi trade meeting. These included topics on clean air and concerns in respect of an increase in the number of violent incidents and abuse towards taxi drivers.

Ben Thomson, Head of Public Protection provided the committee with an update about GMP data on reported incidents involving projectiles at vehicles. Figures suggested these incidents increased in the school holidays and it was confirmed that this was for the Bury area only and not across Greater Manchester. Information was also provided about a financial support scheme to upgrade or retrofit GM- licensed taxis and private hire vehicles to comply with the GM wide clean air zone and would be open to applications in January 2022.

Delegated decision:

That the Minutes of the last meeting held on the 2nd September 2021 be approved as a correct record and signed by the Chair.

LSP.4 PUBLIC QUESTION TIME

Members of the public were in attendance at the meeting and submitted the following verbal questions:-

Mr Shafqat Mahmood asked the Licensing Department Officers about driver badges expiring and the renewal timelines and made reference to a particular case. He made reference to a specific driver.

The Chair stated that the topic being discussed was a private matter related to individuals so could therefore not be classed as a public question. The Council Solicitor added that matters for individuals were confidential and personal information, therefore they should not be dealt with in a public meeting setting.

An additional comment was provided by Mr Mahmood about an individual and again the Council Solicitor advised that it was not the remit of this committee to deal with such matters and stated that Officers present had noted the points made.

Mr Shafqat Mahmood requested a meeting with the Acting Chair of the meeting and the Chair of the Licensing and Safety Committee to look into his concerns.

Mr Muhammad Sajjad Warraich asked why some drivers who had points on their driving record had managed to keep their taxi licence whilst other had lost their licence. The Council's Solicitor commented that the decision was decided on a case-by-case basis on individual circumstances.

A member of the public asked a question in relation to driver dress codes in relation to the proposed GM wide Minimum Licensing Standards (MLS), particularly in relation to wearing shorts. He requested details as to the source of the information. The Licensing Unit Manager explained that was included in a standard report produced by Greater Manchester Licensing Network and a request could be made for which area it came from along with examples of poor dress code.

The same member of the public then asked about proposals within the MLS that private hire vehicles need to be white in colour with yellow stickers and stated that this could make taxis a bigger target for anti-social behaviour. The Licensing Unit Manager stated this was currently only a proposal and may be subject to change following consultation.

Mr Shafqat Mahmood then asked if a meeting could be arranged with the trade and Councillors on the Committee before decisions are taken on MLS and how would they go about it. Information was provided about writing to the Licensing Department, Chief Executive or Chair of the relevant committee to submit a request.

The Licensing Unit Manager added there had been a full consultation undertaken in relation to the MLS with over 1,650 responses received from the public, taxi trade and other organisations.

Mr Muhammad Sajjad Warraich commented that there would be a risk of cross border drivers coming into the borough due to the MLS.

Mr Shafqat Mahmood then commented that taxi drivers were CRB checked as part of the application process and asked if the Council checked that staff who worked in the Licensing Department were regulated under the same process.

LSP.5 OPERATIONAL REPORT

The Executive Director (Operations) submitted a report advising Members on operational issues within the Licensing Service.

The report set out updates in respect of the following issues:

AMENDMENTS TO THE LICENSING ACT 2003

The Licensing Service had been made aware that there had been some amendments to the Licensing Act 2003 which came into force on the 16th September 2021. The changes were detailed in the report.

Members of the Committee asked if the licence trade had been consulted with in relation to Licensing Act changes.

PARKLIFE

The annual Parklife festival at Heaton Park took place on Saturday 11th and Sunday 12th September with New Order on Friday 10th. Public Protection Officers worked throughout all the events over the three days and were joined by the Covid marshals.

Officers carried out checks found the following issues: -

- Licensed vehicles with incorrect signage
- Large number of licensed private hire vehicles from outside of Bury being moved on
- Various street traders (including 2 ice cream vans) were moved on for not having a valid street trading consent for Bury.
- Visits to Licensed premises including off licences were undertaken
- Pedlars who did not hold a valid pedlars certificate issued by the police were moved on.
- People trading from their driveways closed down due to lack of street trading consent despite prior warning being given.

Officers are currently reviewing their findings to inform any future events that take place at Heaton Park.

Councillors commented on the Parklife section of the report, querying its licensing arrangements and raising the question why Covid Marshals were present at the event and requested a job description of the role. Members also questioned the issue of trading from private driveways.

COMPLIANCE/ENFORCEMENT

Details were listed in the report about the Licensing Service dealing with Licensing Act and Hackney Carriage/Private Hire compliance and enforcement matters (Between the period 30th August- 27th September).

ENGAGEMENT WITH THE TAXI TRADE – Stage 2

On the 22nd September 2021, a taxi trade liaison meeting took place, the Licensing Unit Manager briefed national and local trade representatives on the stage 2 proposals of the common minimum licensing standards relating to vehicles.

GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES

The Licensing Authority (the Council) are consulting on the 3-year review of the Councils Statement of Principles. The consultation period will close on 22 October 2021. At the end of the consultation period, the review will be brought before the Licensing and Safety Committee for consideration. The new Statement of Principles including any amendments to the existing policy will become effective from the 31 January 2022.

EV CHARGING POINTS

The Licensing Service had been liaising with the Hackney Carriage and Private Hire Trade regarding the siting of dedicated electric vehicle charging points that are specifically for the trade. 2 proposed locations detailed in the report had been identified and they are currently undergoing feasibility studies.

The Licensing Service had asked trade representatives to identify another suitable location and this work was ongoing.

It was agreed:

That the report be noted.

LSP.6 URGENT BUSINESS

No urgent business was reported at the meeting.

LSP.7 EXCLUSION OF PRESS AND PUBLIC

Delegated decision:

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items of business since it involved the likely disclosure of information relating to individuals who hold Licences granted by the Authority or Applicants for Licences provided by the Authority.

LSP.8 SUSPENSION/REVOCATION OF PRIVATE HIRE DRIVER LICENCE

Licence Holder 18/2021

The Executive Director (Operations) submitted a report relating to Licence Holder 18/2021 who was in attendance at the meeting. The Chair made introductions and the Council Solicitor outlined the procedure to be followed and clarified that all

those in attendance had read the report. The report was accepted by the Licence Holder and the Licensing Unit Manager set out the reasons for the Licence Holder being before the Committee.

The report stated the licence holder had held a private hire driver's licence continually since 24th October 2018 until its expiry on the 23rd October 2021. He had also held a private hire operator's licence since 21st August 2020.

On the 17th August 2021, the Licence Holder had made an application to renew his private hire operator's licence and declared fixed penalties for two motoring convictions for speeding on 17th November 2018 and 26th May 2019, for which he received fines of £100 and penalty points for each conviction. Due to a technical issue this declaration relating to fixed penalties did not appear on the application form that was considered by the licensing service; therefore, his private hire operator's licence was renewed until the 20th August 2022. Prior to the application to renew his private hire operator's licence he had emailed the licensing department on 5th July 2021 to inform them that he had received two motoring convictions following an email that went to all licensed drivers to remind them of the conditions attached to their licence.

This Licence Holder had therefore failed to declare this motoring conviction within 7 days, as stipulated in the private hire drivers licence conditions.

The Licence Holder explained that he thought he had notified the Licensing Service but did so a second time when he received the email. He went on to state that it would be devastating to suspend or revoke his licence as he didn't work during the Covid pandemic due to a family member suffering with an illness. His business had built up and he may employ another driver. The majority of his work was within the Jewish community, and he was a trusted person providing services to both women and children.

Upon questioning by the Licensing Unit Manager, the Licence Holder confirmed he had read the licensing conditions and apologised for the mistake.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Licence Holder.

Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, the Committee resolved to admonish the License Holder as to his future conduct and reminded him of his responsibility for declaring future convictions within the timescales printed on the licence.

Licence Holder 22/2021

The Executive Director (Operations) submitted a report relating to Licence Holder 22/2021 who was in attendance at the meeting along with a family member. The Chair made introductions and the Council Solicitor outlined the procedure to be followed and clarified that all those in attendance had read the report. The report

was accepted by the Licence Holder and the Licensing Unit Manager set out the reasons for the Licence Holder being before the Committee.

The report stated the Licence Holder had held a private hire driver's licence continually since 17th July 2015 until its expiry on the 2nd September 2021. He submitted an online application for the renewal of this Private Hire drivers' licence on the 12th August 2021. As part of the online application the Applicant was asked to declare if he had any traffic offences. The Licence Holder selected 'no' when asked "Do you have any convictions, fines or formal cautions?" The client selected 'yes' when asked "Have you been issued with any fixed Penalty notices and stated 'SP50: exceeding speed limit on a motorway'. A subsequent check of this at DVLA indicated the Licence Holder had a speeding conviction for which he had received a fixed penalty, fined £100 and received 3 penalty points.

The Licensing Service has no record of this offence. Consequently, it was not declared within 7 days as stipulated in the private hire drivers licence conditions.

This Licence Holder was subsequently interviewed by the Licensing Enforcement Officer, and he explained the background to the offence which was detailed in the report attached to the agenda.

The Licence Holder explained that this had been a mistake but that he had not been driving as had been ill and forgot to inform the Council of the offence and apologised for the mistake.

Upon questioning by the Licensing Unit Manager, the Licence Holder confirmed he had read the licensing conditions and apologised for the mistake.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Licence Holder.

Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, the Committee resolved to admonish the License Holder as to his future conduct and reminded him of his responsibility for declaring future convictions within the timescales printed on the licence.

Licence Holder 23/2021

The Executive Director (Operations) submitted a report relating to Licence Holder 23/2021 who was in attendance at the meeting along his wife. The Chair made introductions and the Council Solicitor outlined the procedure to be followed and clarified that all those in attendance had read the report. The report was accepted by the Licence Holder and the Licensing Unit Manager set out the reasons for the Licence Holder being before the Committee.

The report stated the Licence Holder had held a private hire driver's licence continually since 13th June 2019 until its expiry on the 12th June 2022. He emailed the Licensing Service on 9th September 2021 to inform them that he had received a conviction by way of fixed penalty, for speeding for which he received a fine of

£100 and 3 penalty points, following an email sent to all licensed drivers to remind them of the conditions attached to their licence.

The Licence Holder had therefore failed to declare this motoring conviction within 7 days as stipulated in the private hire drivers licence conditions.

The Licence Holder was subsequently interviewed by the Licensing Enforcement Officer, and he explained the background to the offence which was detailed in the report attached to the agenda.

The Licence Holder and wife explained at the meeting that the Licence Holder had not been working as a private hire driver at the time of the offence and had been working as a long-distance driver due to Covid. He therefore thought he didn't need to inform of the Licensing Service of the conviction until he returned to private hire work.

The Licence Holder apologised for the error provided background information about his family background and stated that in the future he would make sure any offences were declared in the correct timescale.

Upon questioning by the Licensing Unit Manager, the Licence Holder confirmed he had read the licensing conditions and apologised for the mistake.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Licence Holder and his wife.

Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, the Committee resolved to admonish the Licence Holder as to his future conduct and reminded him of his responsibility for declaring future convictions within the timescales printed on the licence.

Licence Holder 24/2021

The Executive Director (Operations) submitted a report relating to Licence Holder 24/2021 who was in attendance at the meeting. The Chair made introductions and the Council Solicitor outlined the procedure to be followed and clarified that all those in attendance had read the report. The report was accepted by the Licence Holder and the Licensing Unit Manager set out the reasons for the Licence Holder being before the Committee.

The report stated that the Licence Holder had held a private hire driver's licence continually since 2nd October 2009 until its expiry on the 1st October 2021. On the 7th September 2021, the Licence Holder made an application to renew his private hire drivers licence. On his online application he declared that he had a motoring conviction for speeding for which he had received a fixed penalty by way of a fine of £100 and 3 penalty points. This conviction had not previously been notified to the Licensing Department.

The Licence Holder had therefore failed to declare this motoring conviction within 7 days as stipulated in the private hire drivers licence conditions.

This Licence Holder was subsequently interviewed by the Licensing Enforcement Officer, and he explained the background to the offence which was detailed in the report attached to the agenda.

The Licence Holder explained at the meeting that he was very sorry and there would be no repeat in the future.

Upon questioning by the Licensing Unit Manager, he admitted not reading the licensing conditions recently.

Members asked the licence holder how much it means to him to hold the licence and work in Bury. He stated that it means a lot to him as he enjoys his job and also required the financial income.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Licence Holder.

Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, that the committee resolved to admonish the Licence Holder as to his future conduct and reminded him of his responsibility for declaring future convictions within the timescales printed on the licence.

LSP.9

APPLICATIONS FOR THE GRANT/RENEWAL OF PRIVATE HIRE DRIVER LICENCES

Licence Holder 25/2021

The Executive Director (Operations) submitted a report relating to Applicant 25/2021 who was in attendance at the meeting along with Mr Khan his legal representative and a family member. The Chair made introductions and the Council Solicitor outlined the procedure to be followed and clarified that all those present had read the report. The report which was accepted by the Applicant and the Licensing Unit Manager set out the reasons for the Applicant being before the Committee.

This Applicant was first granted a hackney carriage driver's licence on the 24th February 2015 which was held continuously until it was revoked at a meeting of the Licensing and Safety Panel on the 19th October 2017. This was due to a complaint from a female passenger which alleged that the Applicant, whilst driving her to her destination, had continually touched his private parts. This had resulted in the passenger feeling upset and shaken, reporting the matter to his operator and also the police. As a result, the Panel had decided the Applicant was no longer a fit and proper person to hold his driver's licence.

The Applicant appealed that decision to the Crown Court which enabled him to drive until that appeal was rejected on the 22nd May 2018.

The Applicant then reapplied for a hackney carriage driver's licence in 2019. The application was put before the Licensing and Safety Panel who determined to refuse the application due to his previous actions and that they were still not satisfied he was a fit and proper person to hold a driver's licence.

On the 16th March 2021 the Applicant submitted a new online application for a hackney carriage driver's licence. Due to his previous Panel appearances this licence application was before the Licensing Safety Committee to determine his suitability as a fit and proper individual to hold a hackney carriage driver's licence.

A character reference in relation to this case was circulated to the Chair and Members of the Committee.

The Applicant's legal advisor Mr Ahmed spoke on behalf of the Applicant and stated that the Applicant had set up a direct debit to pay off the costs and that in the past had been provided with very poor legal advice in relation to appealing previous decisions. He went on to explain that since the incident, the Applicant now understands the serious nature of the offence and means no harm or disrespect to any females. The misunderstanding would not happen again as he would not wish to cause any other offence. Due to the appeal costs he needed to earn more money to pay off the debt as he was only able to deliver food. Mr Ahmed went on to offer an apology to the female passenger and that he had had 4 years to contemplate his actions.

The Licensing Unit Manager confirmed with the Applicant that an English and maths assessment test had been undertaken and passed by the Applicant. Due to concerns by some Members with communication issues a request was made to be provided with a copy of the English and Maths test drivers must pass which was produced by Bury Adult Learning Services.

The Applicant was asked a number of questions directly by the Committee which were responded to by Mr Ahmed and he apologised on behalf of the Applicant for the previous incident and stated he had worked hard in the community over the past few years especially with the local mosque. The Committee asked the Applicant to answer himself and he stated he understood and would be more mindful.

Members asked for the Applicant's reflection on the offence from his own perspective rather than his legal representative answering the questions when nothing had been said by the Applicant requiring translation. Mr Ahmed stated he had spoken with the Applicant twice and could answer on his behalf. The Applicant asked for a chance and stated he would be a professional driver.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Licence Holder and his legal representative.

Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, the Committee resolved to refuse the licence application as they were not satisfied the

Applicant was a fit and proper individual to hold a hackney carriage driver's licence. The reasons for the decision were that;

1. The previous allegations against the Applicant were of a very serious nature and could have been a terrifying experience,
2. The Applicant said very little and showed no real understanding of his actions or the impact on the passenger,
3. The Applicant showed no contrition, remorse or regret for his previous actions,
4. The Applicant provided no information as to how he would ensure that passengers in the future could feel safe in his vehicle,
5. The Applicant provided no information upon which the Committee could be satisfied this would not happen again, and
6. The Committee did not hear any evidence upon which they could be satisfied the Applicant was fit and proper.

The Applicant was informed of their right to appeal.

COUNCILLOR T HOLT
Chair

(Note: The meeting started at 7.00pm and ended at 9.29pm)



Classification	Item No.
Open / Closed	

Meeting:	Licensing & Safety Committee
Meeting date:	11 th November 2021
Title of report:	Operational Report
Report by:	Executive Director (Operations)
Decision Type:	N/A Report for information only
Ward(s) to which report relates	N/A

Executive Summary: A report to advise members on operational issues within the Licensing service.

Recommendation(s)

That the report be noted.

Key considerations

Not applicable

Community impact / Contribution to the Bury 2030 Strategy

Equality Impact and considerations:

24. *Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:*

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

25. *The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.*

—

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
None	.

Consultation:

Legal Implications:

Not Applicable

Financial Implications:

Not Applicable

Report Author and Contact Details:

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Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
None	

1.0 BACKGROUND

1.1 The report advises Members on operational issues within the Licensing service.

2.0 COMPLIANCE/ENFORCEMENT

2.1 The Licensing Service have dealt with the following compliance and enforcement matters for the following periods

2.2 28th September to 3rd October

Taxis

Warned for missing signage – 6

Suspended for missed interim - 1

Suspension lifted interim passed -1

Licensing Act

Suspension notices issued for non-payment of fee - 7

Blue notice checked and not displayed - 1

Risk assessments carried out - 5

Warning re no summary on display – 1

2.3 4th October to 10th October

Taxi

Vehicle compliance checks all in order - 6

Licences revoked for suspension over 2 months – 4

Damaged vehicle advice given - 2

Licences suspended missed interims - 2

Intelligence re stolen vehicle -1

Intelligence re unlicensed taxi - 1

Suspended for missed interims - 2

Licence cancelled -1

Licensing Act

Compliance checks 8 (6 in order, 1 advice given, 2 blue notice seen)

Enforcement

Noise nuisance advice given - 1

Unlicensed activity advice given -1

Licences suspended advice given - 2

Breaches of condition action to follow - 6

Suspension notice issued for non-payment of fee -1

2.4 11th October to 17th October

Taxi

Final written warning for missing signage - 1

Suspensions for missed interims - 2

Suspension lifted for damaged vehicle - 1

Damaged vehicle suspended - 1

Licensing Act

Suspension notices issued for non-payment of fee - 7

Enforcement action for unlicensed activity - 1

2.5 18th October to 24th October

Taxi

Damaged vehicles noted - 2

Missing signage advice given - 2

- 6.1 The Licensing Service have sent out emails to all private hire operators, trade representatives and licensed drivers regarding a new online checker for the Greater Manchester Clean Air Zone that TFGM are administering. The information sent stated the following:

In May 2022, Greater Manchester's Clean Air Zone (CAZ) will be implemented across the city region to improve air quality now and for future generations. From late January 2021, applications will be open for financial support to upgrade or retrofit non-compliant taxis and PHVs.

Early application is encouraged to ensure applicants are well-placed to access the available funding. A new online checker is now available on cleanairgm.com/prepare to enable vehicle owners to find out if their vehicle is affected by the Clean Air Zone and whether they are eligible for financial support.

Sign-up for updates to stay up to date at cleanairgm.com If you require further information about Greater Manchester's Clean Air Zone, please contact info@cleanairgm.com

7.0 **BURY HACKNEY ASSOCIATION**

- 7.1 The Licensing Service have recently been notified that a new hackney association has been set up to represent the Hackney carriage drivers/proprietors following a meeting that took place on the 21st October 2021. The Chairman of the association is Mr Khalid Hussain.

The Licensing Service will invite the Bury Hackney Association to any future trade liaison meetings with the Council.



Classification	Item No.
Open	

Meeting:	Licensing & Safety Committee
Meeting date:	11 November 2021 Licensing and Safety Committee 24 November 2021 – Full Council
Title of report:	Review of Gambling Policy - Statement of Principles
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	All Wards

Executive Summary:

The Gambling Act 2005 (Section 349) requires the Local Authority to review its Statement of Principles at least every three years. The statement can also be reviewed at any time during the three year period, if any urgent matters were to arise. The existing Statement of Principles ceases to have effect on 22 January 2022.

The report contains the revised proposed Statement of Principles (attached at **Appendix 1**) and details the consultation process. Section 4 outlines the amendments to the statement following the responses to the consultation.

We have been working with our partners across Greater Manchester, which has resulted in the [Greater Manchester Gambling harm and reduction programme](#) being set up. The programme reflects this collaboration across Greater Manchester and as a result, for the first, time, a joint Statement of Gambling Principles has been created, to be approved at a local level. The principles share our aims to prevent and reduce the negative impacts of gambling on individuals, families, and communities. The Statement of Principles appended to the report at **Appendix 1** is the result of this partnership working.

The report also provides a comparison of the proposed Statement of Principles (**Appendix 1**) and the current Statement of Principles (**Appendix 2**), detailed in section 2 of the report.

Recommendation

The proposed Statement of Principles, attached to the report at **Appendix 1**, can be accepted, amended or rejected. To comply with the statute, a revised Statement of Principles must be agreed by Council on 24 December 2021, for the proposed statement to be in place by 23 January 2022.

It is recommended that the proposed Statement of Principles is accepted without amendment. The statement has been widely consulted and any necessary amendments, as detailed in section 4 of the report, have been made.

1.0 Introduction

1.1 The Gambling Act 2005 requires the Authority to prepare and publish a Statement of Principles prior to carrying out functions under the Act. The Statement must be reviewed at least every three years. The current Statement of Principles ceases to have effect on 22 January 2022.

1.2 The Act is based on the promotion of three licensing objectives:

- a) preventing gambling from being a source of crime and disorder
- b) ensuring that gambling is conducted in a fair and open way and
- c) protecting children and other vulnerable persons from being harmed or exploited by gambling

1.3 The Act provides that Authorities should aim to permit gambling in so far as they think it is:

- a) in accordance with issued codes of practice;
- b) in accordance with guidance issued by the Gambling Commission;
- c) reasonably consistent with the licensing objectives; and
- d) in accordance with their Policy Statement

1.4 In preparing the proposed Statement of Principles the Council has had regard to codes of practice guidance issued by the Gambling Commission.

1.5 In relation to this review, we have been working with our partners across Greater Manchester with a shared aim to prevent and reduce the negative impacts of gambling on individuals, families and communities. As part of our innovative public service reform and population health agenda we are working with our partners to ensure that gambling is a safe and enjoyable activity for all those who choose to take part.

Our priorities are:

- Developing our understanding of gambling related harms
- High quality treatment and support
- Supporting interventions to prevent gambling from becoming a harmful activity
- Engaging with people and communities to co-design our work

1.6 The [Greater Manchester Gambling harm and reduction programme](#) reflects the collaboration across the Greater Manchester combined Authorities with, for the first, time a joint Statement of Gambling Principles approved at local level. The

aim is to prevent harm from arising and to ensure that the individuals, families and communities experiencing harm as a result of gambling have access to the right treatment and support

- 1.7 The proposed Statement of Principles (attached at **Appendix 1**) is the culmination of joint working with our Greater Manchester partners.

2.0 Statement of Principles – Comparison

- 2.1 One of the main differences between the proposed Statement of Principles (**Appendix 1**) and the current Statement of Principles (**Appendix 2**) is the change in layout and style. Our work with partners Greater Manchester has produced a uniform document template for each Authority to use.
- 2.2 The proposed document refers to the Greater Manchester harm and reduction programme and its aims.
- 2.3 Both documents contain the relevant legislation and show how, as a Council we will deal with applications.
- 2.4 The geographical information currently in the Executive Summary is now contained in section 2 of the proposed statement. Wording and maps have been condensed and simplified to make the document easier to read.
- 2.5 The proposed document contains additional information, which can be seen in section 3 General Principles – Public Health (3.11-3.21) of the proposed statement. Whilst Public Health is not a 'responsible authority', within the legislation, it is recognised that Public Health offer insights into the impact of gambling in their respective local areas. As such the proposed statement of principles advises that Public Health will be consulted on all premise licence applications.

3.0 Consultation

- 3.1 The Act requires consultation with a number of statutory defined consultees as detailed in 2.13 and 3.7 of Appendix 1. Public Health are one of the defined consultees.
- 3.2 The consultation commenced on 6 August 2021 and asked for comments to be received by 22 October 2021. The Consultation has also been made available on the Council's website and has been sent to all current licence holders under the Gambling Act 2005.
- 3.3 The advisory letter, detailing the review of the Statement of Principles, has been returned by the post office, from the eight organisations detailed below, as either 'gone away or addressee unknown'. These organisations have therefore been removed from section 2.13 of the proposed Statement of Principles.
 - Be Gamble Aware
 - Businesses in Sport and Leisure (BACTA)
 - Casino Operators Association of the UK (COA(UK))
 - Security Industry Authority
 - Remote Gambling Association

- Society of Independent brewers
- The Rank Group PLC
- Gamestec Leisure Ltd

4.0 Responses to the Consultation

- 4.1 On 7 September 2021 a letter (a copy of which is attached at **Appendix 3**) from Gosschalks Solicitors (on behalf of the Betting and Gaming Council) was received by Oldham Council as a response to their Statement of Principles. As this also related to the Greater Manchester Policy it was circulated to Bury. The same letter was received by the licensing section at Bury Council on 20 October 2021.
- 4.2 The letter was reviewed by Manchester City Council's licensing team in consultation and following consultation with their legal team and a response sent a copy of the response and suggested amendments is attached to this report at **Appendix 4**.
- 4.3 As the response related to the Greater Manchester Statement of Policy it was circulated to Bury. Our policy has been amended in line with the response outlined in Appendix 4.
- 4.4 A statement (a copy of which is attached at **Appendix 5**) was received from Jon Hobday Consultant in Public Health. The statement provides details of the current position in relation to gambling within Bury and lists those who are vulnerable to its effects. The statement also acknowledges that although license betting shops have declined, there has been an increase in 'online' gambling.
- 4.5 In regard to his 'statement' Jon Hobday does not see the need for any changes to the current proposed Statement of Principles.
- 4.6 On 15 October 2021 a letter was received by Manchester City Council from Trafalgar Leisure. The letter (a copy of which is attached to the report at **Appendix 6**) was forwarded to the licensing section for our attention. The letter relates to section 6.14 of the Bury Statement of Principles, which has been amended to reflect the comments in the letter regarding clarity around the operation of gaming machines in bingo premises.

5.0 Conclusion

- 5.1 The current Statement of Principles, which has been in existence for three years, has, to date, not been challenged either formally or informally.
- 5.2 The Licensing Service has received 4 responses to the consultation relating to the proposed Statement of principles. A summary of the responses is detailed within section 4 of the report. The responses have been considered and where appropriate the Statement of Principles amended. These are attached at Appendix 3, 4, 5 and 6.
- 5.3 A policy statement can be reviewed at any time during the three year cycle to take account of emerging issues.
- 5.4 The Authority is required to have a Statement of Principles and it must be published prior to the 3 January 2022 (28 days prior to the current statement expiry) otherwise the Council will be acting unlawfully.

- 5.5 For the Statement of Principles to be agreed by that date it will need to be placed before Council at the 24 November 2021 meeting if a special Council meeting is to be avoided.

Key considerations

This is a Council Function that is delegated to the Licensing and Safety Panel by the Council’s Constitution.

Community impact / Contribution to the Bury 2030 Strategy

The introduction of the Greater Manchester led policy and resultant statement of principles will assist individuals in Bury for whom gambling has a negative impact. This will not only have a positive impact within the community, but it also contributes to the Bury 2030 strategy vision to give everyone an equal chance in life and the opportunity to be the very best they can be.

Equality Impact and considerations:

An Equality Impact Assessment has been undertaken and a copy is available on request.

Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- a. *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- b. *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- c. *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying ‘due regard’ in our decision making in the design of policies and in the delivery of services.

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Risk – If the Statement of Principles is not adopted then any decisions made by the council will not be lawful.	Statement of Principles produced for adoption.

Consultation:

A consultation commenced on 6 August 2021 until 22 October 2021. The Consultation was available on the Council’s website and was sent to all current licence holders under the Gambling Act 2005.

Legal Implications:

The Council must comply with the Gambling Act 2005 and the guidance issued to Local Authorities which require the Council to have a Statement of Principles and to carry out a review of this policy at least every three years. Such a review has been carried out and the result of the review is that the policy has been amended. To comply with the legislation the Statement of Principles must be published by the 3 January 2022, (28 days) before the current Statement ceases to have effect on the 23 January 2022.

Financial Implications:

If the Authority does not have a revised statement in place by the 23 January 2022 it will not be able to fulfil its duties under the Act. The revenue budget includes provision for expenditure and income associated the gambling activities covered by the statement. The proposed changes to the statement are not anticipated to result in any significant change to resource requirements.

Report Author and Contact Details:

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Glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
Statement of Principles	A document, prepared by the Council, which outlines the areas that applicants need to consider before applying for a gaming licence.

Background papers:

List of Background Papers:-

Gambling Act 2005

Greater Manchester Harm and Reduction programme

Appendix 1 – Proposed Statement of Principles (embedded click on icon)

Appendix 2 – Current Statement of Principles (embedded click on icon)

Appendix 3 – Letter from Gosschalks Solicitors

Appendix 4 – Manchester City Council review of letter from Gosschalks Solicitors and response

Appendix 5 – Statement from Jon Hobday – Public Health Consultant

Appendix 6 – Letter from Trafalgar Leisure

Appendix 1 Proposed Statement of Principles 2022-2025



Proposed Statement
of Principles.pdf

Appendix 2 – Current Statement of Principles 2019 – 2022



**Current Statement
of Principles.pdf**

Appendix 3 – Letter from Gosschalks Solicitors

BY EMAIL ONLY
Licensing Department
Oldham MBC

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / MJM /
123267.00001
#GS4082253
Your ref:
Date: 07 September 2021

Dear Sirs,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

The Betting and Gaming Council

The Betting and Gaming Council (BGC) was created in 2019 as the new standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

BGC members support 119,000 jobs and account for £4.5 billion to the Treasury annually in tax. Recent study also showed that BGC members contributed around £7.7 billion in gross value added to the UK economy in 2019.

The gambling industry is integral to the survival of sport. Betting companies spend over £40 million a year on the English Football League (EFL) and its clubs. Horse racing, an industry estimated to be worth £3.5 billion a year to the UK economy and which generates 85,000 jobs receives over £350 million per annum through the Horse Racing Industry Levy, media rights and sponsorship. Darts and Snooker receive in excess of £10 million per annum which represents 90 % of all sponsorship revenue.

The BGC has four principal objectives. These are to –

- **create a culture of safer gambling throughout the betting and gaming sector, with particular focus on young people and those who are vulnerable**
- **ensure future changes to the regulatory regime are considered, proportionate and balanced**

- **become respected as valuable, responsible and engaged members of the communities in which its members operate**
- **safeguard and empower the customer as the key to a thriving UK betting and gaming industry**

Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

Betting and Gaming in the UK

Betting and gaming is an incredibly important part of the UK leisure and hospitality industry, employing over 70,000 people, including 50,000 in betting, 13,000 in casinos and 10,000 people directly employed online. The betting and gaming industry contributes £8.7 billion Gross Value Added to the UK economy & contributes £3.2 billion to HM Treasury. In addition, casinos contribute over £120 million to the tourism economy each year.

Betting and gaming is widely enjoyed in the UK. Around 30 million people participate in some sort of gambling, whether that is on the National Lottery, placing a bet in betting shops, playing in casinos or at bingo. The overwhelming majority of these people do so safely without reporting any problems.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of March 2020) was 7681. This is reducing every year and has fallen from a figure of 9137 in March 2014. Covid 19 had a devastating effect on the betting industry. The number of betting offices in June 2020 was down to 6461.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019 a maximum stake of £2 was applied to the operation of fixed odds betting terminals
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable and possibly falling.

Problem Gambling

Problem gambling rates are static or possibly falling. The reported rate of 'problem gambling' (according to either the DSM-IV or the PGSI) was 0.8% of the adult population in 2015, in 2016 it was 0.7% and in 2018 it was 0.5% of the adult population.

This is termed statistically stable but is encouraging that we might finally be seeing a reduction in problem gambling due to the raft of measures that have been put in place recently both by the industry, the Gambling Commission and the Government – from a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures and voluntary restrictions on advertising. These rates have remained broadly the same since the introduction of the Gambling Act 2005.

Whilst one problem gambler is too many, both the Government and regulator both say there is no evidence that problem gambling has increased in recent years.

During the Covid-19 period of lockdown, both the Gambling Commission and Government have acknowledged that problem gambling levels have not increased.

In June 2020, the BGC's five largest members committed to increasing the amount they spend on research, education and treatment (RET) services from 0.1 per cent to 0.25 per cent of their annual revenue in 2020, 0.5 per cent in 2021, 0.75 per cent in 2022 and 1 per cent in 2023. The five operators confirmed they will provide £100 million to GambleAware charity to improve treatment services for problem gamblers.

Rates of 'problem gambling' in the UK are low by international standards – compared to France (1.3%), Germany (1.2%), Sweden (2.2%) and Italy (1.27%).

The BGC supported the creation of the new NHS gambling treatment clinics who have promised 22 clinics, 3 of which are open now. We are pleased that the NHS have committed to work to increase the number of clinics in the UK in addition to existing serviced delivered by Gordon Moody Association and GamCare's 120 treatment centres located throughout the UK.

The BGC welcomes the Gambling Commission's National Strategy was a way of accelerating progress on responsible gambling and tackling problem gambling. Our members are fully committed to meeting this challenge and are working tirelessly to deliver new responsible gambling initiatives including technology that tackles problem gambling and supporting a statutory levy and increased funding for problem gambling clinics.

Underage participating by those aged 11-16 in any gambling activity has declined from 22% to 11% over the past decade; here, 'gambling activity' mainly relates to personal betting (e.g. playing cards with friends) and legal play of lotteries (e.g. participating with consent of parents / guardians). BGC members have a zero tolerance to those under the age of 18 attempting to use their products.

Working in partnership with local authorities

The BGC is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems

may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

Differentiation between Licensing Act 2003 and Gambling Act 2005 applications

When considering applications for premises licences, it is important that a clear distinction is made between the regimes, processes and procedures established by Gambling Act 2005 and its regulations and those that are usually more familiar to licensing authorities – the regimes, processes and procedures relating to Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, those steps being then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications where the LCCP provide a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called "Think 21". This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%.

When reviewing draft statements of principles in the past, we have seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

Considerations specific to the Draft Gambling Licensing Policy Statement 2022-2025

Paragraph 2.7 refers to the council's "responsibility under the Gambling Act 2005 to decide whether to grant or reject applications..." It is disappointing that this

paragraph which effectively paraphrases s153 Gambling Act 2005 omits the council's responsibility to "aim to permit" the use of premises for gambling. Indeed, this responsibility is not acknowledged until page 8 (paragraph 3.1). As this is a fundamental requirement of the Act, paragraph 2.7 should be redrafted to include a reference to the "aim to permit" principle.

The purpose of the licensing policy statement is to set out the principles that the licensing authority proposes to apply when exercising its functions under Gambling Act 2005. It is not to provide a commentary on research documents or to provide an over simplified precis of research documents taken out of context. Paragraphs 3.11 to paragraph 3.17 are headed "Public Health." The purpose of these paragraphs is unclear, the information provided is oversimplified, their inclusion is pejorative, and they should be deleted.

If these paragraphs are not to be deleted then they must be amended in order that any "research" referred to is properly identified, context is provided, and the correct figures used when calculating the estimated numbers of problem gamblers and at risk gamblers.

Paragraph 3.11 should be deleted. This is, at best misleading. The paragraph indicates that whilst gambling is an enjoyable activity for "some", it is a source of harm for "many." This statement ignores the fact that for the overwhelming majority, gambling is a harmless and enjoyable activity.

Paragraph 3.12 refers to "research", but it is not clear what this research is, when this research was conducted or where. The paragraph refers to a "city region like Greater Manchester" and if it is to be left in the statement of principles, it should be clear that these figures are not figures from Greater Manchester itself.

Thereafter there is a table outlining the estimated number of problem gamblers and the estimated number of at-risk gamblers. The Gambling Commission figures show that the overall rate of problem gambling is stable at around 0.5% of the population. The figures used in the table estimating the number of problem gamblers in the Greater Manchester area are however more than three times this at 1.8%.

Similarly, whilst the Gambling Commission published rates of persons at risk so are 2.7%, the figure used in the table showing the estimated number of at risk gamblers in the Greater Manchester area is almost twice this at 5%.

It is not clear where these inflated figures used have come from and if this table is to remain in the draft statement of principles, the correct figures should be used.

Paragraph 13.13 contains the statement, "Men, younger adults (aged 18-34) and adults from a lower socio-economic or black and minority ethnic background are more likely to be classified as gamblers experiencing some level of harm." This may be correct where those groups do engage in gambling but context is all important. Otherwise, a misleading impression is given. The research (Wardle

2015) states, "where both adults and children of Asian backgrounds were far less likely to gamble than their White British counterparts, yet those that did were more likely to experience problems." The same research piece stated, "The evidence relating to household income and gambling harms is mixed, showing that generally those of lower income are less likely to gamble but those that do spend a higher proportion of their income on gambling. This was highlighted as a concern given the (likely) lesser ability of lower income households to protect themselves from financial instability (Brown et al, 2011). However, as stakeholders noted, there is some unease about labelling all low-income households as vulnerable as income, gambling, debt and money management are likely to interact to shape outcomes."

The draft statement of gambling licensing policy must include context. Otherwise, the impression is given that all persons on low income/persons from black/Asian backgrounds are automatically to be presumed vulnerable.

Paragraph 3.38 in Section 3 contains a list of bullet points detailing representations that would not be considered. This list should be expanded to include issues of nuisance and whether the proposals have or are likely to be granted building regulation approval or planning permission.

Paragraphs 4.8 to 4.12 inclusive explain the licensing authority's approach to the imposition of conditions on premises licences. This section would be assisted by a clear explanation that all Gambling Act 2005 premises licences are subject to mandatory and default conditions which are intended to be sufficient to ensure operation that is consistent with the licensing objectives, and it is unlikely that additional conditions will need to be imposed. This section should also state that additional conditions will be imposed only where there is evidence of a risk to the licensing objectives in the circumstances of a particular case that requires that the mandatory and default conditions be supplemented.

Paragraphs 5.5 to 5.7 inclusive are headed "Gambling related harm". It is not clear what the purpose of these paragraphs are, and they should be removed.

Paragraphs 5.8 to 5.17 inclusive explain the requirement for an operator to assess the local risk to the licensing objectives posed by the provision of gambling facilities at its premises and have policies procedures and control measures to mitigate those risks. These paragraphs are overly prescriptive and unnecessary.

Paragraph 5.12 details matters that the authority will expect the local risk assessment to include. This is unnecessary. An operator will always assess risks within the local environment. The issues outlined within paragraph 5.12 occur in all urban landscapes and operators will take into account anything relevant to the licensing objectives when assessing risk. The policy should be clear that the mere presence of any of the issues outlined in the bullet points should not affect the grant of an application as long as an operator has assessed those risks and has control measures and strike control measures, policies and procedures in place to address and mitigate them.

Overall, the draft statement of principles appears to adopt an anti-gambling stance and ignores the fundamental "aim to permit" principle contained within s153.

Conclusion

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that these comments above are useful. The BGC will work with you to ensure that its members' operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,

A handwritten signature in cursive script that reads "Gosschalks".

GOSSCHALKS LLP

Appendix 4 – MCC Suggested amendments

Suggested amendments to Licensing Policy following consultation response from the Betting and Gaming Council (BGC)

Introduction

We note that Oldham have received a consultation response from the Betting and Gaming Council (BGC) to the proposed gambling licensing statement of principles. We expect that all 10 licensing authorities in Greater Manchester (GM) have received similar responses. This document addresses the comments made by the BGC and provides suggested amendments to the draft statement of principles.

Considerations specific to the Draft Licensing Policy Statement

This document attempts to navigate licensing leads to the right place in the document. Please note that due to differences in document layout, paragraph numbers may differ in each local authority policy.

Existing text	BGC response	Amendments	Notes
<p>“In Greater Manchester we are thinking differently about gambling with a shared aim to prevent and reduce the negative impacts of gambling on individuals, families and communities. As part of our innovative public service reform and population health agenda we are working with partners across Greater Manchester to ensure that gambling is a safe and enjoyable activity for all who choose to take part.” (Circa – Forward)</p>	<p>Overall, the draft statement of principles appears to adopt an anti-gambling stance and ignores the fundamental “aim to permit” principle contained within s153.</p>	<p>None.</p>	<p>We clearly state throughout the document that licensing decisions will be made in accordance with the Gambling Act “aim to permit” and that our objective is for “gambling to be a safe and enjoyable activity for all who choose to take part”.</p>

<p>The Council has a responsibility under the Gambling Act 2005 to decide whether to grant or reject applications and in the case of premises licensing applications to decide any conditions to apply where the decision is taken to grant. (circa para 2.7 in "Introduction" section)</p>	<p>This omits a fundamental requirement of the Gambling Act to "aim to permit"</p>	<p>None.</p>	<p>The aim to permit is clearly included in the document at later stage and is referenced as "all decisions are based on the Act".</p>
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<p>“While for some gambling is an enjoyable activity, it is a source of harm for many” (circa para 3.11 under “Public Health”)</p>	<p>This is, at best, misleading.</p>	<p>Suggest an amendment to:</p> <p><i>“While gambling can be an enjoyable activity, it is a source of harm for many”</i></p> <p>With the addition of the following references:</p> <p>Citizens Advice (2018) <i>Out of Luck - An exploration of the causes and impacts of problem gambling</i>. Available at: http://www.citizensadvice.org.uk/about-us/policy/policy-research-topics/consumer-policy-research/consumer-policy-research/out-of-luck-an-exploration-of-the-causes-and-impacts-of-problem-gambling/</p> <p>IPPR (2016) <i>Cards on the table: The cost to government associated with people who are problem gamblers in Britain</i>, IPPR. Available at:</p>	<p>We consider the original statement to be accurate as every person who directly experiences harm as a result of gambling, between 6-10 others are affected, suggesting that the impact of harm is widely felt beyond just those who participate in gambling, with resulting costs for wider society.</p>
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		https://www.ippr.org/research/publications/cards-on-the-table	
<p>“Research suggests that in a city-region like Greater Manchester there are approximately 39,000 people living with a gambling disorder, with a further 118,000 at risk.” (Circa para 3.12 under “Public Health”)</p>	<p>This refers to “research”, but it is not clear what this research is, when this research was conducted or where</p>	<p>Retain this data but include the following reference:</p> <p><i>Kenyon (2017) Problem Gambling in Leeds: Report to Leeds City Council. Leeds Beckett. Available at:</i> http://eprints.leedsbeckett.ac.uk/id/eprint/3945/1/Problem%20Gambling%20Report.pdf.</p>	<p>This is the most up to date data we have available and incorporated an estimate based on GM population demographics using analysis conducted by Leeds Beckett University specifically looking at urban areas. The national data for gambling harm quoted by the BGC includes areas that bear no similarity to GM (for example, rural areas in Devon), therefore we have used more specific data to inform our estimates so they are relevant to our local population.</p>

<p>“Men, younger adults (aged 18-34) and adults from a lower socio-economic or black and minority ethnic background are more likely to be classified as gamblers experiencing some level of harm.” (Circa para 3.13 under “Public Health”)</p>	<p>This may be correct where those groups do engage in gambling but context is all important. Otherwise, a misleading impression is given.</p> <p>The letter goes on to quote an exploratory piece of research from 2015 looking at vulnerability to gambling harm.</p>	<p>Retain this text but include the following reference:</p> <p><i>Dinos, S. et al. (2020) 'Treatment Needs and Gap Analysis in Great Britain', GambleAware p. 45.</i></p> <p>Available at: https://www.begambleaware.org/sites/default/files/2020-12/treatment-needs-and-gap-analysis-in-great-britain-a-synthesis-of-findings1.pdf</p>	<p>Anyone who gambles is vulnerable to harm, however this data is taken from the most recent surveys conducted by Gamble Aware – more research has been done in this space following the quoted 2015 report. We know that gambling prevalence is lower among people from black and ethnic minority backgrounds so the overall numbers are lower, but of those who do participate more report experiencing harm as a result, therefore this statement is an accurate reflection of the data.</p>
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<p>“The licensing authority will not take into account representations that are</p> <ul style="list-style-type: none"> • Repetitive, vexatious or frivolous • From a rival gambling business where the basis of the representation is unwanted competition • Moral objectives to gambling • Concerned with expected demand for gambling • Anonymous” <p>(Circa para 3.38 – “Factors that will not be relevant”)</p>	<p>This contains a list of bullet points detailing representations that would not be considered. This list should be expanded to include issues of nuisance and whether the proposals have or are likely to be granted building regulation approval or planning permission.</p>	<p>None</p>	<p>Current text sufficiently describes factors which will not be taken into account.</p> <p>There is no legal basis for planning permission to be incorporated into a licensing decision as these are determined on different grounds and therefore is irrelevant.</p>
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<p>How the licensing committee decides what conditions to apply to premises licenses (Circa para 4.8-4.12 "How the licensing committee decides what conditions to apply to premises")</p>	<p>This section would be assisted by a clear explanation that all Gambling Act 2005 premises licences are subject to mandatory and default conditions which are intended to be sufficient to ensure operation that is consistent with the licensing objectives, and it is unlikely that additional conditions will need to be imposed.</p>	<p>None.</p>	<p>The first bullet point of para 4.8 refers to "conditions specified in the Gambling Act 2005".</p> <p>Individual licensing authorities can determine what conditions apply in accordance with the Statement of Principles and the Gambling Act. While some conditions are mandatory these do not describe the minimum conditions that can be imposed on licenses. We consider the current operation of the Gambling Act to provide insufficient protection to gamblers from harm which is why we have developed risk-based conditions which may apply.</p>
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<p>Gambling related harm (Circa para 5.5-5.7 in the "Relevant factors when considering applications and reviews" section)</p>	<p>These are headed "Gambling related harm". It is not clear what the purpose of these paragraphs are, and they should be removed.</p>	<p>None.</p> <p>For conciseness licensing authorities may wish to combine content from paragraphs headed "Public Health (3.7-3.11)" and "Gambling related harm (5.5-5.7)" in one place in the document.</p>	<p>This section provides context to inform the risk assessment and the Statement of Principles.</p> <p>In accordance with the objectives of the GM gambling harm reduction programme these are key factors to consider.</p>
<p>Local risk assessments (Circa para 5.8-5.17 in the "Relevant factors when considering applications and reviews" section)</p>	<p>These paragraphs explain the requirement for an operator to assess the local risk to the licensing objectives posed by the provision of gambling facilities at its premises and have policies procedures and control measures to mitigate those risks. These paragraphs are overly prescriptive and unnecessary.</p>	<p>None.</p>	<p>This section is included specifically to provide clear guidance on what is expected from operators in accordance with our shared aim of preventing and reducing gambling harm.</p>

<p>“The Authority will expect the local risk assessment to consider the urban setting:</p> <ul style="list-style-type: none"> • Proximity of the premises to schools • The commercial environment • Factors affecting footfall • Etc. etc.” <p>(Circa para 5.12 under “local risk assessments”)</p>	<p>The policy should be clear that the mere presence of any of the issues outlined in the bullet points should not affect the grant of an application as long as an operator has assessed those risks and has control measures and strike control measures, policies and procedures in place to address and mitigate them.</p>	<p>None.</p>	<p>Para 5.8-5.10 clearly describes what is expected of the risk assessment and does not suggest that a licensing will not be granted if these conditions are present.</p>
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Appendix 5 - Statement from Jon Hobday

Title: Bury position statement on gambling

Author: Jon Hobday, Consultant in Public Health

Date: September 2021

Background

There is increasing awareness about harmful gambling and its impact on families and local communities, as well as the individuals directly harmed by it. The prevalence of high stakes betting machines on high streets; the significant increase in gambling advertising since the introduction of the Gambling Act over a decade ago; and the rise in online gambling have all contributed to societal concern about gambling in the UK and the harm that can be associated with it.

Harmful gambling is increasingly cited as a public health issue which requires a broad response; that is to say, traditional approaches that focus on single interventions do not tend to work at a population level. Harmful gambling is a complex problem with a large number of different but often interlinked factors - no single measure is likely to be effective on its own in addressing it.

Councils will be coming into contact with people impacted by problem gambling through a range of services, including housing and homelessness, financial inclusion, children's services and addiction services. Yet few, if any, councils have data on where problem gambling has been a contributory or additional factor in these cases, and we are only just starting to take full advantage of the support that is currently available for problem gambling through the third sector-led treatment system.

Harmful gambling is defined as any type of repetitive gambling that disrupts or damages personal, family or recreational pursuits. It can have many and varied impact, including on an individual's physical and mental health, relationships, housing and finances, and affect a wide range of people, such as families, colleagues and wider local communities.

Evidence suggests that certain groups are more vulnerable to problem gambling including children and young people, people with mental health issues, certain minority ethnic groups, the unemployed, homeless people, those with low intellectual functioning, people with financially constrained circumstances and those living in deprived areas.

Council's responsibilities

Councils are not responsible for providing treatment for harmful gambling, but there is a range of ways in which different services can seek to support local residents and families who are affected by it. District and unitary (licensing) authorities have a statutory role regulating local gambling premises and various tools to try to prevent gambling related harm occurring in premises developing maps highlighting locally specific gambling risks; repairing local licensing policies setting out expectations of gambling businesses, and undertaking compliance visits to assess whether they are meeting these

expectations. Planning teams may also be able to play a role in relation to local gambling premises.

Beyond licensing and planning teams, many council service areas will be coming into contact with people experiencing or impacted by harmful gambling, including children's, family and adult services, treatment services, homelessness and wider housing services and financial inclusion services. Councils should ensure that frontline staff are provided with training on harmful gambling so they recognise potential cases: there is a significant opportunity for these staff to help local residents access support by signposting to the national treatment network via the National Gambling Helpline. Councils can also seek to work with local partners and build links with support organisations to help develop specific local referral pathways and ensure these can be accessed from across the full range of local services. As frontline awareness and identification of harmful gambling develops, councils should ensure they capture data about it, to help understand the extent of harmful gambling, impacts and costs associated with it.

The research found evidence that the following groups are more vulnerable:

- Children, adolescents and young adults (including students)
- People with mental health issues, including those experiencing substance abuse issues
- (Problem gambling is often 'co-morbid' with these substance addictions)
- Individuals from certain minority ethnic groups, such as Asian/Asian British, Black/
- Black British and Chinese/other ethnicity
- The unemployed
- The homeless
- Those with low intellectual functioning
- Problem gamblers seeking treatment
- People with financially constrained circumstances
- Those living in deprived areas.

A range of issues can be associated with being a problem gambler these include:

- Health Relationship Social and financial resources
- Unexplained joint / muscle pains
- Heart palpitations
- Breathing difficulties
- Sleep disturbances/ insomnia
- Increased blood pressure
- Headaches
- Anxiety / depression
- Narcissistic presentations
- Self harm and suicidality
- Confusion
- Substance misuse
- Feelings of stigma/shame
- Domestic violence/ abuse

- Relationship difficulties and breakdown
- Loss of trust
- Loneliness
- Social isolation
- Neglect / abandonment
- Anti-social behaviour
- Poor concentration
- Money/debts
- Housing issues
- Work / school problems
- Reduced productivity
- Criminality
- Use of food banks

The position in Bury

Bury has 19 licensed premises distributed across the following wards
Ward No of Premises

Ward	Number of Premises
East	7
Radcliffe East	2
Unsworth	1
St. Mary's	2
Ramsbottom	0
Redvales	1
Sedgley	2
Church	0
Besses	0
Radcliffe North	0
Holyrood	0
Elton	1
Moorside	0
North Manor	2
Pilkington Park	0
Radcliffe West	1
Tottington	0

As can be seen by the table the ward with the highest number of establishments is East which is expected as it covers the town centre. The number of other establishments across the borough are relatively evenly distributed. While the number of establishments is an important factor the huge increase in online gambling (including through mobile phone apps) has made gambling accessible to all communities.

Appendix 6 – Letter from Trafalgar Leisure



Trafalgar Leisure

RECEIVED

15 OCT 2021

PREMISES TEAM

Premises Licencing
Level 1 Town Hall Extensior
Manchester
M60 2LA

12th October 2021

Comments on the Draft Statement of Gambling Policy – Effective January 2022

Dear Sirs,

Please find comments on the published Draft Statement Gambling Policy (effective January 2022) below, the comments are referenced by way of the paragraph number within the draft policy.

5.13 Gaming Machines at Bingo Premises:

As drafted this implies there is a limit on the overall provision of gaming machines in a Bingo Premises, which there is not.

Section 172(7)(b) of the Gambling Act 2005 provides that a bingo premises licence authorises the holder to make available any number of Category C gaming machines; and section 172(7)(c) provides that a bingo premises licence authorises any number of category D machines to be made available. The restriction on numbers only applies to the provision of category B machines, which must not exceed 20% of the total number of machines available for use.

5.15

5.15 Should make clear that this does not restrict the provision of gaming machines outside the default hours for bingo where substantive facilities for bingo are made available during the default hours.

Kind Regards

Trafalgar Leisure Ltd

Trafalgar Leisure Limited
373 - 375
Station Road
Harrow
HA1 2AW

Company Reg. No. 3705826



Greater Manchester

Statement of Principles under the Gambling Act 2005

Safety and Licensing Committee	11 November 2021
Council	24 November 2021
Comes into effect	23 January 2021

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1. Forward by Executive Member Culture and Economy

- 1.1 Gambling as in the other Greater Manchester Districts provides jobs and leisure activity. Whilst this is good for the economy harmful gambling is increasingly cited as a public health issue because of the related problems affecting individuals, families and communities. The harmful effect of gambling is an issue that has been recognised by all the Authorities within Greater Manchester.
- 1.2 Since this policy was last reviewed, we have worked with our partners in Greater Manchester to produce the [Greater Manchester Gambling harm and reduction programme](#)
- 1.3 This gambling policy sets out the principles agreed by all Greater Manchester Authorities and determines how we will apply these when considering gambling in Bury.
 - Developing our understanding of gambling related harms
 - Improving access to high quality treatment and support
 - Supporting interventions to prevent gambling from becoming a harmful activity
 - Engaging with people and communities to co-design our work
- 1.4 The [Greater Manchester Gambling harm and reduction programme](#) reflects this collaboration across Greater Manchester, with, for the first, time a joint Statement of Gambling Principles approved at local level. The aim is to prevent harm from arising and to ensure that the individuals, families and communities experiencing harm as a result of gambling have access to the right treatment and support
- 1.5 The Greater Manchester model “doing things differently” means integrating revolves around people, places and their needs, focusing on prevention, developing new models of support and sharing information to design and deliver better services. Working across disciplines will provide the skills to understand gambling harm, recognise it and signpost specialists where required.
- 1.6 This statement of Policy in relation to the Gambling functions that this Authority regulates sets out the approach that will be taken when dealing with permissions it grants and enforces thereafter.
- 1.7 It also identifies how the Authority will seek to promote the licensing objectives under the Act, namely: -

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

2. Introduction

2.1 As the licensing authority, we are required to perform the following functions under the Gambling Act:

- Be responsible for licensing premises where gambling activities are to take place by issuing premises licences
- Issue provisional statements where it is proposed that gambling activities will take place but a premises is not yet ready for use
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities by issuing club gaming permits and/or club machine permits
- Issue club machine permits to commercial clubs
- Issue permits for unlicensed Family Entertainment Centres where Category D machines may be used
- Receive notifications from premises licensed for on-sales of alcohol for use of two or fewer Category C or D gaming machines
- Issue licensed premises gaming machine permits for premises licensed for on-sales of alcohol for use of two or more Category C or D machines
- Register small society lotteries
- Issue prize gaming permits
- Receive and endorse Temporary Use Notices for temporary use of premises for gambling
- Receive Occasional Use Notices for betting at tracks

2.2 Gambling is defined in the Act as either gaming, betting or taking part in a lottery

2.3 Gaming' means playing a game for the chance to win a prize.

2.4 Betting' means making or accepting a bet on:

- the outcome of a race, competition, or other event
- the likelihood of anything occurring or not occurring
- whether anything is true or not.

2.5 A Lottery' is where participants are involved in an arrangement where prizes are allocated wholly by a process of chance.

- 2.6 The responsibility for regulating gambling is shared between the Gambling Commission and local authorities. The Gambling Commission is responsible for issuing operating licences to organisations and individuals who provide facilities for gambling and personal licences to persons working in the gambling industry. The Commission takes the lead role on ensuring that gambling is conducted in a fair and open way through the administration and enforcement of operating and personal licence requirements. The Commission is also responsible for remote gambling activities such as facilities provided via the internet, television or radio.
- 2.7 We are also required to:
- Provide information to the Gambling Commission regarding details of licences issued
 - Maintain a register of the permits and licences that are issued under the functions above.
- 2.8 The council has a responsibility under the Gambling Act 2005 to decide whether to grant or reject applications and in the case of premises licence applications to decide any conditions to apply where the decision is taken to grant. All decisions made by the licensing authority in relation to premises licences (and some other authorisations – see specific sections for details) are based on the Act, relevant guidance, Codes of Practice, our Gambling Policy and the three licensing objectives.

These objectives are:

1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 2. Ensuring that gambling is conducted in a fair and open way
 3. Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 2.9 In the case of premises licences (and some other authorisations – see specific sections for details), the licensing committee will permit gambling only so far as it is reasonably consistent with these three objectives.

Publication of this Policy

- 2.10 Licensing authorities have a requirement to develop, consult on, and publish a statement of licensing policy every three years with regards to the principles they propose to apply in exercising functions under the Gambling Act 2005.

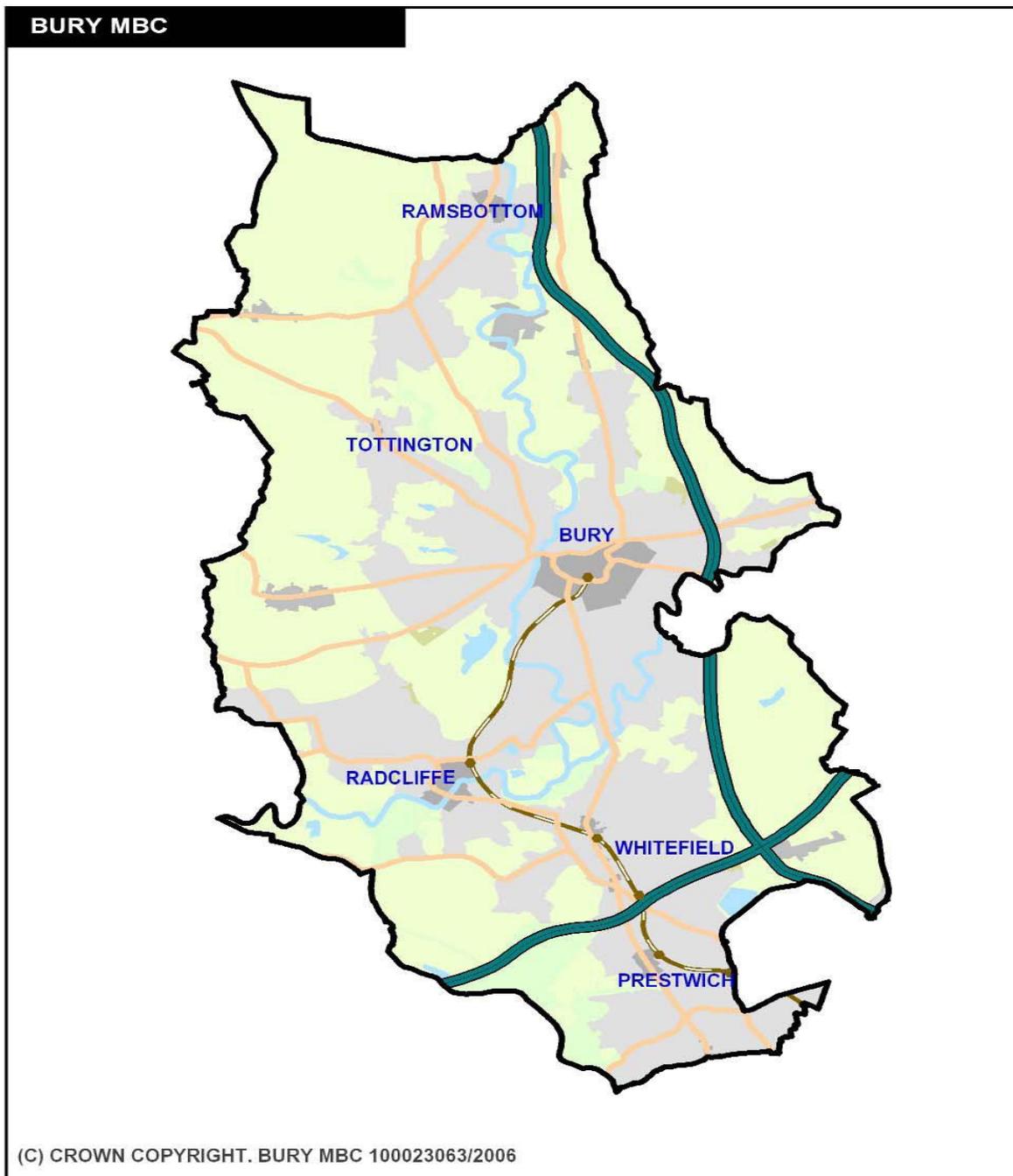
- 2.11 The policy statement forms the licensing authority’s mandate for managing local gambling provision and sets out how the licensing authority views the local risk environment and therefore its expectations in relation to operators with premises in the locality.
- 2.12 The authority is one of the 10 Metropolitan Districts of Greater Manchester. In Greater Manchester we have a shared aim reducing gambling related harms, our approach focuses on preventing gambling harms from occurring, as well as improving how we support our residents who are already experiencing harms, either directly or as a result of someone else’s gambling. The renewal of licensing policies presents an opportunity for local authorities to embed these principles. Licensing leads across Greater Manchester have agreed to take a common approach to refreshing gambling licensing policies.
- 2.13 The following people and organisations have been consulted in preparing the statement:

British Beer & Pub Association	HM Customs & Excise
Gamblers Anonymous	GM Fire & Rescue Service Chief Constable
The Lotteries Council	The Bingo Association
Association of British Bookmakers	Casino Operators
British Casino Association (BCA)	Responsibility in Gambling Trust Gambling Commission
TOTE Ladbrokes Plc William Hill	Paul Deans Bookmakers Ltd British Holiday and Home Parks
Association Club and Institute Union	Nobles Amusements
Society of Independent Brewers	Gala Coral Group Ltd
Leisure Link	Punch Taverns
George Bet Centre’s Ltd	Limelight Amusements
Children’s Safeguarding Board	Six Town Housing
Salvation Army	TRACC
Betfred	Holder of existing licenses / registrations within the Borough of Bury
Bury Council Planning, Environmental Health, Health & Safety, Pollution and Weights & Measures	
Representatives of Bury Faith Forum	

2.14 After the Authority have consulted on this Policy it will be finalised at a Licensing and Safety Committee held on 11 November 2021 and ratified, with or without amendments at a Full Council meeting to be held on the 24 November 2021.

Description of the Area

Figure 1 – Bury Area



2.15 Bury Council is one of the 10 Metropolitan Districts of Greater Manchester. With a population of 187,900 it occupies an area of 9,919 hectares and consists of 6 towns of Ramsbottom, Tottington, Bury, Radcliffe, Whitefield and Prestwich.

2.16 Bury currently has 19 licensed premises distributed across the following wards, a reduction from the previous 30 licensed premises.

Figure 2 – Distribution of licensed premises by Ward

Ward	Betting	AGC	Bingo
East	4	2	1
Radcliffe East	1	1	0
Unsworth	1	0	0
St. Mary's	2	0	0
Ramsbottom	0	0	0
Redvales	1	0	0
Sedgley	2	0	0
Church	0	0	0
Besses	0	0	0
Radcliffe North	0	0	0
Holyrood	0	0	0
Elton	1	0	0
Moorside	0	0	0
North Manor	2	0	0
Pilkington Park	0	0	0
Radcliffe West	1	0	0
Tottington	0	0	0
Totals	15	3	1

3 General Principles

- 3.1 In making decisions on premises licences, the licensing authority shall aim to permit the use of premises for gambling in so far as it thinks it:
- In accordance with any relevant code of practice issued by the Gambling Commission;
 - In accordance with any relevant guidance issued by the Gambling Commission;
 - Reasonably consistent with the licensing objectives; and
 - In accordance with the authority's statement of licensing policy

- 3.2 As the licensing authority, we will regulate gambling in the public interest, which will be reflected in this policy statement.
- 3.3 This policy statement does not undermine the right of any person to make representations on an application or to seek a review of a licence where provision has been made for them to do so.
- 3.4 This policy does not override anybody's right to make an application, make representations about an application, or apply for a review of a licence.
- 3.5 Each application will be considered on its merits in accordance with the requirements of the Gambling Act and without regard to demand.

Other regulatory regimes

- 3.6 The licensing authority will avoid duplication with other regulatory regimes, so far as possible. A range of general duties are imposed on the self-employed, employers and operators of gambling premises, both in respect of employees and of the general public, by legislation governing health and safety at work and fire safety. Therefore, such requirements do not need to be included in the policy statement.

Responsible Authorities

- 3.7 Responsible Authorities are generally public bodies that must be notified of all applications and who are entitled to make representations to the Council if they are relevant to one or more of the licensing objectives.
- 3.8 Section 157 of the Act defines those authorities. For this area they are:
 -
 - The Gambling Commission
 - Greater Manchester Police
 - Greater Manchester Fire and Rescue
 - The Planning Authority
 - The authority which has functions in relation to pollution to the environment or harm to human health
 - Bury Safeguarding Board
 - HM Revenue and Customs
 - The Licensing Authority.
- 3.9 The contact details of all the Responsible Authorities are available are set out in Appendix 1.

3.10 The licensing authority has designated the Bury Safeguarding Board as the body that is competent to advise it about the protection of children from harm. The principles that have been used in making this designation is that the board is:

- responsible for the whole of the licensing authority's area
- answerable to democratically elected persons

Public Health

3.11 While gambling can be an enjoyable activity, it is a source of harm for many. [1]

3.12 Research suggests that in a city-region like Greater Manchester there are approximately 39,000 people living with a gambling disorder, with a further 118,000 at risk, however we know that self-reported surveys underestimate true prevalence of harm given the unfortunate shame and stigma associated with gambling disorder. For every person who gambles, it is estimated that between six and ten people are 'affected others' and experience similar harms. These may be dependents, parents, partners, friends, or colleagues.[2]

Area	Estimate of Adult Population 2016	Estimated number of problem gamblers	Estimated number of 'at risk' gamblers
Greater Manchester	2,148,660	38,676	118,176
Bolton	216,920	3,905	11,931
Bury	145,880	2,626	8,023
Manchester	416,480	7,497	22,906
Oldham	173,900	3,130	9,565
Rochdale	164,820	2,967	9,065
Salford	192,840	3,471	10,606
Stockport	227,920	4,103	12,536
Tameside	173,960	3,131	9,568
Trafford	179,920	3,239	9,896
Wigan	256,020	4,608	14,081

3.13 Anyone who gambles is vulnerable to harm. Men, younger adults (aged 18-34) and adults from a lower socioeconomic or black and minority ethnic backgrounds are more likely to be classified as gamblers experiencing some level of harm. Gambling related harms are often described at an individual level, however these harms have a wider

impact on communities and society with costs to the UK, as a whole, estimated at being between £260m and £1.16bn.[3]

- 3.14 People living with, or at risk of developing, a gambling disorder may experience stress, anxiety and depression, financial losses, debts and exhibit compulsive behaviours, such as chasing losses. Gambling related harms may accrue over a long period of time or very quickly at a time of crisis, many harms have a lasting legacy beyond initial recovery from gambling disorder. Harms associated with gambling include poor mental health and wellbeing, relationship breakdown, neglect of other priorities in life, poor performance at work or school and criminal activity. It is estimated that for every day of the year, one person takes their own life as a result of gambling disorder.
- 3.15 Awareness of gambling harms as an emerging public health problem has increased in recent years, however Public Health are not a responsible authority under the Gambling Act 2005. Nonetheless, the licensing authority will consult the Director of Public Health on all premises licence applications and will advise the Director of Public Health to consider the use of the Gambling Commission's toolkit for public health and safeguarding:
- 3.16 Greater Manchester has a gambling harms reduction programme (which aims to reduce the harms caused by gambling to the population. Licence applicants and holders will be expected to show how they are actively protecting the local population from gambling harms with their processes and operations, and consider how the location, opening hours and promotion of their activities can minimize opportunities for harm to the vulnerable groups listed above.
- 3.17 The licensing authority recognises that local authority public health teams can offer insights from those impacted by gambling harms and offer contextual information about treatment and support in the local area and can add value to the licensing application process where there are concerns raised about risk of harm to vulnerable groups locally.
- 3.18 Greater Manchester's gambling harms reduction programme is listening to residents with lived experience of gambling and is commissioning its own research to better understand problem gambling in the region. As findings from this research emerge, licence holders will be expected to support the delivery of recommendations to help minimize gambling harms to the local populations.

[1] Citizens Advice (2018) [An exploration of the causes and impacts of problem Gambling](#) IPPR (2016) [Cards on the Table](#): The cost to government associated with people who are problem gamblers in Britain, IPPR.

[2] Kenyon (2017) [Problem Gambling in Leeds](#): Report to Leeds City Council. Leeds Beckett

[3] Dinos, S. et al. (2020) '[Treatment Needs and Gap Analysis in Greater Britain](#)', GambleAware p45

Gambling-related harm

3.19 Between 61 and 73 percent of British adults gamble to some extent each year. For the majority of these people, gambling is a harmless and sociable activity. However, between 0.4 and 1.1 percent of British adults are estimated to be 'problem gamblers' who experience harm as a consequence of their gambling. A further 4% are estimated to be 'at-risk gamblers' who may go on to become problem gamblers. [1]

3.20 Problem gambling has been defined as "gambling to a degree that compromises, disrupts or damages family, personal or recreational pursuits" [2]. Males are 5 times more likely than females to be problem gamblers. Problem gambling also varies by age with young people aged 16-24 the most likely to be affected. Problem gambling disproportionately affects people on low incomes and those from ethnic minorities. Individuals of Asian/Asian British heritage and Black/Black British heritage are more likely to be problem gamblers than people who identify as White/White British [3].

3.21 For problem gamblers, harms can include higher levels of physical and mental illness, debt problems, relationship breakdown and criminality. Problem gambling is also associated with domestic violence and substance misuse. Harms from gambling affect far more people than just the problem gambler: it is estimated that for every harmful gambler, between 6 and 10 additional people are directly affected (such as friends, family or colleagues) [4]. Problem gambling also has a significant impact on public finances due to increased costs to the welfare, housing, health and criminal justice sectors. For these reasons, gambling-related harm is increasingly recognised as a public health issue.

[1] Institute for Public Policy and Research (2016). Cards on the table. The cost to government associated with people who are problem gamblers in Britain.

[2] Lesieur, H. R. & Rosenthal, M. D. (1991). Pathological gambling: A review of the literature (prepared for the American Psychiatric Association Task Force on DSM-IV Committee on disorders of impulse control not elsewhere classified). *Journal of Gambling Studies*, 7 (1), 5-40.

[3] See 1 above.

[4] Local Government Association and Public Health England (2018). Tackling gambling related harm A whole council approach.

Determining whether a person is an interested part in relation to a premises licence, or an application for or in respect of a premises licence

- 3.22 For the purposes of the Gambling Act, an 'interested party' is:
- a. Someone who lives sufficiently close to the premises to be likely to be affected by the gambling premises
 - b. Has business interests that might be affected by the authorised activities
 - c. Represents persons who satisfy paragraph (a) or (b)
- 3.23 Whether or not a person is an 'interested party' is ultimately the decision of the Licensing Authority which issues the licence or to which the application is made.
- 3.24 To determine who lives 'sufficiently close to the premises to be likely to be affected by the 'gambling premises', we will consider the following on a case-by-case basis:
- The size of the gambling premises
 - The nature of the gambling premises
 - The distance of the premises from the address of the person making the representation
 - The potential impact of the premises (numbers of customers, routes likely to be taken by those visiting the premises)
 - The circumstances of the person who lives close to the premises. This is not their personal characteristics, but their interests which may be relevant to the distance from the premises e.g. 'sufficiently close to be likely to be affected' could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults
 - The 'catchment' area of the premises (i.e. how far people travel to visit it).
- 3.25 Having a 'business interest' will be given the widest possible interpretation and include community and voluntary groups, schools, charities, faith groups and medical practices. The licensing authority will consider the following factors relevant when determining whether a person's business interests may be affected:
- The size of the premises
 - The 'catchment' area of the premises (i.e. how far people travel to visit it)

- Whether the person making the representation has business interests in the affected catchment
- 3.26 In so far as who represents persons who satisfy paragraphs (a) or (b), this would include for example:
- Residents' associations and tenants' associations
 - Trade associations and trade unions
 - Any other person with written permission from somebody who satisfies paragraph (i) or (ii)
 - Local councillors and MPs
 - Exchange of information between the licensing authority and the Gambling Commission (s29 and s30 of GA2005), and the exchange of information between the licensing authority and other persons listed in Schedule 6 of the Act
- 3.27 The licensing authority may share application information received in the course of processing applications with the Gambling Commission, a constable or police force, an enforcement officer, another Licensing Authority, her Majesty's Commissioners of Customs & Excise, The Gambling Appeal Tribunal, The National Lottery Commission, The Secretary of State or Scottish Ministers.
- 3.28 We will abide by the Freedom of Information Act and the General Data Protection Regulation (GDPR) in its safeguarding/release of information or data.
- 3.29 In the context of the Gambling Act, we will retain only that information which relates to the processing of applications for licences, permits, permissions and representations. Applications and representations in respect of applications are both in the public domain and are therefore available on request and may be published as part of our web register. Personal addresses/contact numbers attached with representations may also be released. Information may also be shared with other Gambling Act regulators or other parties prescribed by the Secretary of State.
- 3.30 Licensing authorities have statutory duties to notify the Commission as well as the applicant and other responsible authorities of the grant/rejection of applications (new, variations, transfers etc) as well as the revocation, surrender or lapse of a premises licence using the correct statutory forms.
- 3.31 We will inform the Gambling Commission without delay if: -

- The Licensing Authority receives information that causes it to question the suitability of the person holding/applying to hold an operating licence
- There are persistent or serious disorder problems that an operator could or should do more to prevent, so that the Commission may consider the continuing suitability of the operator to hold an operating licence
- If it comes to our attention that: alcohol-licensed premises or clubs or institutes are playing bingo during the course of a week which involves significant stakes and prizes and makes it possible that the £2,000 in seven days is being exceeded.

3.32 The licensing authority will act in accordance with the relevant legislation and guidance from the Commission and will adopt the principles of better regulation.

Functions of the licensing authority under Part 15 of the GA2005 with respect to the inspection of premises and the power under s346 of the Act to institute criminal proceedings in respect of the offences specified in that section

3.33 Our principal enforcement role under the Gambling Act is to ensure compliance with the conditions of the premises licence and legal requirements in respect of other permissions the licensing authority regulates. However, we will also ensure that any unlicensed premises which are operating illegally are dealt with appropriately to ensure compliance. Where appropriate, we will work with the Gambling Commission in our enforcement activity. The Council will adopt a risk-based inspection and enforcement programme, which will mean giving greater attention to high-risk premises and a lighter touch for low-risk premises. In all cases we will ensure our inspection and enforcement programme is operated in accordance with any codes of practice issued by the Gambling Commission, in accordance with the Government's Enforcement Concordat and the Compliance Code.

3.34 The Council will take account of the Gambling Commissions guidance document issued in February 2015 (or any subsequent amendments) 'Approach to Test Purchasing' when considering making test purchases at gambling premises. The Council will also follow its own policies and procedures regarding the use of underage test purchasers.

3.35 This licensing authority will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

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

3.36 Where there is a Primary Authority scheme in place, the council will seek guidance from the Primary Authority before taking any enforcement action. At the time of the publication of this policy there were seven Primary Authority arrangements with host local authorities:

Operator	Primary Authority local authority
BACTA	Reading
Coral Racing	Milton Keynes
Ladbrokes	Milton Keynes
Paddy Power	Reading
Rank Group	City of Westminster
Sky Betting & Gaming	Wakefield
William Hill	Reading

3.37 Further information, including an index of all Primary Authority arrangements can be found at <https://primaryauthorityregister.info/pa>

Commenting on a licence application

3.38 If 'interested parties' (see below for definition) or 'responsible authorities' wish to comment on an application for a premises licence relating to the licensing objectives, they can make a 'representation'. The Licensing Authority can only consider representations if made by either an 'interested party' or 'responsible authority'.

3.39 A representation is a statement that outlines any comments that the party making the representation wants to be taken into consideration by the Licensing Authority when determining the application. In all cases representations will need to be 'relevant'. The only representations likely to be relevant are those that meet one or more of the following criteria:

- Relate to the licensing objectives

- Relate to relevant matters in our gambling policy
- Relate to relevant matters in the Gambling Commission's Guidance to Local Authorities
- Relate to relevant matters in the Gambling Commission's Codes of Practice
- Relate to the premises that are the subject of the application
- Are neither frivolous nor vexatious nor will certainly not influence the authority's determination of the application.
- Factors that will not be relevant

3.40 Any objections to new premises or requests for a review should be based on the licensing objectives of the Act. Unlike the Licensing Act 2003, the Act does not include the prevention of public nuisance as a specific licensing objective.

3.41 The licensing authority will not take into account representations that are:

- repetitive, vexatious or frivolous
- from a rival gambling business where the basis of the representation is unwanted competition
- moral objections to gambling
- concerned with expected demand for gambling anonymous

3.42 Details of applications and representations referred to a licensing sub-Committee for determination will be published in reports that are made publicly available and placed on the council's website in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details will however be removed from representations in the final website version of reports.

3.43 Names and addresses of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the licensing authority is specifically asked to do so.

Split Premises

3.44 The Licensing Authority will always give the closest consideration to whether a sub-division has created separate premises meriting a separate machine entitlement. The Authority will not automatically grant a licence for sub- divided premises even if the mandatory conditions are met, particularly where the Authority considers that this has been done in order to sidestep controls on the number of machines which can be provided in a single premise. The Authority will consider if the sub-

division has harmed the licensing objective of protecting the vulnerable. The Authority may also take into account other relevant factors as they arise on a case-by-case basis.

Premises “ready for gambling”

3.45 A licence to use premises for gambling will only be issued in relation to premises:

- that the Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use
- where they are expected to be used for the gambling activity named on the licence.

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

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

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

3.48 Applicants should note that this Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

3.49 When dealing with a premises licence application for finished buildings, the licensing authority will not take into account:

- whether those buildings have to comply with the necessary planning or building consents;
- fire or health and safety risks.

3.50 Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence.

3.51 It is noted that's s.210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building

Applications and plans

3.52 The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the Licensing Authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the Authority to plan future premises inspection activity.

3.53 It is the local authority's policy that it will expect applicants for new premises licences and variations to provide a plan showing the indicative layout of the plan including, but not limited to:
Machines, specified by category

Staff counters

3.54 We consider that this information is appropriate, in conjunction with the premises' risk assessment, to effectively assess the provision of gambling facilities at the premises. Where this information is not provided, it is more likely that a representation will be made in order to enable the licensing authority to accurately assess the likely effect of granting the application relative to the LCCP and licensing objectives.

3.55 The premises plan in itself is only one means by which the licensing authority may seek reassurance that the requirements will be met. It may be that conditions attached to the premises licence regarding lines of sight between the counter and the gaming machines, staffing arrangements or security devices are a more effective method of doing so. Local circumstances and concerns and the layout of a particular premises may well determine what is most appropriate for an individual application.

Tracks

- 3.56 Plans for tracks do not need to be in a particular scale but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises. In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.
- 3.57 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track.
- 3.58 Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan. Determining Premises Licence

4. How the Licensing Authority decides whether to grant or refuse an application

- 4.1 Where we receive an application for a gambling premises licence, we will aim to permit the use of premises for gambling where it is considered:
- a. In accordance with any relevant code of practice issued by the Gambling Commission
 - b. In accordance with any relevant guidance issued by the Gambling Commission
 - c. Reasonably consistent with the licensing objectives (subject to a and b) and
 - d. In accordance with this policy (subject to a – c).

- 4.2 The Licensing Authority has no discretion to either grant or refuse premises licences in circumstances that would mean departing from the above e.g., the committee cannot reject applications on moral grounds.
- 4.3 Each case will be decided on its merits.
- 4.4 The Licensing Authority will not have regard to any demand issues for the premises.
- 4.5 Where an area has known high levels of organised crime the licensing authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors.
- 4.6 Rather than reject applications outright, wherever possible the Licensing Authority will look to work with gambling premises and tackle concerns with licence conditions that uphold the licensing objectives. However, where there are reasons that granting a licence would not be consistent with (a) - (d) above, the application will normally be refused.
- 4.7 In accordance with the Guidance from the Gambling Commission, we will circulate 'clear and comprehensive' reasons for any decision to all parties. We will also cite the extent to which decisions have been made in accordance with the Council's gambling policy and the Guidance from the Gambling Commission.

How the licensing committee decides what conditions to apply to premises licences

- 4.8 Premises Licences may be subject to any or all of the following:
- Conditions specified in the Gambling Act 2005
 - Conditions specified in the regulations issued by the Secretary of State
 - Conditions attached by Bury
 - Council's Licensing and safety Committee following a hearing (where necessary).
- 4.9 With respect to conditions, licensing authorities are able to:
- Issue licences without modifying conditions set out in the Act and by the Secretary of State
 - Exclude default conditions
 - Attach conditions where it is believed to be appropriate

- Conditions may be general in nature (i.e. they attach to all licences of a particular premises type e.g. all casinos) or they may be specific to a particular licence.

We will ensure that any conditions we impose are:

- Proportionate to the circumstances which they are seeking to address
- Relevant to the need to make the proposed building suitable as a gambling facility
- Directly related to the premises and the type of licence applied for
- Fairly and reasonably related to the scale and type of premises
- Reasonable in all other respects.

4.11 There are also conditions, which the licensing authority cannot attach to premises licences:

- Conditions on a premises licence which make it impossible to comply with an operating licence condition
- Conditions relating to gaming machine categories, numbers, or method of operation
- Conditions that require membership of a club or body. (The Gambling Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated)
- Conditions relating to stakes, fees, winnings or prizes
- Conditions relating to demand for the premises.

4.12 Decisions about conditions will be taken on a case-by-case basis considering Gambling Commission guidance, Gambling Commission Codes of Practice, the Licensing Objectives and our policy.

Determining whether to review a licence

4.13 After a licence is granted, where the day-to-day operation of a gambling premises is not felt to be 'reasonably consistent with the licensing objectives', a review of the premises licence can be requested at any time.

4.14 A review may be initiated by the Licensing Authority or as a result of an application for review from an interested party or responsible authority. Where it is the Licensing Authority that initiate the review, they may do this for a whole class of premises e.g. all Adult Gaming Centres or in relation to particular premises. The Licensing Authority can review a licence for any reason it thinks appropriate.

- 4.15 Where an application for review is received from an interested party or responsible authority, as a licensing authority we must decide whether to go ahead with the review. The application for review will be considered based on the following:
- Does the request raise issues other than those found under the Gambling Commission's Guidance, Codes of Practice, the Licensing Objectives or our gambling policy?
 - Is it irrelevant, frivolous or vexatious?
 - Is it so minor that the authority will certainly not wish to revoke or suspend the licence or remove, amend or attach conditions?
 - Is it substantially the same as a previous application for review relating to the same premises?
 - Is the application for review substantially the same as a representation made at the time the application for a premises licence was considered?
- 4.16 If the answer to ANY of the above questions is 'yes', the request for review may be rejected. The purpose of the review is to determine if the licensing committee should take any action in relation to the licence. If action is needed, the options are to either:
- Revoke the premises licence
 - Suspend the premises licence for a period not exceeding three months
 - Exclude a default condition imposed by the Secretary of State (relating to, for example, opening hours) or remove or amend such an exclusion
 - Add, remove or amend a licence condition previously imposed by the Licensing Authority
- 4.17 To decide what action, if any, needs to be taken following an application for review, the licensing committee will make its determination:
- In accordance with any relevant code of practice issued by the Gambling Commission
 - In accordance with relevant guidance issued by the Gambling Commission
 - In so far as it is reasonably consistent with the licensing objectives
 - In accordance with the authority's statement of licensing policy
- 4.18 The committee will also consider any relevant representations and information given at the hearing. Codes or practice and the guidance referred to above may be obtained from the Gambling Commission.

5. Relevant factors when considering applications and reviews

- 5.1 In considering applications for new gambling licences, variations to existing licences and licence reviews the licensing authority will consider the following matters:
- the location of the premises
 - the Local Area Profile
 - the Local Risk Assessment (LRA)
 - the views of responsible authorities
 - the views of interested parties
 - compliance history of current management
 - the hours of operation
 - the type of premises
 - the operation of the premises in accordance with the expectations of the licensing authority, as set out in this policy
 - the physical suitability of the premises
 - the levels of crime and disorder in the area
 - the level of deprivation and ill health in the area
- 5.2 The Licensing Authority believes that this list is not exhaustive and there may be other factors which may arise that could be considered relevant. The Licensing Authority will consider the relevance of any additional factors raised on a case-by-case basis.

Location of the premises

- 5.3 The location of the premises will be an important factor as it can impact on all three of the licensing objectives. The Licensing Authority will consider very carefully applications for premises licences that are located in close proximity to sensitive premises such as:
- Schools, including universities
 - Parks, stations, other transport hubs and places where large numbers of school children might be expected
 - other premises licensed for gambling
 - premises licensed for alcohol
 - children's and vulnerable persons' centres and accommodation
 - youth and community centres
 - health and treatment centres
 - leisure centres used for sporting and similar activities by young persons and/or vulnerable persons
 - religious centres and public places of worship

- 5.4 The Licensing Authority expects each premises to produce and keep on the premises a local risk assessment, covering the areas set out in this policy.
- Local risk assessments
- 5.5 Licensees are required to undertake a local risk assessment when applying for a new premises licence. 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 those identified in a licensing authority's policy statement
 - when there are significant changes at a licensee's premises that may affect their mitigation of local risks.
- 5.6 Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must consider relevant matters identified in the licensing authority's policy statement.
- 5.7 In conducting their risk assessment, the Licensing Authority will expect operators to follow the general principles of risk assessment:
- Identify hazards (think about what may cause harm using the information provided below as a guide and any other matters you consider relevant)
 - Assess the risks (decide how likely it is that someone could be harmed and how serious it could be. This is assessing the level of risk). Decide:
 - Who might be harmed and how
 - What you're already doing to control the risks
 - What further action you need to take to control the risks
 - Who needs to carry out the action
 - When the action is needed by
 - Control the risks (Look at what you're already doing, and the controls you already have in place.) Ask yourself:
 - Can I get rid of the hazard altogether?
 - If not, how can I control the risks so that harm is unlikely?
 - Record your findings (record your significant findings), including:
 - the hazards (things that may cause harm)
 - who might be harmed and how
 - what you are doing to control the risks
 - Review the controls. (You must review the controls you have put in place to make sure they are working.) You should also review them if:

- they may no longer be effective
- Also consider a review if your workers have spotted any problems or there have been any accidents or near misses.
- to take account of significant changes in local circumstances, including those identified in this policy statement
- when there are significant changes at the premises that may affect your mitigation of local risks
- Update your risk assessment record with any changes you make.

5.8 The Licensing Authority considers the following as significant changes at the premises that may affect your mitigation of local risks:

- Staffing changes
- Layout of the premises
- Changes to gaming facilities provided

5.9 The Authority will expect the local risk assessment to consider the urban setting:

- The proximity of the premises to schools
- The commercial environment
- Factors affecting the footfall
- Whether the premises is in an area of deprivation
- Whether the premises is in an area subject to high levels of crime and/or disorder
- The ethnic profile of residents in the area.
- The demographics of the area in relation to vulnerable groups
- The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather
- The range of facilities in the local area such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activity, etc.
- The proximity of churches, mosques, temples or any other place of worship

5.10 The local risk assessment must show how vulnerable people, including people with gambling dependencies, are protected through:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Information held by the licensee regarding self-exclusions and incidences of underage gambling.
- Arrangements in place for local exchange of anonymised information regarding self-exclusion and gaming trends.

- Gaming trends that may mirror days for financial payments such as pay days or benefit payments.
- Arrangements for monitoring and dealing with underage people and vulnerable people, which may include:
 - dedicated and trained personnel
 - leaflets and posters
 - self-exclusion schemes
 - window displays and advertisements designed to not entice children and vulnerable people.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality
- The proximity of premises that may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor surgeries, council community hubs, addiction clinics or help centres, places where alcohol or drug dependent people may congregate

5.11 The local risk assessment should show how children are to be protected:

- The proximity of institutions, places or areas where children and young people frequent such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas, etc.
- The proximity of place where children congregate such as bus stops, cafes, shops.
- Areas that are prone to issues of youths participating in anti-social behaviour, including activities such as graffiti, tagging, underage drinking etc.

5.12 Other matters that the assessment will include as appropriate: -

- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of people using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those people using the premises.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

5.13 Such information may be used to inform the decision the Authority makes about whether to grant the licence, to grant the licence with special conditions, or to refuse the application.

5.14 This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

Local Area Profile

5.15 The Greater Manchester Gambling Harms Reduction programme is listening to residents with lived experience of gambling and is commissioning its own research to better understand problem gambling in the region. As findings from this research emerge, license holders will be expected to support the delivery of recommendations to help minimize gambling harms to the local populations. This research and evidence will be available online at: [Greater Manchester - Understanding Gambling Related harm](#) and should be referred to in Local Risk Assessments.

How the premises will operate consistent with the licensing objectives

5.16 We expect 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.

5.17 The following paragraphs indicate the physical and management factors that the licensing authority may take into account when considering applications for new, varied licence applications and reviews. These are not mandatory requirements but should be used as a guide to applicants and licensees as to the sort of arrangements that it should have in place and demonstrate these are in place through their bespoke risk assessment. Where an applicant or licensee can demonstrate that these factors are not relevant, or alternative arrangements are more appropriate, the licensing authority will take these into account.

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

- 5.18 The Gambling Commission play a leading role in preventing gambling from being a source of crime, through maintaining rigorous procedures that aim to prevent criminals from providing facilities for gambling, or being associated with doing so, as a result of the operating licence procedure.
- 5.19 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”.
- 5.20 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
- 5.21 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.
- 5.22 In addition to the need to consult a local Crime Reduction Officer, the operators of new premises/premises undergoing a refurbishment should also engage with the police’s architectural liaison unit at the design stage to ensure crime prevention and detection.
- 5.23 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.
- 5.24 The measures to be considered should include:

- The arrangements in place to control access (preventing unauthorised access shall not be limited to the provision of supervisory personnel; other options may include, but are not limited to, time-lock or maglock entrances)
- The opening hours
- The provision of registered door supervisors*
- The provision of CCTV
- The number of staff on duty and effective staff training, especially in relation to lone working
- The provision of toilet facilities
- Prevention of antisocial behaviour associated with the premises, such as street drinking, litter, activity outside the premises including the management of clients leaving the premises
- Adequate lighting inside and out (appropriate to the premises in question) to ensure against robbery and other covert activity.
- Only staff directly employed by Casinos and Bingo Clubs have an exemption from SIA registration. Where door supervisors are provided at these premises the operator should ensure that any people employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a criminal records (DBS) check on potential staff and for such personnel to have attended industry recognised training.
- Ensuring that gambling is conducted in a fair and open way

5.25 Generally, this objective will be addressed by:

- The management of the gambling business (in conjunction with the Gambling Commission, who are responsible for issuing and enforcement of the operating licence).
- The personal licence holders proving their suitability and actions (which again is the responsibility of the Gambling Commission)

5.26 Where we suspect that gambling is not being conducted in a fair and open way, we will bring this to the attention of the Gambling Commission, for their further consideration, and work in partnership with their officers. In the case of those premises that do not hold an operating licence such as tracks, additional conditions may be required dependent on the risks outlined in the application.

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

5.27 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.

- 5.28 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.
- 5.29 Regard will be had to current evidence in relation to vulnerability to gambling-related harm. In 2015, Manchester City Council in partnership with Westminster Council commissioned research into this issue and published a report: Exploring area-based vulnerability to gambling-related harm: Who is vulnerable? Findings from a quick scoping review by Heather Wardle, Gambling and Place Research Hub, Geofutures 13th July 2015. Similarly, In 2016 Leeds City Council commissioned Leeds Beckett University to undertake research into Problem Gambling ([Problem Gambling in Leeds; Kenyon, Ormerod, Parsons and Wardle, 2016](#)) looking specifically at identifying groups of the society that could be considered (more) vulnerable to problem gambling:
- Younger people, including students
 - Those who are unemployed and/or with constrained financial circumstances
 - Those from minority ethnic groups
 - Those under the influence of alcohol or drugs
 - Problem gamblers seeking treatment
 - Homeless people
 - Those living in areas of greater deprivation
 - Those with other mental health issues and substance abuse/misuse disorders
 - Those with poorer intellectual functioning

Custodial and non-custodial offenders

- 5.30 Licensees and applicants will be expected to demonstrate they have carefully considered how to protect children and vulnerable persons from harm and have adequate arrangements for preventing underage gambling on their premises. The measures that should be considered where appropriate are:
- The provision of CCTV
 - Location of entrances

- Restricted opening and closing times to protect residents vulnerable to harm
- Supervision of entrances
- Controlled access to the premises by children under the age of 18
- Dealing with pupils who are truanting, and policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as pre and post school hours, half term and school holidays
- Design layout/lighting/fit out to not attract children or vulnerable persons having a nationally-recognised proof of age scheme – Think 21/25
- The provision of registered door supervisors
- Clear segregation between gaming and non-gaming areas in premises frequented by children
- The provision of adequate signage and notices
- Supervision of machine areas in premises, particularly areas to which children are admitted
- Controlled opening hours
- Effective self-barring schemes
- The provision of materials for GamCare, Betknowmore UK or similar, Citizens Advice Bureau information, local public and mental health and housing/homeless associations, printed in languages appropriate to the customer base.
- Advertising local support services in the area such as Beacon Counselling Trust or the NHS Gambling Clinic.
- The number of staff on duty and effective staff training, especially in relation to the ability to effectively Identify and engage with vulnerable persons, including primary intervention and escalation
- A requirement that children must be accompanied by an adult (in premises where children are allowed)
- Enhanced DBS checks of staff
- Obscuring windows where appropriate and labelling premises so it is clear that they are gambling premises

Self-exclusion schemes

- 5.31 With reference to those persons with a mental impairment or mental health difficulties, operators would be well-advised to consult a suitable Mental Health Advisor and formulate a policy to protect this category of vulnerable person from being harmed or exploited by gambling
- 5.32 For multi-occupied premises consideration should be given to the arrangements for controlling access to children and the compatibility of

the different uses. Separate and identifiable entrances may be required to ensure that people do not drift inadvertently into a gambling area.

- 5.33 Children are not permitted to use Category C or above machines and in premises where these machines are available, and children are permitted on the premises the licensing authority will require:
- all Category C and above machines to be located in an area of the premises which is separated from the remainder of the premises by a physical barrier to prevent access other than through a designated entrance
 - adults only admitted to the area where these machines are located
 - adequate supervised access to the area where the machines are located
 - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder
 - prominent notices displayed at the entrance to, and inside, any such areas there indicating that access to the area is prohibited to persons under 18

Expectations of operators: Staffing provision

- 5.34 Staff in licensed gambling premises are recognised as being subject to risk in the workplace from violence and verbal abuse, especially if working alone. In addition, lone workers may not be able to sufficiently serve and supervise the customers, identify and prevent young people from gambling, protect vulnerable persons, deal with customers who may be consuming alcohol and prevent the premises being used as a source of crime or supporting crime.
- 5.35 We expect premises management to recognise and address this as part of their management arrangements, especially at times where it has been identified that there is a spike in crimes around the premises.
- 5.36 We expect there to be an adequate number of staff and managers on premises to cover key points throughout the day, especially where premises are close to schools/colleges/universities, pubs, bars, shopping centres and stadia.

Expectations of operators: Data gathering and sharing

- 5.37 Keeping track of the incidence and handling of problem gambling in Bury is a key part of promoting the licensing objectives. We expect all

gambling premises to maintain a log and share this and other information with the Licensing Unit upon request.

5.38 Data that we consider should be recorded and shared includes (but is not exclusive to) We would expect that all records including time and date along with a short description of the incident and action taken:

- Customer interventions
- Cases where persons who have decided to voluntarily exclude themselves from the premises have tried to gain entry
- Mandatory exclusions needing enforcement
- Attempts to enter by those underage in a calendar month
- Attempts to enter by those underage in the company of adults
- Attempts to enter by those underage with complicit adults
- Incidents of 'at risk behaviour'
- Incidents of 'behaviour requiring immediate intervention'

5.39 We expect that this application will be provided to the licensing authority annually.

5.40 A template for this information to be provided is at Appendix 2.

Expectation of applicants: Staff Training and Knowledge

5.41 We expect all customer-facing and management staff in premises licensed under the Gambling Act 2005 to have sufficient knowledge to tackle risks associated with gambling and know how to promote responsible gambling. Amongst other elements, staff knowledge should include (where appropriate):

- The importance of social responsibility (Premises may wish to seek an audit from GamCare in order to obtain a certificate of Social Responsibility)
- Causes and consequences of problem gambling
- Identifying and communicating with vulnerable persons: primary intervention and escalation, supported by high quality training given the challenging nature of these conversations.
- Dealing with problem gamblers: exclusion (mandatory and voluntary) and escalating for advice/treatment including local treatment providers
- Refusal of entry (alcohol and drugs)
- Age verification procedures and need to return stakes/withdraw winnings if under age persons found gambling
- Importance and enforcement of time/spend limits

- The conditions of the licence
- Maintaining an incident log
- Offences under the Gambling Act
- Categories of gaming machines and the stakes and odds associated with each machine
- Types of gaming and the stakes and odds associated with each
- Ability to signpost customers to support services with respect to problem gambling, financial management, debt advice etc.
- Safe cash-handling/payment of winnings
- Identify forged ID and bar those using forged ID from the premises
- Knowledge of a problem gambling helpline number (for their own use as well as that of customers)
- The importance of not encouraging customers to:
 - Increase the amount of money they have decided to gamble
 - Enter into continuous gambling for a prolonged period
 - Continue gambling when they have expressed a wish to stop
 - Re-gamble winnings
 - Chase losses.

5.42 Above and beyond this we expect managers to have an in-depth knowledge of all of the above and be able to support staff in ensuring the highest standards with regard to protecting children and other vulnerable persons from being harmed or exploited by gambling. In so far as training, we do not intend to duplicate any existing training requirement, such as may be required by the Gambling Commission's Code of Practice.

Expectation of applicants: Gaming machines / layouts

5.43 It is an operator's responsibility to ensure staff are able to effectively monitor gaming machine play for a number of reasons that are part of the operator's licence conditions. Age verification, customer interaction and self-exclusion policies all require operators to take into account the structure and layout of their gambling premises.

5.44 The Licence conditions and code of practice (LCCP) state: 'Facilities for gambling must only be offered in a manner which provides for appropriate supervision of those facilities by staff at all times'.

5.45 A screen or pod around a gaming machine, designed to increase the privacy of the player, could prevent staff in a gambling premises from effectively monitoring gaming machine play

- 5.46 Operators will be expected to be able to evidence to the licensing authority how they have considered the risk to the licensing objectives and implemented effective controls, prior to the introduction of any new machine arrangements.
- 5.47 It will be important to consider the means by which gaming machines are supervised (e.g. line of sight to counter, effective CCTV, mirrors or floor staff) and consider whether that is appropriate for that premises.
- 5.48 Whether amendments to a premises amount to a 'material change' warranting an application to vary the premises licence under s.187 of the Gambling Act is a matter for local determination and the licensing authority will adopt a common-sense approach.

6. Premises-specific considerations

Adult Gaming Centres

- 6.1 Adult gaming centres (AGCs) are premises able to make category B, C and D gaming machines available to their customers. Persons operating an AGC must hold a gaming machines general operating licence from the Commission as well as a premises licence from the Council.
- 6.2 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.
- 6.3 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.

Casinos

- 6.4 Bury has no licensed casinos.
- 6.5 The Gambling Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino

games whereby casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players. Casinos can also provide equal chance gaming and gaming machines.

'No Casinos' resolution

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

Bingo premises

6.7 The Gambling Act 2005 does not contain a definition of Bingo. It is to have its ordinary and natural meaning and the Act does stipulate that "bingo" means any version of that game, irrespective of how it is described. Two types of bingo may be offered:

- Cash bingo, where the stakes panel made up the cash prize that's won; or
- Prize bingo, where various forms of prizes is won, not directly relating to the stakes panel

6.8 Subject to the rules of individual operators, children and young people are allowed into bingo premises. However, they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

6.9 Where category C or above machines are available in premises to which children are admitted then the council will 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. For this purpose a rope, floor markings or similar provision will not suffice and the council may insist on a permanent barrier of at least one metre high
- only adults are admitted to the area where the machines are located
- access to the area where the machines are located is supervised at all times

- the area where the machines are located is arranged so that it can be observed by staff
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to people under 18
- children will not be admitted to bingo premises unless accompanied by an adult.

6.10 The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The council will take this into consideration when determining licence applications for bingo premises.

6.11 Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission Code of Practice or the applicant, the council may consider licence conditions to address such issues.

Electronic bingo gaming machines

6.12 Where a premises intends on providing electronic terminals to play bingo, we will expect operators (as part of their application) to provide a breakdown of the number of electronic bingo terminals that will be provided at the premises

Gaming machines at bingo premises

6.13 In addition to bingo, this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions of the Act. Bingo premises licences authorise a maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4.

6.14 Bingo facilities in bingo premises may not be offered between the hours of midnight and 9am. However, where there are substantive facilities during the default hours for bingo, there are no restrictions on access to gaming machines in bingo premises outside of the default hours

6.15 The LCCP requires (Social Responsibility Code Provision 9) that gaming machines are only made available in combination with the named non-remote activity of the operating licence. So, unless a bingo premises operator offers substantive facilities for non-remote bingo it should not make gaming machines available for use on the premises in question.

- 6.16 As the licensing authority, we will need to satisfy ourselves that a premises applying for or licensed for bingo is operating or will operate in a manner which a customer would reasonably be expected to recognise as a premises licensed for the purposes of providing facilities for bingo. Equally, we must ensure that a premises licensed for the purposes of providing facilities for bingo is operating as such and is not merely a vehicle to offer higher stake and prize gaming machines.
- 6.17 Therefore, we will expect operators (as part of their application) to provide information on:
- any times they intend to provide gaming machines at any times that bingo facilities are not provided
 - how the premises will be recognised as a premises licensed for providing facilities for bingo
 - A breakdown of gaming machine numbers (by category)
- 6.18 The licensing authority is concerned that later opening hours will attract the more vulnerable, such as those who are intoxicated or who have gambling addictions. The licensing authority will expect applicants can demonstrate that robust measures will be in place to protect the vulnerable and the additional hours are not being sought to take advantage of the gaming machine entitlement.
- 6.19 The licensing authority will use their power to restrict the circumstances in which they are available for use when appropriate by way of conditions. When considering imposing conditions, the licensing authority will take into account, among other factors:
- the size and physical layout of the premises
 - the number of counter positions and staff on the premises
 - the ability of staff to monitor the use of machines by children, young persons under the age of 18 or vulnerable people
- 6.20 The licensing authority will not seek to limit the number of gambling machines by category as this entitled provision is defined in the Gambling Act. However, we will seek to ensure that the number and provision of gaming machines are only provided in a manner which a customer would reasonably be expected to recognise as a premises licensed for the purposes of providing facilities for bingo.
- 6.21 To contain the unavoidable risk to the licensing objectives associated with gaming machines, premises which offer machines must be appropriately supervised.

6.22 The licensing authority will information required from an applicant for a new premises or for a variation to an existing premises in order to satisfy themselves as to the matters set out at s153 of the Act. This includes the codes of practice and the Gambling Commission's guidance to licensing authorities.

'Entertainment' Bingo

6.23 A phenomenon over recent years has been the evolution of businesses, such as Bongo's Bingo, providing facilities for high turnover bingo (the aggregate stakes or prizes for bingo in any seven day period may exceed £2,000); typically providing equal chance gaming at pubs and nightclubs, in reliance on the alcohol licence held by the premises, and therefore doing so under the rules for exempt gaming.

6.24 We note that it is a condition of some such companies' operator's licence that they must notify both the Commission and the relevant LA at least 28 days before any event takes place in new premises, by providing a description of the event taking place, a copy of the premises contract and any amendment to the rules of the bingo.

6.25 We would encourage venues hosting such events to promote responsible gambling messaging at them.

Betting Premises

6.26 We encourage operators to participate in the Safebet Alliance in order to help ensure the highest standards for the safety and security of staff working at betting premises. Where an operator does not participate in the scheme, it is expected that they can satisfactorily demonstrate the security measures they incorporate are adequate.

6.27 Licensed betting premises are only permitted to offer gambling facilities between 7am and 10pm, unless the licensing authority has granted a variation application to extend these hours. The licensing authority is concerned that later opening hours will attract the more vulnerable, such as those who are intoxicated or who have gambling addictions.

6.28 The licensing authority also has concerns that licensed betting premises operators may seek to extend the permitted hours for the primary purpose of making gaming machines available to customers for longer.

- 6.29 As a consequence, the licensing authority is unlikely to grant variation of hours' applications unless applicants can demonstrate that robust measures will be in place to protect the vulnerable and the additional hours are not being sought to take advantage of the gaming machine entitlement.
- 6.30 The licensing authority will use their power to restrict the number of betting machines (bet receipt terminals), their nature and the circumstances in which they are available for use when appropriate by way of conditions. When considering imposing conditions, the licensing authority will take into account, among other factors:
1. the size and physical layout of the premises
 2. the number of counter positions and staff on the premises
 3. the ability of staff to monitor the use of machines by children, young persons under the age of 18 or vulnerable people
- 6.31 Betting machines - This licensing authority will, as per the Gambling Commission's Guidance, 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, when considering the number/nature/circumstances of betting machines an operator wants to offer. It is noted that children are not able to go into premises with the benefit of a Betting Premises Licence.

(Licensed) Family Entertainment Centres

- 6.32 The Act creates two classes of family entertainment centre (FEC). Licensed FEC's provide category C and D machines and require a premises licence. Unlicensed FEC's provide category D machines only are regulated through FEC gaming machine permits.
- 6.33 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18-year-olds do not have access to the adult only gaming machine areas. Operators should ensure that a proof of age scheme is in force.
- 6.34 This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area

containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

Occasional use notices

- 6.35 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.
- 6.36 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.
- 6.37 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.

7 Permits and other permissions

Alcohol Licensed Premises Gaming Machine Permits

- 7.1 Premises licensed to sell alcohol that have a bar and the alcohol is not ancillary to food for consumption on the premises, having more than two gaming machines, will need to apply for a permit and must also notify the Licensing Authority if they have one or two machines. In considering whether to grant a permit, the licensing authority will have regard to the licensing objectives, guidance issued by the Gambling Commission and any other relevant matters. Permits will not be granted to licensees who have failed to demonstrate compliance with the Gambling Commission's Code of Practice.
- 7.2 In addition to the requirements of the Gambling Commission's Code of Practice, the Licensing Authority expects applicants to:
- display adequate notices and signs, advertising the relevant age restrictions
 - position machines within view of the bar in order for staff to be able to monitor the machines for use by underage

- or misuse of the machines
- challenge anyone suspected of being under age and refuse access
- provide information leaflets and / or help-line numbers for organisations such as GamCare and Betknowmore UK.

Prize Gaming Machine Permits

- 7.3 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 (i.e. if the applicant has any convictions which would make them unsuitable to operate prize gaming) and the suitability of the premises.
- 7.4 The licensing authority expects applicants to set out the types of gaming machines that they intend 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
- 7.5 The Gambling Commission website gives advice on types of permits, conditions, stakes and prizes. See www.gamblingcommission.gov.uk

Unlicensed FECs (uFEC)

- 7.6 Unlicensed family entertainment centres (FEC's) will perhaps be most commonly located at places such as airports and at motorway service centres, and will cater for families, including unaccompanied children and young persons. Unlicensed FEC's will be able to offer only category D machines in reliance on a gaming machine permit.
- 7.7 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238). As a result, it is generally not permissible for such premises to correspond to an entire shopping centre, airport, motorway service station or similar. Typically, the machines would be in a designated, enclosed area.
- 7.8 Given that the premises is likely to appeal particularly to children and young persons, when considering applications for permits we will give weight to matters relating to protection of children from being harmed

or exploited by gambling and are keen to ensure that staff supervision adequately reflects the level of risk to this group. Therefore, we will generally expect such risks to be addressed through effective:

- Staff supervision and training
- Detailed plan
- Social responsibility policies
- Staff being easily identifiable
- Clear signage

7.9 As part of an application for a uFEC, it is our policy that a plan for the uFEC must be submitted.

Small Society Lotteries

7.10 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.

7.11 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.

7.12 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'

8 Appendices

Appendix 1 –Responsible Authorities

Licensing Authority	3 Knowsley Place, Duke Street, Bury, BL9 0EJ
Environmental Health	3 Knowsley Place, Duke Street, Bury, BL9 0EJ
Greater Manchester Police	Dunster Rd, Bury BL9 0RD
HM Revenue & Customs	Excise Processing Teams, BX9 1GL
Planning	3 Knowsley Place, Duke Street, Bury, BL9 0EJ
Gambling Commission	Victoria Square House, Victoria Square, Birmingham, B2 4BP
Greater Manchester Fire & Rescue Service	The Fire Safety Manager Greater Manchester Fire & Rescue Service Bury Fire Station Magdalene Road Bury, BL9 0ES
Bury Safeguarding Children Board	18-20 St Mary's Place Bury, BL9 0DZ Tel Number: 0161 253 5705 Email: safeguardingteam@bury.gov.uk
Public Protection	Health & Safety, Pollution and Weights & Measures Sections 3 Knowsley Place Duke Street Bury, BL9 0EJ Tel Number: 0161 253 5353 Emails: Pollution and Health & Safety: commercial@bury.gov.uk Weights and Measures: tradingstandards@bury.gov.uk

Public Health	3 Knowsley Place Duke Street Bury, BL90EJ Email: publichealth@bury.gov.uk
Immigration Alcohol Licensing Team	Lunar House 40 Wellesley Road Croydon, CR9 2BY Email: Alcohol@homeoffice.gsi.gov.uk
Neighbouring Authorities	
<p>Bolton 01204 336570 Blackburn 01254 585585 Rochdale 01706 647474 Rossendale 01706 217777 Salford Council 0161 794 4711</p>	

Appendix 3 - Glossary

Term	Description
ATM	Auto teller machine or cash machine.
Betting	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).
Betting Machines / Bet Receipt Terminal	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.
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.

Term	Description
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'.
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.
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. A lottery is defined as either a simple lottery or a complex lottery. 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. 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. 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 National Lottery 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> <p>(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</p> <p>(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.</p>

Term	Description
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.
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: 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.
Skill machine / Skill with prizes machine	The Act does not cover machines that give prizes as a result of the application of pure skill by players. 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

Term	Description
	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.
Spread betting	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.
Stake	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.
Statement of principles document	A document prepared by the Authority which outlines the areas that applicants need to consider before applying for gaming permits.
Table gaming	Card games played in casinos.
Tote	"Tote" is short for Totaliser, a system introduced to Britain in 1929 to offer pool betting on racecourses.
Track	Tracks are sites (including horse tracks and dog tracks and stadia) where races or other sporting events take place



Statement of Principles

2019-2022

Gambling Act 2005

Bury Council
POLICY STATEMENT
Under Section 349 of the Gambling Act 2005

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Glossary

Any reference to we, this Authority, this licensing Authority, the Council, relates to Bury Council as a Licensing authority as defined in the Gambling Act 2005

Any reference to the Act relates to The Gambling Act 2005

Any reference to The Commission relates to The Gambling Commission

Executive Summary

The Gambling Act 2005 received Royal Assent in 2005 and came into effect in 2007.

Under Section 349 of the Gambling Act 2005, Bury Council as a Licensing Authority is required to publish a statement of principles that it proposes to apply when exercising its functions under the Act. This Statement must be published at least every 3 years starting from 31 January 2007. The statement must also be reviewed from time to time in response to emerging risks.

The purpose of the Statement of Principles is to set out the policy and principles that the Council proposes to apply when determining licences, permits and registrations under the Gambling Act 2005.

Any decision taken by the council in regard to determination of premise licence applications including definitions of premises, location, duplication with other regulatory regimes, promotion of the licensing objectives, conditions, door supervision, layout of premises and supervision of gaming facilities. The policy also specifically mentions adult gaming centres, family entertainment centres, casinos, bingo premises, betting premises, tracks and travelling fairs.

The council is responsible for issuing permits for prize gaming and unlicensed family entertainment centres. The council is able to specify the information it requires as part of the application process which will aid determination and this information is described in this Policy.

Club gaming and club machine permits are also issued by the council. The process for this is described along with other processes specified in legislation for example temporary use notices, occasional use notices and small society lottery registrations.

Enforcement of the legislation is a requirement of the Act that is undertaken by the Council in conjunction with the Gambling Commission. This policy describes the Council's enforcement principles and principles underpinning the right of review.

The Policy does not override the rights of any person to make an application and to have it considered on its individual merits.

The policy has 4 appendices, showing the list of Responsible Authorities under the Gambling Act 2005, List of consultees, Council Scheme of delegation and Bury Council's position on gambling.

Introduction

This statement of Policy in relation to the Gambling functions that Bury Council as the licensing authority regulates, sets out the approach that will be taken when dealing with permissions its grants under the Gambling Act 2005 and enforces thereafter.

This Policy also identifies how the Authority will seek to promote the licensing objectives under the Act, namely:-

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

Partnerships are important to us and with this in mind we will be working closely with the Gambling Commission, the Police and the other responsible authorities named within the Act. We will also provide guidance and support, where possible, to the trade, residents and businesses.

All decisions that are made in relation to gambling will be made having taken into account the three objectives and each application will be dealt with on its merits.

This policy will come into effect on the 31st January 2019 and will be reviewed no later than the 31st January 2022.

In carrying out its gambling functions this Authority will have regard to this Policy and Guidance issued by the Gambling Commission.

An equalities impact assessment has been conducted in relation to this Policy and is available upon request.

Bury Council consulted widely upon this statement before finalising and publishing it. A list of those persons consulted is provided at Appendix A.

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

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

Our consultation took place between 3rd August 2018 and 5th October 2018

All Comments received were considered and responded to in the document at Appendix E

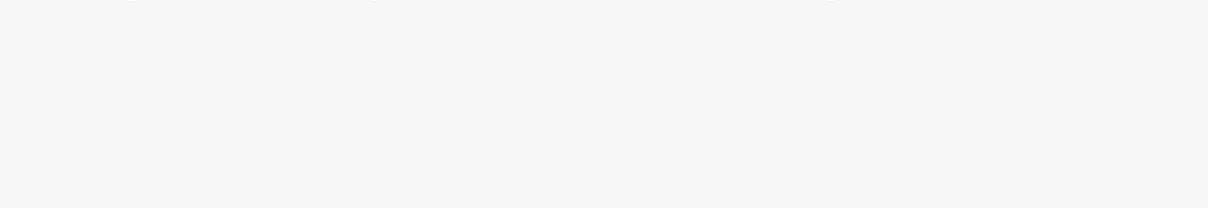
The policy was approved at a meeting of the Full Council on 28th November 2018 and was published via our website on 13th December 2018. Copies were placed in the public libraries of the areas well as being available at the Town Hall and 3 Knowsley Place.

The full list of comments made and the consideration by the Council of those comments will be available by request to the address given below.

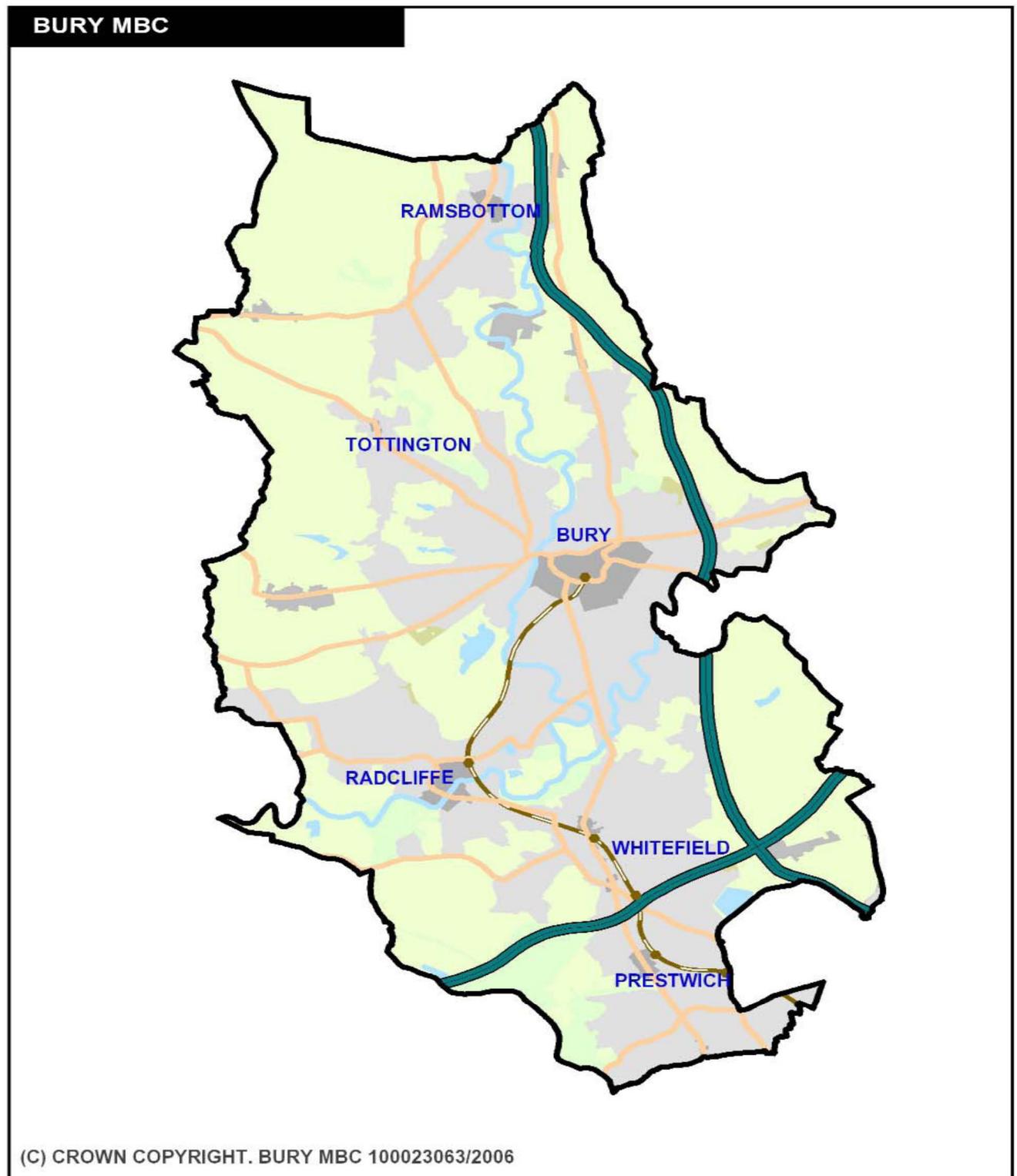
Should you have any comments as regards this policy statement please send them to us at:

Address: Licensing Section, 3 Knowsley Place, Duke Street, Bury, BL9 0EJ
Phone: 0161 253 5208
E-mail: licensing@bury.gov.uk

It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.



INTRODUCTION



Bury Council is one of the 10 Metropolitan Districts of Greater Manchester. With a population of 187,900 it occupies an area of 9,919 hectares and consists of 6 towns of Ramsbottom, Tottington, Bury, Radcliffe, Whitefield and Prestwich.

Bury's town centres sit at the heart of our communities and provide a wide range of facilities such as shops, services, leisure, tourism, culture, health care, education and work places.

The Borough has four town centres with Bury being the principle centre offering an extensive range of shops services and cultural attractions. Ramsbottom, in the north of the borough has a focus on independent and specialist retailing, food and drink. The town centre is a popular stop on the East Lancashire Steam Railway making it a popular visitor destination.

Prestwich, known locally as 'The Village', is attracting a growing number of independent businesses and a recent regeneration scheme has enhanced the high street. Radcliffe is also seeing increasing investment through housing in development and the town centre retail offer.

The district centre of Whitefield has capitalised on its excellent transport links and mixes local retail with a strong food and drink offer, whilst Tottington is a thriving centre with independent shops and a strong community feel.

Gambling Prevalence and Problem Gambling

The Health Survey England 2016 states that 56 % of people in England had gambled that year. Other notable statistics are 42% of people in England (excluding those who had only played National Lottery draws).

0.7% of people in England most identified as problem gamblers, 1.2% of gamblers in England identified as problem gamblers.

The Gamcare Annual Review for 2016/17 shows that advisers answered a total of 43,637 calls and web chats via the HelpLine and NetLine.

Gamcare delivered counselling to 8,044 clients nationwide in 2016/17, an increase of 18% compared to 6,832 in 2015/16. 90% of clients were problem gamblers.

Based on national projections showing that 3.6% of people aged 16 or over in England were at low or moderate risk of developing problems with their gambling in Bury this would equate to 5733 at risk gamblers.

In addition the 0.7 % figure suggests that 1056 people in Bury are identified as problem Gamblers.

Based on local postcode data, Gamcare recorded 45 callers from the Bury area to their helpline in 2016/17 and 31 in 2017/18. 74 % were male with the highest age group being 26-35 year olds. Of those disclosing their debts 1 recorded this as being over £100,000.

The types of gambling activity declared covered all modes of gambling including arcades, betting shops and casinos despite there being no casinos in Bury. The statistics show callers also may be undertaking more than one form of gambling. The Mode method of gambling is fixed odds betting terminals.

Fixed Odds Betting Terminals

Fixed odds betting terminals (FOBTs) are electronic machines, mainly sited in betting shops, which contain a variety of games, including roulette. Each machine accepts bets for amounts up to a pre-set maximum and pays out according to fixed odds on the simulated outcomes of games.

The Gambling Act 2005 classifies FOBTs as B2 gaming machines. Up to four machines can be sited on betting premises. The maximum stake on a single bet is £100, the maximum prize is £500.

In October 2017, the Department for Digital, Culture, Media and Sport (DCMS) announced a range of proposals to strengthen protections around gambling. These included lowering the maximum stake on FOBTs to between £50 and £2. A consultation on the proposals, including the level of the new stake, closed on 23 January 2018.

On 17 May 2018, the Government announced that the maximum stake on FOBTs will be reduced to £2 from £100. This will require secondary legislation. No further details are available at this point, however, any changes to legislation or products on the market may not currently be reflected in this Policy and as such may be subject to change in light of such legal developments

Bury Council's position on gambling can be found at Appendix D

**POLICY STATEMENT
PART A**

1. The Licensing Objectives

1.1 In exercising its functions under the Gambling Act 2005, Bury Council must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

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

- Ensuring that gambling is conducted in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by Gambling.

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

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

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

2 Declaration

In producing the final statement, we will have regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses received from those consulted on the statement.

3 Responsible Authorities

3.1 Responsible Authorities are public bodies that must be notified about applications and are entitled to make representations to the council in relation to applications for, and in relation to, premises licences.

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

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

3.3 This authority designates the Bury Safeguarding Children’s Board for this purpose.

3.4 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available at Appendix B.

4. Interested parties

- 4.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

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

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

- 4.2 We are required by regulations to state the principles we will apply in exercising our powers under the Gambling Act 2005 to determine whether a person is an interested party.

Interested Parties – Principles relating to determination

We will apply various principles to determine whether a person is an Interested Party.

The Licensing Authority will consider each case on its merits.

In determining whether a person lives “sufficiently close to the premises we will have regard to the following factors which we consider appropriate to the circumstances:

- the size of the premises;
- the nature of the premises;
- the distance of the premises from the location of the person making the representation;
- what might in our opinion be reasonably regarded as a potential impact of the premises (for example this might be influenced by the anticipated number of customers, routes likely to be taken by those visiting the premises etc.); and
- the circumstances of the complaint. This is not meant to cover the personal characteristics of the complainant, but the interests of the complainant where they may be relevant to the distance from the premises. For example we are likely to apply a wider interpretation to the meaning of “sufficiently close” where the complainant provides services attended by children or vulnerable adults; and such other factors we consider relevant.
- Each case will determined on its merits.

In determining whether a business interest is “likely to be affected” we will have regard to the following factors that we consider appropriate to the circumstances:

- the size of the premises;

- the 'catchment' area of the premises (i.e. how far people travel to visit);
- whether the person making the representation has business interests in that catchment area that might be affected.

Interested parties with "business interests" will be given the widest possible interpretation and may include partnerships, charities, faith groups and medical practices.

If in the particular circumstances of the application we depart from the guidance, we will explain our reasons for doing so.

The Gambling Commission guidance states that interested parties can be people who are democratically elected such as councillors and MPs, as persons representing individuals in the other categories. This would include county, parish and town councillors. Other representatives might include bodies such as trade associations and trade unions, and residents' and tenants' associations. A school head or governor might act in representing the interests of pupils or parents and a community group might represent vulnerable people living near to the proposed premises.

However, this authority emphasises that it will not generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

- 4.3 Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Other than these however, we will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- 4.4 If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not a member of the Licensing and Safety Panel dealing with the licence application. If there are any doubts then the licensing section should be contacted at 3 Knowsley Place, Duke Street, Bury, BL9 0EJ phone 0161 253 5208.
- 4.5 It is important to note that in order for a representation to be considered as relevant, interested parties are required to demonstrate that granting a licence would undermine any of the three licensing objectives under the Gambling Act (preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime; ensuring that gambling is conducted in a fair and open way and protection of children and other vulnerable persons from being harmed or exploited by gambling) . It should be noted that unlike the Licensing Act 2003, the Gambling Act does not include the prevention of public nuisance as a licensing objective.

5 Exchange of Information

- 5.1 We are required to include in our statement, the principles to be applied by us in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between us and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between us and the other persons listed in Schedule 6 to the Act.
- 5.2 The principle that we will apply, is that, we will act in accordance with the provisions of the Gambling Act 2005 in our exchange of information which includes the provision that the Data Protection Act 2018, The General Data Protection Regulations 2018 and the Freedom of Information Act 2000 will not be contravened. We will also have regard to any published guidance issued by the Gambling Commission to licensing authorities on this matter, as well as any relevant regulations issued by the Secretary of State.
- 5.3 Should any protocols be established regarding the exchange of information with other bodies then they will be made available from the licensing office.

6 Enforcement

- 6.1 We are required by regulation under the Gambling Act 2005 to state the principles to be applied by us in exercising functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 6.2 Our principles are that:

We will work closely with responsible authorities in accordance with locally established joint enforcement initiatives and will aim to promote the licensing objectives by targeting known high risk premises following government guidance on better regulation.

In carrying out our enforcement duties with regards to the inspection of premises and the powers to institute criminal proceedings in respect of certain offences under the Act, we will be guided by the Gambling Commission's Guidance for licensing authorities and will endeavour to be:

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

- The Legislation and Regulatory Reform Act 2006 Part 2 requires us to have regard to the principles of good regulation. Regard has been had to the Regulators Code in the preparation of this policy, and the Code applies generally to our activities under the Act.
- 6.3 As per the Gambling Commission's Guidance for licensing authorities we will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 6.4 We will implement a risk-based inspection program, based on:
- The licensing objectives;
 - Relevant codes of practice;
 - Guidance issued by the Gambling Commission;
 - The principles set out in this policy;
 - Bury Council's enforcement policy, and
 - Recorded intelligence.
- 6.5 The main enforcement and compliance role for us in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which we authorise. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by us but should be notified to the Gambling Commission.
- 6.6 We may undertake test purchasing activities to measure compliance of licensed operators with aspects of the Gambling Act. When carrying out test purchase activities we will undertake to liaise with the Gambling Commission and operator to determine what other, if any test purchasing schemes may have already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed an appropriate course of action.
- We will follow the Gambling Commission's guidance document issued in February 2015 (and any subsequent amendments) 'Approach to Test Purchasing' when considering making test purchases at gambling premises. This guidance ensures that test purchasing is conducted by the Council in accordance with the Better Regulation Delivery Offices Code of Practice on Age Related Products.
- 6.7 We will also keep ourselves informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 6.8 Our Enforcement Policy will be available upon request by contacting the licensing section at 3 Knowsley Place, Duke Street Bury BL9 0EJ or e-mail: licensing@bury.gov.uk
- 6.9 Reference will also be made to our Enforcement Policy and the Code for Crown Prosecutors when considering enforcement action.
- 6.10 Where there is a Primary Authority Partnership in place, the Council will seek guidance from a premises' Primary Authority before taking any enforcement action. Further information, including an index of all Primary Authority Partnership arrangements can be found at:

<https://primary-authority.beis.gov.uk/par>

7 Licensing Authority functions

7.1 As Licensing Authorities we are required under the Act to:

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

7.2 These functions will be carried out in accordance with the Council's Scheme of Delegation. This is available at Appendix C.

7.3 It should be noted that local licensing authorities are not to be involved in licensing remote gambling at all, this is regulated by the Gambling Commission via operating licences.

Part B
Promotion of the Licensing Objectives

Licensing Objectives

8.1 Premise licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, we have considered the Gambling Commission's Guidance for Licensing Authorities and some comments are made below.

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

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

8.2.2 We are aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

8.2.3 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.

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

8.3.1 We are aware that except in the case of tracks, generally the Gambling Commission does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. However, the council will familiarise itself with operator licence conditions and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice

8.3.2 Examples of the specific steps the licensing authority 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.

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

8.4.1 Protection of children

We have noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as the restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children).

8.4.2 The Act provides the following definition for child and young person in Section 45:

Meaning of "child" and "young person"

(a) In this Act "child" means an individual who is less than 16 years old.

(b) In this Act "young person" means an individual who is not a child but who is less than 18 years old.

8.4.3 For the purpose of this section protection of children will encompass both child and young person as defined by the Act.

8.4.4 We will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

8.4.5 We are also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

Examples of the specific steps the licensing authority 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.

Protection of vulnerable people

8.4.6 As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs."

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

8.4.7 The Department of Health document "No Secrets" offers a definition of a vulnerable adult as a person:

"who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation."

8.4.8 In the case of premises licences we are aware of the extensive requirements set out for operators in the Gambling Commissions Code of Practice.

8.4.9 In this document the Gambling Commission clearly describe the policies and procedures that operators should put in place regarding:

Combating problem gambling;
Access to gambling by children and young persons;
Information on how to gamble responsibly and help for problem gamblers;
Customer interaction;
Self-exclusion;
Employment of children and young persons.

8.4.10 All applicants should familiarise themselves with the operator licence conditions and codes of practice relating to this objective and determine if these policies and procedures are appropriate in their circumstances. We will communicate any concerns to the Gambling Commission about any absence of this required information.

8.4.11 Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example:

- leaflets offering assistance to problem gamblers should be available on
- gambling premises in a location that is both prominent and discreet, such as toilets;
- training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable;
- trained personnel for the purpose of identifying and providing support to vulnerable persons;
- self-exclusion schemes;
- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people;
- posters with GamCare Helpline and website in prominent locations;
- windows, entrances and advertisements to be positioned or designed not to entice passers-by.

8.4.12 It should be noted that some of these measures form part of the mandatory conditions placed on premises licences.

8.4.13 The licensing authority may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant

Selling of Lottery tickets and Scratch card games

8.5 We recognise that the National Lottery Commission regulates all aspects of the operation of the National Lottery, including the draw-based games, scratch cards and what are known as the Instant Win Games (which are referred to as the 'virtual cards' on the internet); the Gambling Commission regulates other forms of gambling in the UK. Further information regarding the role of the National Lottery Commission can be found on our website www.natlotcomm.gov.uk.

8.5.1 Shops and supermarkets are the most popular places for children to get tickets for National Lottery games and scratch cards. It is important to note that it is an offence to sell a lottery tickets or scratch cards to children and young people under the age of 16. The penalty for selling to an underage person is a fine of up to £5,000 and/or 2 years imprisonment

8.5.2 Should we receive any complaints of irresponsible retailing from operators on lottery tickets or scratch cards, we will look to work collaboratively with the, Gambling Commission, the Licensing Enforcement Team, Trading Standards and the Police Authority to carry out enforcement practices.

How should operators protect themselves?

8.5.3 Lottery and scratch cards are age-restricted products.

There are several checks and measures that operators can put into place to protect themselves from enforcement action:

Consider introducing an age verification policy such as Challenge 21/25 whereby anyone under the age of 21/25 is asked to prove their age.

of If you are in doubt as to a customer's age you should always ask for proof of age

You should always ask them to produce a reliable form of proof of age; such as passport or driving licence with a photograph or a Proof of Age Standards

Age Scheme (PASS) ID Card. The PASS scheme is the UK's national Proof of

Standards Scheme and all cards meeting this standard bear an accredited hologram.

Never accept a birth certificate or National Insurance card as proof of age. National Insurance cards are issued before a person has reached their sixteenth birthday

Keep a refusals register. This is a record of all the times that you refuse to sell an age-restricted product. Details kept in the register should be a description of the person, their name and address (if you know it), their age, the date and time of the attempted purchase and the type of product that was requested.

the Display any age restriction notices prominently. You may get these from Trading Standards Team (e-mail tradingstandards@bury.gov.uk)

Train all of your staff on the law and hand out written instructions on the

checks that should be carried out.

Keep a training register for each member of staff and keep it up to date.

Ask

staff to sign a copy of the instructions that they receive, to show that they have understood. Ask them to sign their training record as well. Regularly check your systems and procedures to ensure staff are following them.

8.5.4 We also operate, a partnership approach to dealing with enforcement matters concerning licensed premises. This may include working with the Gambling Commission, Police Authority, or any of the other responsible authorities under the Gambling Act 2005, or working with colleagues from other council departments or outside agencies.

PART C**PREMISES LICENCES****9. General Principles**

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

9.2 In accordance with s153 of the Act, when considering any application (save for Casino premises as per s166), we will 'aim to permit' licence applications (subject to the mandatory and default conditions) unless there is evidence of a particular risk to the licensing objectives thereby either requiring the imposition of additional conditions, or that the application be refused.

Decision-making

9.3 We are aware that in making decisions about premises licences we should aim to permit the use of premises for gambling in so far as we think it is:

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

9.4 It is appreciated that as per the Gambling Commission's Guide to Licensing Authorities the following are not valid reasons for rejection:-

- Moral objections;
- Unmet demand;
- Any irrelevant matters.

9.5 We will also have regard to the Gambling Commission's guidance on ensuring that betting is the primary activity of a licensed premises. Gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. Operators will need to demonstrate that betting will continue to be the primary activity of the premise when seeking variations to licences.

9.6 In making this determination, we will have regard to the six indicators of betting as a primary gambling activity:

The offer of established core products (including live event pictures and bet range);

- The provision of information on products and events;
- The promotion of gambling opportunities and products;
- The actual use made of betting facilities;

- The size of premises;
- The delivery of betting facilities.

9.7 **Definition of premises** - In the Act, "premises" is defined as including "any place". A single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed. The Gambling Commission does not consider that areas of a building that are artificially or temporarily separated, for example, by ropes or moveable partitions, can be properly regarded as different premises.

9.8 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, we will expect to see the following:

- Premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- The third licensing objective seeks to protect children from being harmed by gambling. Children are permitted to be involved in certain types of gambling in particular Category D machines. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling
- Particular attention will be paid to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Specific issues that we will consider before granting such applications, are whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. In addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.
- Customers should be able to participate in the activity named on the premises licence.

9.9 The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates.
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public

passageway?

- Can the premises only be accessed from any other gambling premises?

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

9.11 **The Gambling Commission's relevant access provisions for each premises type are reproduced below:**

9.11.1:

Casinos

- The principal access entrance to the premises must be from a street defined as any bridge, road, lane, footway, subway, square, court, alley or passage whether a thoroughfare or not.
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons.
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises.

Betting Shops

- Access must be from a street as defined above or from another premises with a betting premises licence
- There must be no direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

9.12 The Gambling Commission provides further guidance on this issue, which we will also take into account in its decision-making.

9.13 **Premises “ready for gambling”**

A licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied is going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

Operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits. Such cases should be considered in a two stage process; first, licensing authorities must decide whether, as a matter of substance after applying the principles in s.153 of the Act, the premises ought to be permitted to be used for gambling; second, in deciding whether or not to grant the application a licensing authority will need to consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

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

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

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that we are entitled to decide that it is appropriate to grant a licence subject to conditions, but we are not obliged to grant such a licence.

More detailed examples of circumstances in which such a licence may not be granted can be found in the Guidance.

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

9.15 **Location** – we are aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives is relevant to our decision making. As per the Gambling Commission’s Guidance to licensing authorities, we will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome. A Local area risk map is attached at Appendix F however local risk assessments should reflect this.

9.16 **Planning:**

The Gambling Commission’s Guidance to Licensing Authorities states:

In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

We will not take into account irrelevant matters as per the above guidance. In addition we note the following excerpt from the Guidance:

When dealing with a premises licence application, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

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

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

- 9.19 Section 7 of the Gambling Commission Guidance to Licensing Authorities sets out considerations that an operator must make in order to protect children and young people from accessing gambling premises.

The Licence Conditions and Codes of Practice (LCCP) prescribe how operators must prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are licensed. A number of matters should be considered in particular operators must ensure that;

- all staff are trained,
- that all customers are supervised when on gambling premises
- must have procedures for identifying customers who are at risk of gambling related harm.

- 9.20 The Council will expect all operators to have policies and procedures in place as required by the LCCP codes on social responsibility to cover all aspects of the code, in particular staff training records and self-exclusion records.

- 9.21 Further provisions with regard to self-exclusion and marketing are included in the social responsibility code. The council will take all conditions and codes into account when considering applications or performing enforcement activities.

See Part 4 of this policy statement for further details and on the council's requirements in relation to the LCCP.

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

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

- 9.23 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures we will consider, such as the use of supervisors, appropriate signage for adult only areas, supervision of adult gaming machines etc.

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

- 9.24 We will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

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

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- physical barriers to segregate areas should not impede the escape routes from that or other areas

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

9.27 We are aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, we will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

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

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.
- All premises licences shall by virtue of section 183 of the Act be subject to the condition that premises shall not be used to provide facilities for gambling on Christmas Day.

9.29 **Door Supervisors** - The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised

access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premise licence condition to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary.

It is noted that door supervisors at casinos and bingo premises are not required to be licensed by the SIA. Where door supervisors are provided at such premises the operator should ensure that any persons employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be by carrying out criminal record checks (DBS checks) and for such staff to receive recognised training.

Only staff directly employed by Casinos and Bingo Clubs have an exemption from SIA registration.

10. Adult Gaming Centre's

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

10.2 We will specifically have regard to the need to protect children and vulnerable persons from being harmed or 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.

10.3 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, we 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.

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

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

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

11. (Licensed) Family Entertainment Centre's

11.1 Licensed Family Entertainment Centres (FEC) are those premises which usually provide a range of amusements such as computer/video games, penny pushers etc. which may have a separate section set aside for adult only gaming machines with higher stakes.

11.2 The Act creates two classes of family entertainment centre (FEC). Licensed FEC's provide category C and D machines and require a premises licence. Unlicensed FEC's provide category D machines only and are regulated through FEC gaming machine permits.

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

11.4 Where category C or above machines are available in premises to which children are admitted then we will expect operators to ensure that:

All such machines are located in an area of the premises separate from the remainder of the premises by physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar will not suffice and we may insist on a permanent barrier of at least 1 metre high;

Only adults are admitted to the area where the Category C machines are located;

Access to the area where the machines are located is supervised at all times;

The area where the machines are located is arranged so that it can be observed by staff 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 the age of 18.

11.5 We will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

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

- 11.6 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 11.7 We will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. We will have regard to any published mandatory or default conditions on these premises licences.

12. **Casinos**

- 12.1 Section 7 (1) of the Act states that "a casino is an arrangement whereby people are given an opportunity to participate in one or more casino games". Casino games are a game of chance which is not equal chance gaming. Equal chance gaming is gaming which does not involve playing or staking against a bank, and where the chances are equally favourable to all participants.

No Casinos resolution – Bury 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 we decide in the future to pass such a resolution, we will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

13. **Bingo premises**

- 13.1 The Gambling Act 2005 does not contain a definition of Bingo. It is to have its ordinary and natural meaning and the Act does stipulate that "bingo" means any version of that game, irrespective of how it is described. Two types of bingo may be offered:

- Cash bingo, where the stakes paid make up the cash prize that's won; or
- Prize bingo, where various forms of prizes are won, not directly relating to the stakes placed.

Under the Act, the holder of a bingo operating licence will be able to offer any type of bingo game, whether cash or prize. Therefore, a premises with a bingo premises licence, or a casino premises licence (where the operator holds bingo as well as a casino operating licence) will be able to offer bingo in all its forms.

- 13.2 We note that the Gambling Commission's Guidance states:

Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

We also note the Guidance regarding the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate eight category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

We also note the Guidance regarding the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises.

Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use, these must be separated from areas where children and young people are allowed.

The Code of Practice for Equal Chance Gaming in Clubs and premises with an alcohol licence can be found on the Gambling Commission website. This details specific provisions for bingo relating to maximum stakes and prizes without the need for a commercial Bingo Operators Licence.

13.3 We will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

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

14. Betting premises

14.1 Betting Premises are premises such as bookmakers where various types of gambling are authorised to take place.

14.2 The Act contains a single class of licence for betting premises. However, within this single class of licence, there are different types of premises which require licensing, for instance – off course betting (i.e. licensed betting offices) and betting offices on tracks.

We 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 us, for example that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises.

14.3 *Betting machines* – We 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, when considering the number/nature/circumstances of betting machines an operator wants to offer.

14.4 We have discretion as to the number, nature and circumstances of the use of betting machines, we will consider limiting the number of machines

only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, we may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.

- 14.5 We will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.
- 14.6 We recognise that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give us a single named point of contact, who should be a senior individual, and whom we will contact first should any compliance queries or issues arise.”
- 14.7 We will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:
- CCTV;
 - Supervision of entrances / machine areas;
 - Physical separation of areas;
 - Location of entry;
 - Notices / signage;
 - Specific opening hours;
 - Self-barring schemes;
 - Provision of information leaflets / helpline numbers for organisation’s such as GamCare;
 - Measures / training for staff on how to deal with suspected truant school children on the premises.
 - Proof of age schemes

15. Tracks

- 15.1 Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (i.e.: “totalisator” or “tote”) and also general betting (i.e.: “fixed odds” betting).
- 15.2 We are aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission’s Guidance, we will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 15.3 We will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are

still prevented from entering areas where gaming machines (other than category D machines) are provided.

15.4 We will expect applicants to offer their own measures to meet the licensing objectives, however appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare;
- Requirements that children must be accompanied by an adult.

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

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

15.6 *Betting machines* – We will, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

15.7 Condition on rules being displayed –We will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in a leaflet form the track office.

Applications and plans

15.8 The Gambling Act requires applicants to submit plans of the premises with their application, in order to ensure that we have the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for us to plan future premises inspection activity.

15.9 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

15.10 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises

licence holders may erect temporary structures to restrict access to premises.

15.11 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

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

16. Travelling Fairs

16.1 The Act defines a travelling fair as "a fair consisting wholly or principally" of the provision of amusements and a fair held on a day in a calendar year is a travelling fair" if provided—

(i) wholly or principally by persons who travel from place to place for the purpose of providing fairs, and

(ii) at a place no part of which has been used for the provision of a fair on more than 27 days in that calendar year.

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

16.3 We will also consider whether the application falls within the statutory definition of a travelling fair.

16.4 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. We will work with neighboring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded. In any event neighboring authorities will be consulted to ensure best practice and consistency is applied.

17. Provisional Statements

17.1 Developers may wish to apply to for provisional statements before entering into a contract to buy or lease property or land, to judge whether a development is worth taking forward in light of the need to obtain a

premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

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

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

17.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

17.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

17.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

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

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

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and we note that we can discuss any concerns we have with the applicant before making a decision.

18. Reviews

18.1 A review is a process defined in the legislation which ultimately leads to a licence being reassessed by the Licensing and Safety Panel with the possibility that the licence may be revoked, suspended or conditions be amended or new conditions added.

18.2 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority

to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

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

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

18.4 We can also initiate a review of a particular premises licence on the basis of any reason which we think is appropriate.

18.5 Once a valid application for a review has been received by us, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by us, and we will publish notice of the application within 7 days of receipt.

18.6 We must carry out the review as soon as possible after the 28 day period for making representations has passed.

18.7 The purpose of the review will be to determine whether we should take any action in relation to the licence. If action is justified, the options open to us are:-

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

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

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

18.10 Once the review has been completed, we must, as soon as possible, notify our decision to:

- the licence holder;
- the applicant for review (if any);
- the Commission;
- any person who made representations;

- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs.

**PART D
PERMITS/TEMPORARY & OCCASIONAL USE NOTICES**

19. Permits

Permits regulate gambling and the use of gaming machines in a premise which does not hold a premises licence. They are required when a premise provides gambling facilities but either the stakes are very low or gambling is not the main function of the premises

We are responsible for issuing the following permits:

- Unlicensed family entertainment centre gaming machine permits;
- Alcohol-licensed premises gaming machine permits;
- Prize gaming permits;
- Club gaming permits and club machine permits.

We can only grant or reject an application for a permit and cannot attach conditions. Therefore we will consider a number of factors before determining an application for a permit to ensure that the permit holder and the premises are suitable for the proposed gambling activities.

20. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

20.1 The term unlicensed family entertainment centre is defined in the Act and refers to a premise which provides category D gaming machines along with various other amusements such as compute games and "penny pushers". The premise is unlicensed in that it does not require a premises licence but does require a permit to be able to provide category D machines.

20.2 Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

20.3 In determining the suitability of an applicant for a permit we may have regard to the licensing objectives and we shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance for licensing authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits, licensing authorities will want to give weight to child protection issues."

20.4 An application for a permit may be granted only if the licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief of police has been consulted on the application. Licensing authorities might wish to consider asking applicants to demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;

- That the applicant has no relevant convictions (those set out in schedule 7 of the Act; and
- That staff are trained to have a full understanding of the maximum stakes and prizes (24.9)

It should be noted that a licensing authority cannot attach conditions to this type of permit.

20.5 We will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on its merits, however, they may include:

- appropriate measures / training for staff as regards suspected truant school children on the premises,
- measures / training covering how staff would deal with unsupervised very young children being on the premises,
- or children causing perceived problems on / around the premises.

21. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

Automatic entitlement: 2 machines

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

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

21.2 We will expect operators to:

- Be aware of the rules concerning exempt gaming on their premises;
- Have a clear understanding of limits on stakes and prizes;
- To keep records of age verification procedures;
- Supervise areas where gaming machines are sited.

For more details see the Gambling Commissions Code of Practice for Equal Chance Gaming in clubs and premises with an alcohol licence.

Permit 3 or more machines

21.3 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and *"such matters as they think relevant."*

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

Where premises are applying for additional machines these would normally be granted where the premises comply with the Gambling Commission's Code of Practice. An application for a permit for up to four machines would normally be considered by Officers without the need for a hearing.

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

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

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

It should be noted that the Gambling Commission Guidance to Licensing Authorities explains that low level gaming is lawful in alcohol licensed premises within defined limits.

22. Prize Gaming Permits

22.1 Section 288 defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Prizes are determined by the operator before play commences.

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

- 22.3 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”.
- 22.4 The applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations;
 - that the gaming offered is within the law;
 - Clear policies are in place that outline the steps to be taken to protect children from harm.
- 22.5 In making its decision on an application for this permit, the licensing authority does not need but may have regard to the licensing objectives but must have regard to any Gambling Commission guidance (Gambling Act 2005, Schedule 14 paragraph 8(3)).
- 22.6 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

23. Club Gaming and Club Machines Permits

- 23.1 Members Clubs and Miners’ welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D)

Commercial clubs may not site category B3A gaming machines offering lottery games in their clubs.

- 23.2 Members Clubs and Miner’s welfare institutes (But not commercial clubs) may apply for a Club Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

Equal chance gaming and games of chance as set out in forthcoming regulations.

We note that the Gambling Commission's Guidance states:

The Licensing Authority has to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit. In doing so it will take account a number of matters as outlined in the Gambling Commission's Guidance. These include the constitution of the club, the frequency of gaming, and ensuring that there are more than 25 members.

The club must be conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.

23.3 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:

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

23.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure.

As the Gambling Commission's Guidance for licensing authorities' states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." "The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

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

24. Temporary Use Notices

- 24.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 24.2 The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.
- 24.3 Gambling Act 2005 (Temporary Use Notices) Regulations 2007 (SI 2007/3157) – sets out the restrictions on the type of gambling to be offered under a TUN. These restrictions are:
- it can only be used to offer gambling of a form authorised by the operator's operating licence, and consideration should therefore be given as to whether the form of gambling being offered on the premises will be remote, non-remote, or both;
 - gambling under a TUN may only be made available on a maximum of 21 days in any 12 month period for any or all of a named set of premises;
 - it can only be used to permit the provision of facilities for equal chance gaming, and where the gaming in each tournament is intended to produce a single overall winner;
 - gaming machines may not be made available under a TUN..
- 24.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises". As with "premises", the definition of 24.4 "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".
- 24.5 In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 24.6 We expect to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

25. Occasional Use Notices (OUN)

- 25.1 The intention behind occasional use notices is to permit licensed betting operators (with appropriate permission from the Gambling Commission) to use tracks for short periods for conducting betting where the event upon which the betting is to take place is of a temporary, infrequent nature. The occasional use notice dispenses with the need for betting premises licences for the track in these circumstances.
- 25.2 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is

not exceeded. We will consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice. We will also ensure that no more than 8 OUNs are issued in one calendar year in respect of any venue.

26. Small Society Lotteries

26.1 We will adopt a risk based approach towards enforcement regarding responsibilities for small society lotteries. We consider 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.

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

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

Charities and community groups should contact us on 0161 253 5208 within working hours to seek further advice.

PART 4 Licence Conditions & Codes of Practice (LCCP)

27. The Gambling Commission Licence Conditions and Codes of Practice (LCCP) were updated in January 2018 with the changes effected from 4 April 2018.

This version of the LCCP includes changes relating to society lotteries and information requirements consulted on in 2017.

Full details of the LCCP can be found at www.gamblingcommission.gov.uk.

The LCCP contains two types of code provision:

Social Responsibility Code Provisions: Compliance with these is a condition of licences

Ordinary Code Provisions: these do not have the status of operator licence conditions but set out good practice.

Society Lottery Changes – Overview

Societies and External Lottery Managers (ELMs) should do more to provide consumers with more information on the lottery they are participating in, and

how much of their stake is returned to support the aims and objectives of the promoting society.

Topic	Code provision number	Change	Summary of change please refer to LCCP for the full provision	Comments
Low frequency lotteries	SR 3.2.13	Amended provision	We are updating the definition of 'low frequency lottery', which already appeared in this code provision to make clear that it includes those lotteries offered by local authorities.	Includes a summary of the operators to which the provisions apply – consult LCCP for the full explanation Applies to all remote lotteries
Publication of lottery proceeds	SR 4.3.1	New provision	We have added a new social responsibility code provision to require operators to publish the proportion of lottery proceeds returned to the purposes of the society or local authority.	Applies to all lotteries

27.1 We will expect external lottery managers to provide consumers with clear information as detailed in the LCCP

28. Risk Assessments

28.1 Such risk assessments are required from new applicants, and from existing premises licences seeking to vary a licence and are to be presented to the licensing authority upon application. The code requires all operators of; Casino's, AGC's, Bingo Premises, FEC's, Betting shops and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures and control measures in place to mitigate those risks.

28.2 Operators are required by the SR code to make the risk assessment available to licensing authorities when an application is submitted either for new premises licence or variation of a premises licence, or otherwise on request, and this will form part of the council's inspection regime and may be requested when officers are investigating complaints.

28..3 The code requires the Council to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this

council expects the following matters to be considered by operators when making their risk assessment.

- Information held by the licensee regarding self-exclusions and incidences of underage gambling;
- Gaming trends that may reflect benefit payments;
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends;
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall;
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities;
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.

28.4 The council expects the following matters to be considered by operators when making their risk assessment.

Matters relating to children and young persons, including;

- Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas etc.;
- Any premises where children congregate including bus stops, café's, shops, and any other place where children are attracted;
- Areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking, etc.;
- Recorded incidents of attempted underage gambling.

Matters relating to vulnerable adults, including;

- Information held by the licensee regarding self-exclusions and incidences of underage gambling;
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments;
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends;
- Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc.

28.5 Other issues that may be considered could include:

Matters of faith, including all religious or faith denominations including proximity to churches, mosques, temples or any other place of worship.

This list is not exhaustive and other factors not in this list that are identified must be taken into consideration.

28.6 We will expect all risk assessments to be kept on site on the premises and available for inspection upon request

29. **Local Area Profile**

The Council has considered the local area profile and feels the main issues will be covered by the risk assessments required under the LCCP however should we produce a Local Area Profile this will be a separate document to this Policy as it will need to be regularly reviewed in light of changes.

**APPENDIX A
CONSULTEES**

British Beer & Pub Association
HM Customs & Excise
Gamblers Anonymous
Be Gamble Aware
Greater Manchester Fire & Rescue Service
Chief Constable
The Lotteries Council
The Bingo Association
Association of British Bookmakers
Casino Operators Association of the UK (COA (UK))
Business in Sport and Leisure
BACTA
British Casino Association (BCA)
Security Industry Authority
Remote Gambling Association
Responsibility in Gambling Trust
Gambling Commission
TOTE
Ladbrokes Plc
William Hill
Paul Deans Bookmakers Ltd
Betfred
British Holiday and Home Parks Association
Club and Institute Union
Society of Independent Brewers
Nobles Amusements
The Rank Group Plc
Leisure Link
Gamestec Leisure Ltd
Gala Coral Group Ltd
George Bet Centre's Ltd
Punch Taverns
Children's Safeguarding Board
Limelight Amusements
Salvation Army
Six Town Housing
TRACC
Holder's of existing licences/registrations within the Borough of Bury
Planning, Environmental Health, Health & Safety, Pollution and Weights & Measures Sections.
Representatives of Bury Faith Forum

**APPENDIX B
RESPONSIBLE AUTHORITIES**

Any application must be sent to:

**Licensing Unit Manager
Bury MBC
Licensing Office
3 Knowsley Place
Duke Street
Bury BL9 OEJ**

Copies of a notice as prescribed by the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 must also be sent to the following responsible authorities:

**The Fire Safety Manager
Greater Manchester Fire & Rescue Service
Bury Fire Station
Chamberhall Business Park
Magdalene Road
Bury BL9 0ES**

**HM Customs and Revenue
National Registration Unit
21 India Street
Glasgow G2 4PZ**

**Bury Safeguarding Partnership
18-20 St Mary's Place
Bury, BL9 0DZ**

**Head of Service
Planning Division
Knowsley Place
Duke Street
Bury
BL9 0EJ**

**The Licensing Officer
Greater Manchester Police
Dunster Road
Bury
BL9 0RD**

**Environmental Health
Health & Safety, Pollution
Knowsley Place
Duke Street
Bury
BL9 0EJ**

**Head of Service
Trading Standards and Licensing**

**Knowsley Place
Duke Street
Bury
BL9 0EJ**

**Gambling Commission
Victoria Square House
Victoria Square,
Birmingham
B2 4BP**

APPENDIX C
BURY METROPOLITAN BOROUGH COUNCIL SCHEME OF DELEGATION

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Final approval of three year licensing policy	x		
Policy not to permit casinos	x		
Fee setting (when appropriate)			X
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		x	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		x	
Application for other permits			x
Cancellation of licensed premises gaming machine permits			x
Consideration of temporary use notice			x
Decision to give a counter notice to a temporary use notice		x	

Appendix D

Title: Bury position statement on gambling
Author: Jon Hobday, Consultant in Public Health
Date: 13th July 2017

Background

There is increasing awareness about harmful gambling and its impact on families and local communities, as well as the individuals directly harmed by it. The prevalence of high stakes betting machines on high streets; the significant increase in gambling advertising since the introduction of the Gambling Act over a decade ago; and the rise in online gambling have all contributed to societal concern about gambling in the UK and the harm that can be associated with it. The recent Government announcement that it proposes to reduce maximum stakes on Fixed Odds Betting Terminal (FOBT) machines to £2 is extremely welcome news, with the LGA and others having long argued that the £100 stake was too high. But it is just one step among many more that need to be taken to prevent and address harmful gambling.

Harmful gambling is increasingly cited as a public health issue which requires a broad response; that is to say, traditional approaches that focus on single interventions do not tend to work at a population level. Harmful gambling is a complex problem with a large number of different but often interlinked factors - no single measure is likely to be effective on its own in addressing it.

Councils will be coming into contact with people impacted by problem gambling through a range of services, including housing and homelessness, financial inclusion, children's services and addiction services. Yet few, if any, councils have data on where problem gambling has been a contributory or additional factor in these cases, and we are only just starting to take full advantage of the support that is currently available for problem gambling through the third sector-led treatment system.

Harmful gambling is defined as any type of repetitive gambling that disrupts or damages personal, family or recreational pursuits. It can have many and varied impact, including on an individual's physical and mental health, relationships, housing and finances, and affect a wide range of people, such as families, colleagues and wider local communities.

Evidence suggests that certain groups are more vulnerable to problem gambling including children and young people, people with mental health issues, certain minority ethnic groups, the unemployed, homeless people, those with low intellectual functioning, people with financially constrained circumstances and those living in deprived areas.

Council's responsibilities

Councils are not responsible for providing treatment for harmful gambling, but there is a range of ways in which different services can seek to support local residents and families who are affected by it. District and unitary (licensing) authorities have a statutory role regulating local gambling premises and various tools to try to prevent gambling related harm occurring in premises: developing maps highlighting locally specific gambling risks; repairing local licensing policies setting out

expectations of gambling businesses, and undertaking compliance visits to assess whether they are meeting these expectations. Planning teams may also be able to play a role in relation to local gambling premises.

Beyond licensing and planning teams, many council service areas will be coming into contact with people experiencing or impacted by harmful gambling, including children's, family and adult services, treatment services, homelessness and wider housing services and financial inclusion services.

Councils should ensure that frontline staff are provided with training on harmful gambling so they recognise potential cases: there is a significant opportunity for these staff to help local residents access support by signposting to the national treatment network via the National Gambling Helpline. Councils can also seek to work with local partners and build links with support organisations to help develop specific local referral pathways and ensure these can be accessed from across the full range of local services. As frontline awareness and identification of harmful gambling develops, councils should ensure they capture data about it, to help understand the extent of harmful gambling, impacts and costs associated with it.

The research found evidence that the following groups are more vulnerable:

- Children, adolescents and young adults (including students)
- People with mental health issues, including those experiencing substance abuse issues (Problem gambling is often 'co-morbid' with these substance addictions)
- Individuals from certain minority ethnic groups, such as Asian/Asian British, Black/Black British and Chinese/other ethnicity
- The unemployed
- The homeless
- Those with low intellectual functioning
- Problem gamblers seeking treatment
- People with financially constrained circumstances
- Those living in deprived areas.

A range of issues can be associated with being a problem gambler these include:

- Unexplained joint / muscle pains
- Heart palpitations
- Breathing difficulties
- Sleep disturbances/ insomnia
- Increased blood pressure
- Headaches
- Anxiety / depression
- Narcissistic presentations
- Self harm and suicidality
- Confusion
- Substance misuse
- Feelings of stigma/shame
- Domestic violence/ abuse
- Relationship difficulties and breakdown
- Loss of trust

- Loneliness
- Social isolation
- Neglect / abandonment
- Anti-social behaviour
- Poor concentration
- Money/debts
- Housing issues
- Work / school problems
- Reduced productivity
- Criminality
- Use of food banks

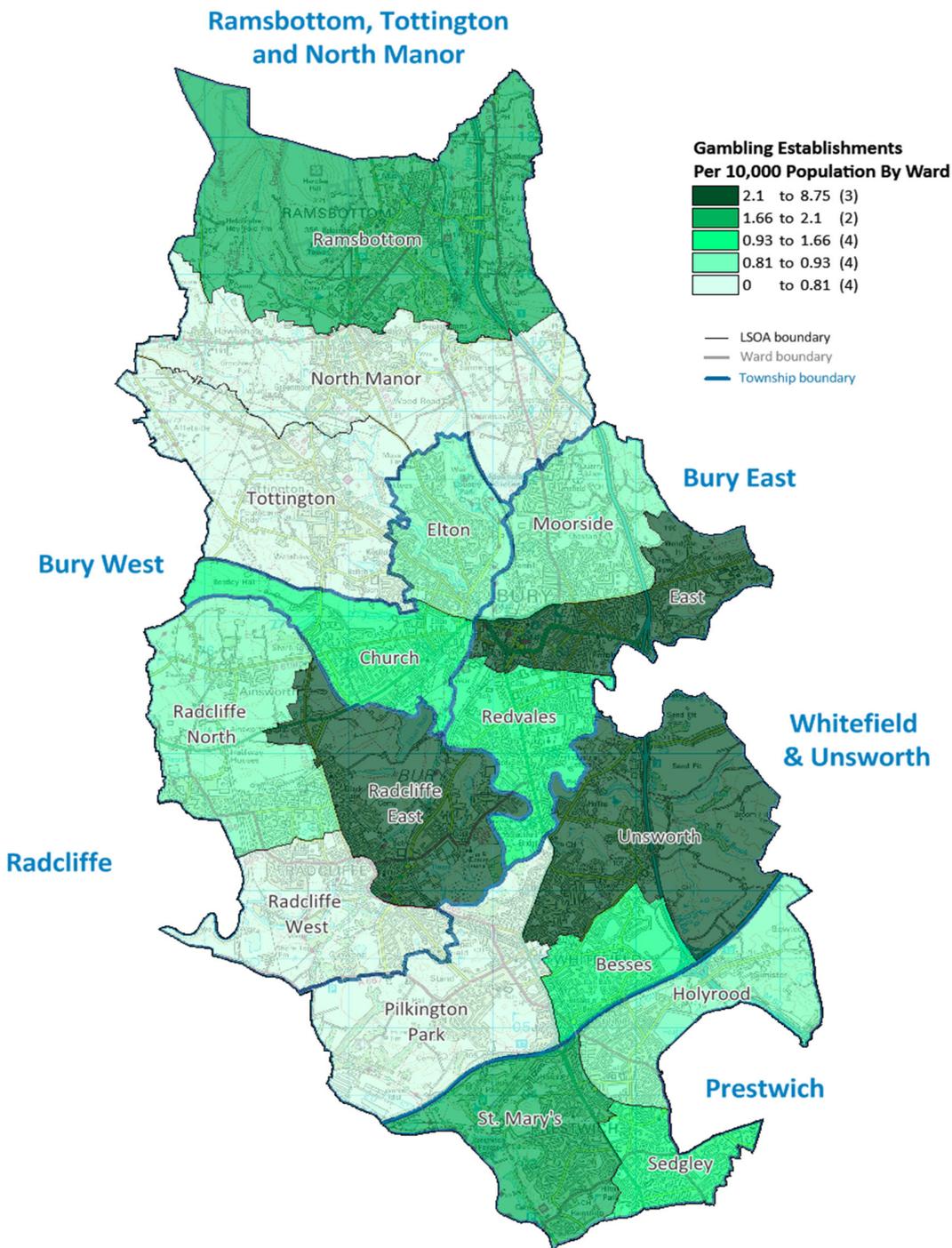
The position in Bury

Bury has 30 licensed premises distributed across the following wards

Ward	No of Premises
East	10
Radcliffe East	4
Unsworth	2
St. Marys	2
Ramsbottom	2
Redvales	2
Sedgley	2
Church	1
Besses	1
Radcliffe North	1
Holyrood	1
Elton	1
Moorside	1
North Manor	0
Pilkington Park	0
Radcliffe West	0
Tottington	0
Total	30

Figure 1

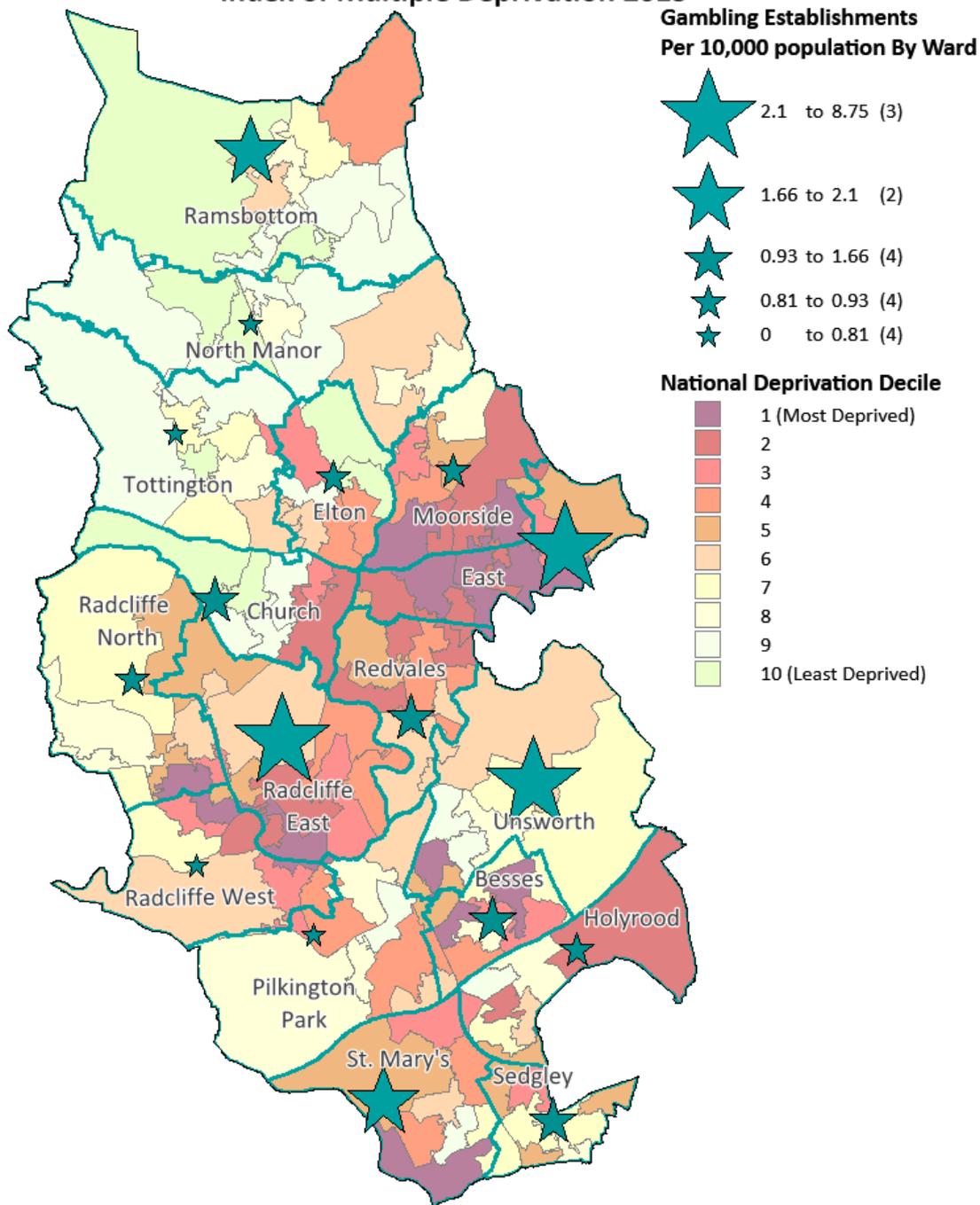
Gambling Establishments per 10,000 population By Ward



Data Source: IMD 2015, DCLG
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 Ordnance Survey 100023063

Figure 2

Gambling Establishments per 10,000 population By Ward And Deprivation in Bury Index of Multiple Deprivation 2015



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Ordnance Survey 100023063

As can be seen by the map the rate of gambling establishments in each ward directly correlates to the level of deprivation (i.e. the rate of gambling establishments are highest in the most deprived areas).

Numbers of problem gamblers in Bury Council

Based on national projections **3.6%** of the over 16 population are at low or moderate risk based on their gambling this is equivalent to **5733** at risk gamblers.

In addition national evidence suggests **0.7%** of the population over 16 are identified as problem gamblers which equates to **1056** people in Bury.

Local Support Services

Gamblers Anonymous Manchester

Offers help and support in the diagnosis and the recovery from gambling. Also offers a Gamron service that holds meetings for partners of gamblers.

Bank Street, Bolton, BL1 1TS

[Website](#)

[Remove from My Shortlist](#)

Ocean Recovery Centre

Ocean Recovery is an alcohol and drug rehabilitation centre. We provide services to addicts wishing to attain recovery. Services we provide are divided into two areas: detoxification and rehabilitation. Rehabilitation typically includes counselling and therapy sessions. We are qualified to treat behavioural addictions such as...

94, Queens Promenade, Lancashire, FY2 9NS

0125 353 0553



[Email](#)

[Website](#)

[Remove from My Shortlist](#)

Rehab - The Priory Highbank Centre - Bury

The Priory Group of Companies has established an unrivalled reputation for delivering a real and lasting difference for its service users. Priory currently treats more than 70 different conditions through a nationwide network of over 450 facilities.

The Priory Group is made up of a comprehensive...

Walmersley House, Walmersley Road, Lancashire, BL9 5LX

01706 829 540

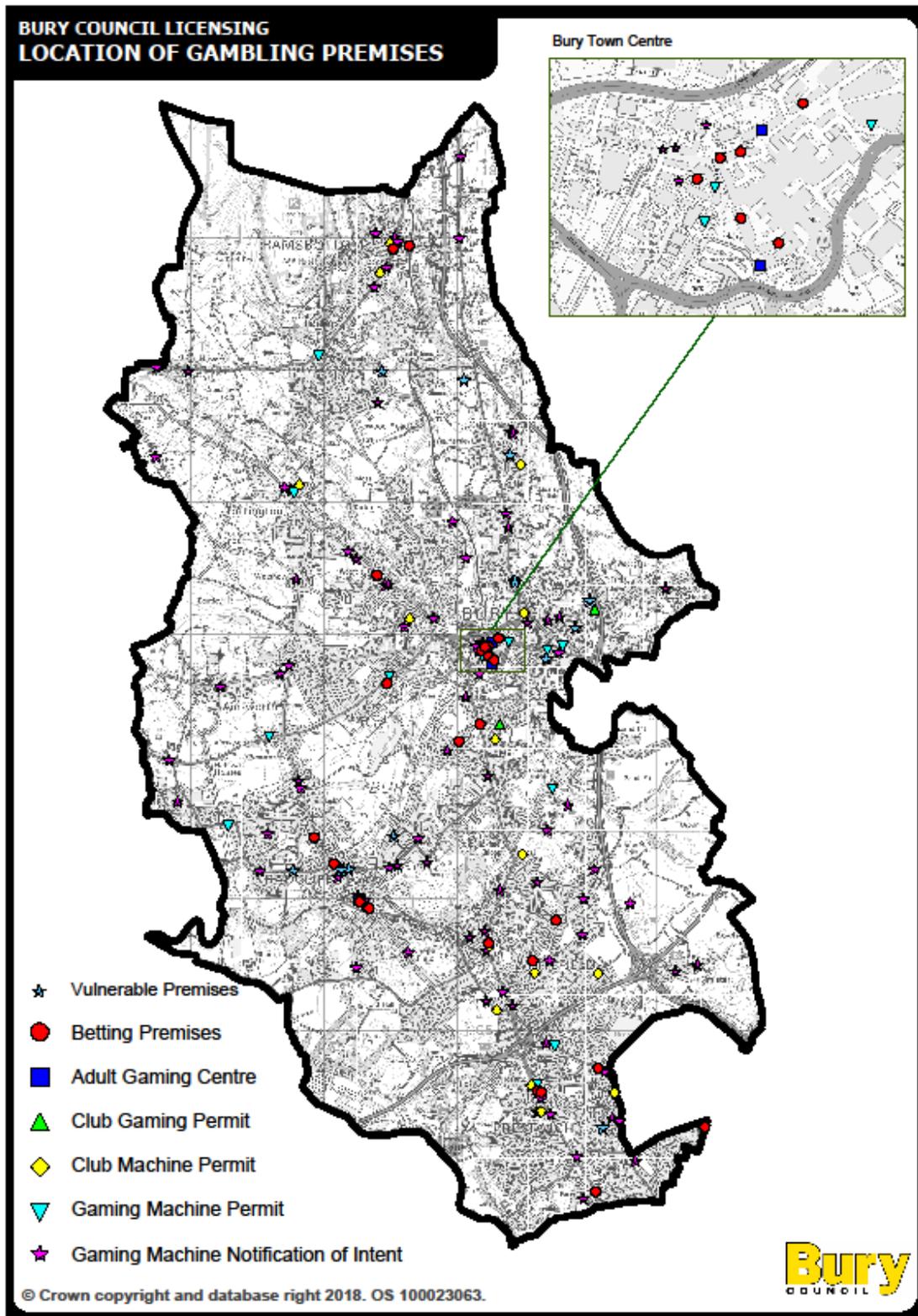
[Email](#)

[Website](#)

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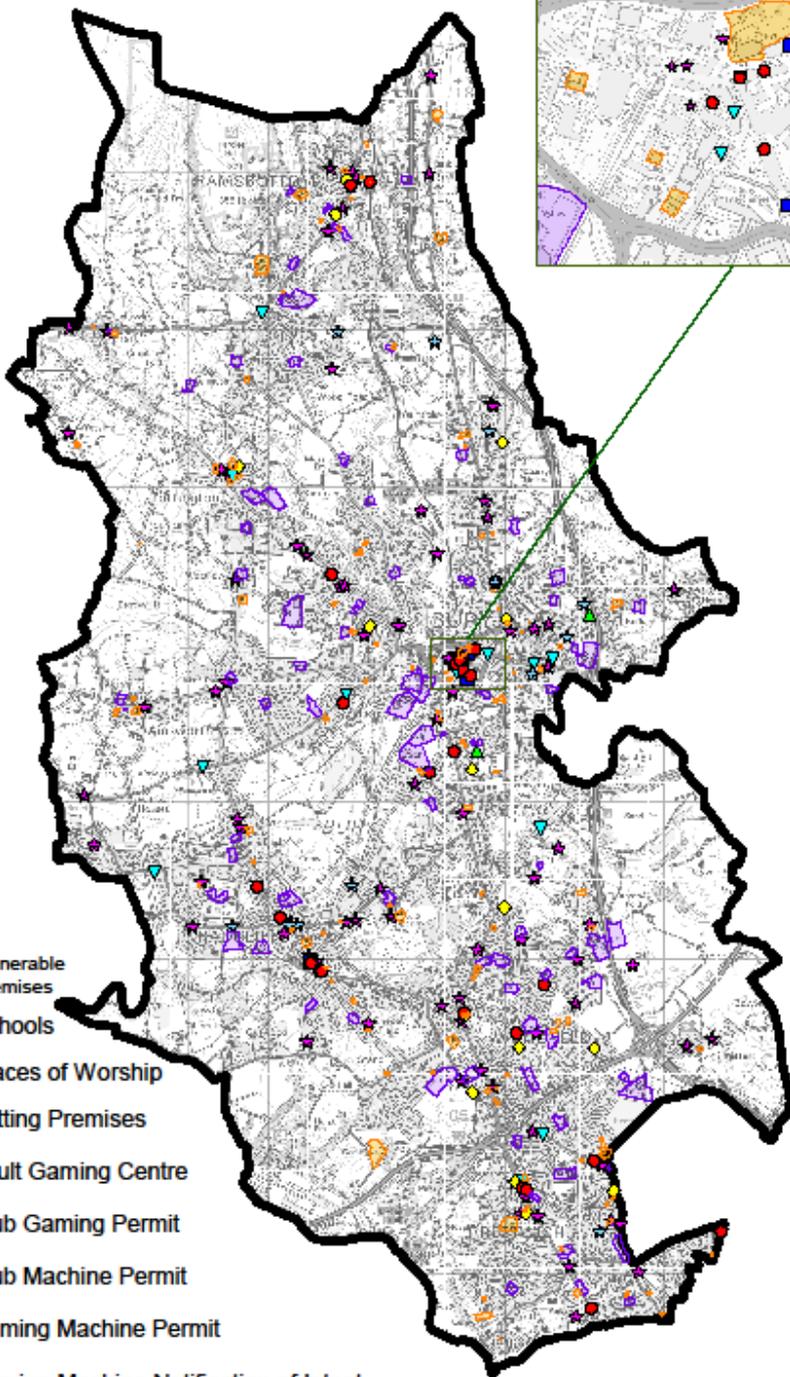
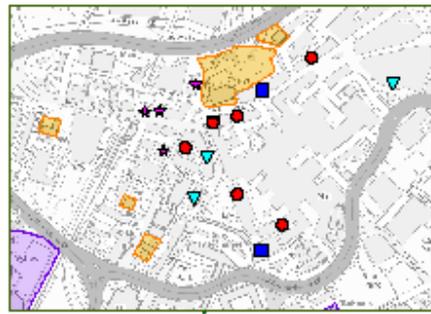
Recommendations

Any application for new gambling establishments should be considered based on the current distribution of gambling venues across Bury and what is known about groups which are at increased risk (i.e. the more deprived



**BURY COUNCIL LICENSING
LOCATION OF GAMBLING PREMISES**

Bury Town Centre



- ★ Vulnerable Premises
- Schools
- Places of Worship
- Betting Premises
- Adult Gaming Centre
- ▲ Club Gaming Permit
- ◆ Club Machine Permit
- ▼ Gaming Machine Permit
- ★ Gaming Machine Notification of Intent

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Classification	Item No.
Open	



Meeting:	Licensing & Safety Committee / Full Council
Meeting date:	11 November 2021 – Licensing and Safety Committee 24 November 2021 – Full Council
Title of report:	Common Minimum Licensing Standards
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	All

Executive Summary:

This report outlines the work that has been undertaken by the Greater Manchester Licensing Network, Transport for Greater Manchester and Bury Council in relation to Common Minimum Licensing Standards for hackney carriage and private hire vehicle licensing. It details the consultation that has taken place and feedback and comments received. The standards detailed in the report relate to licensed drivers, licensed private hire operators and the local authority and the proposals and recommendations made in the report are designed to ensure a safe, visible, accessible and high-quality hackney and private hire service.

Recommendations

- To adopt the recommendations presented in Section 4 (Lead Officer Recommendations) for each proposed standard for implementation by a time determined by the Licensing & Safety Committee, unless an alternative date is specified, or a further report is required, except for Vehicle Proposed Standard 5 in relation to Vehicle Livery.
- In relation to Vehicle Proposed Standard 5 (Vehicle Livery), Bury Council have carried out further consultation with taxi drivers and operators and following this

recommend that the Council implements the following GM livery standards proposed:

That all vehicles will:

- display permanently affixed licence plates on the front and back of the vehicle

That all PHVs will:

- only display stickers provided by the licensing authority (at cost) which will bear the operator name and phone number, 'advanced bookings only', 'not insured unless pre-booked' and the licensing authority logo (the design, dimensions and placement of the stickers on the vehicle is to be determined at a future date)
- display those stickers on both rear side doors and the back window
- not use any magnetic stickers

Any decision regarding the implementation of the proposed 'GM approved' bonnet sticker will be delayed for a period of 2 years while more work is carried out with the trade and GMP to address the concerns raised by the trade relating to antisocial behaviour.

Existing vehicle livery standards in Bury will be retained until the new GM livery design, dimensions and placement are confirmed and procured. Ahead of the changes, the existing livery standards will be reviewed to accommodate the GM livery. A further update report will be presented to the Licensing and Safety Committee.

1.0 Introduction

1.1 Background

Around 2,000 hackney vehicles, approximately 11,500 private hire vehicles and upwards of 18,600 drivers are currently licensed across the ten Greater Manchester Authorities. Whilst there are many similarities in terms of policy standards and licence conditions, there are also significant differences, particularly when it comes to policies relating to the licensing of vehicles, the calculation of licensing fees and the approach to proactive compliance.

In 2018, Greater Manchester's ten local authorities agreed to collectively develop, approve and implement a common set of Minimum Licensing Standards (MLS) for taxi and private hire services.

At that time, the primary driver for this work was to ensure public safety and protection, but vehicle age and emission standards in the context of the Clean Air and the decarbonisation agendas are now also major considerations. In addition, by establishing standards around common vehicle specifications, MLS

is an important mechanism that permits the systematic improvements to taxi and private hire service across Greater Manchester and their visibility.

This approach stands to benefit drivers and the trade more widely as public confidence in a well-regulated and locally licensed taxi and private hire sector grows and will contribute directly to better air quality and lower carbon emissions. By establishing and implementing Greater Manchester-wide MLS, the 10 licensing authorities can help to ensure that all residents and visitors see these services as safe and reliable, and preferable to those not licensed by Greater Manchester local authorities.

This collaborative approach seeks to establish basic and GM MLS in key areas, whilst allowing Districts to exceed these minimums where they consider this to be appropriate. As licensing is a local authority regulatory function, the Standards have been devised by the GM Licensing Managers Network who work in partnership across Greater Manchester to drive innovation, partnership and change agendas. MLS is also related to other key Greater Manchester priorities, most notably the GM Clean Air Plan and decarbonisation strategies, hence TfGM has been supporting the development of MLS ensuring it complements wider objectives.

Ultimately the collaborative approach that MLS represents will help achieve the vision of Taxis and Private Hire as a crucial part of the overall transport offer; a strong, professional and healthy taxi sector that can deliver safe and high-quality services to residents and visitors across the whole of Greater Manchester. The proposed MLS, together with funding from the GM Clean Air Plan, will help deliver improved safety, customer focus, higher environmental standards and accessibility.

Local reform through MLS can deliver real improvements across Greater Manchester, but the growth of out-of-area operation undermines local licensing. This gives cause for real concern that vehicles and drivers licensed outside our conurbation (but carrying Greater Manchester residents and visitors) may not be regulated to the high standards GM authorities and the travelling public expect.

In devising these MLS, officers are all too aware that out-of-area operation sets very real limits on what can be achieved within the current regulatory environment. Not all of our policy goals can be achieved in this stage of reform.

And it is in this regard, that Government reform of taxi and private hire legislation remains as critical as ever. Further work to press the case to Ministers and officials for reform is a key part of the overall approach.

1.2 Minimum Licensing Standards

The GM MLS were ready to be consulted on when the Department for Transport published Statutory guidance for taxi and private hire licensing authorities in July 2020. The MLS project has had regard for that guidance, which largely mirrors

what is already proposed across GM, and reference is made in the report where appropriate.

It should be noted however that the Statutory guidance firmly highlights the past failings of licensing regimes in putting public safety at the forefront of their policies and procedures. The guidance asks authorities to have due regard to reviewing its policies thoroughly and considering good practice in the implementation of robust standards that address the safeguarding of the public and the potential impact of failings in this area.

It is with public safety as our primary duty in mind as Licensing Authorities that the MLS are proposed.

Overall, the GM approach looks to provide:

- the public with safe, visible, accessible and high-quality hackney and private hire services.
- the hackney and private hire trades with clarity over what the required standards will be over the long term, and through the GM Clean Air Plan, with unprecedented investment to help renew the fleet.
- local authorities with the continued regulatory role in relation to driver, vehicle and operator licensing whilst retaining scope to exceed the MLS as agreed locally by elected members.

The MLS are divided into four distinct sections as follows:

Licensed Drivers; including criminal records checks, medical examinations, local knowledge test, English language requirements, driver training including driving proficiency and common licence conditions.

Licensed vehicles; including vehicle emissions, vehicle ages, common vehicle colour and livery, vehicle testing, CCTV, Executive Hire and vehicle design common licence conditions.

Licensed private hire operators; including common licence conditions, DBS checks for operators and staff every year, fit and proper criteria for operator applications and common licence conditions.

Local Authority Standards: including application deadlines and targets, GM Enforcement Policy, Licensing Fee Framework, Councillor training requirements and Officer delegations.

- 1.3 As Members will know, due to the breadth of proposals to be considered, the final Standards recommendations have been split into two Stages. Stage 1 standards related to drivers, operators and local authority standards and this Stage 2 report seeks to provide Members with detailed consultation feedback and officer recommendations on the Vehicle Standard proposals.

1.4 Link to the Clean Air Plan

An important element of the overall approach is to provide clarity and long term certainty for vehicle owners, so that they are able to plan the upgrade of their vehicles in a way that meets and contributes positively to GM's Air Quality, Carbon and other environmental obligations.

This will also help ensure that applicants to the £19.7m Clean Taxi Fund (CTF), secured as part of the GM Clean Air Plan, will have a clear understanding of what locally licensed vehicle requirements will be over the longer term, for example in terms of emissions, age and other criteria, so they can determine the best use of the available funds given their specific circumstances. Note that Applicants for the CTF will need to demonstrate that:

- they are the owner/registered keeper of the non-compliant vehicle;
- the non-compliant vehicle is licensed for the purposes of Hackney Carriage or a private hire services with one of the 10 Local Authorities in GM and has been so licensed for not less than twelve (12) uninterrupted consecutive calendar months immediately prior to the date of Application;
- the non-compliant vehicle has been owned by the Applicant for not less than twelve (12) uninterrupted consecutive calendar months immediately prior to the date of Application;

2. **The Consultation**

2.1 Members have already been provided with a summary of the GM wide public consultation that took place between 8 October and 3 December 2020 in the Stage 1 Report.

2.2 For a full breakdown of demographics and to view the complete GM consultation report please visit www.gmtaxistandards.com

2.3 The response breakdown for Bury Council was as follows:
In total, 43 members of the public and 16 private hire drivers commented about the vehicle standards.

Main themes from the public

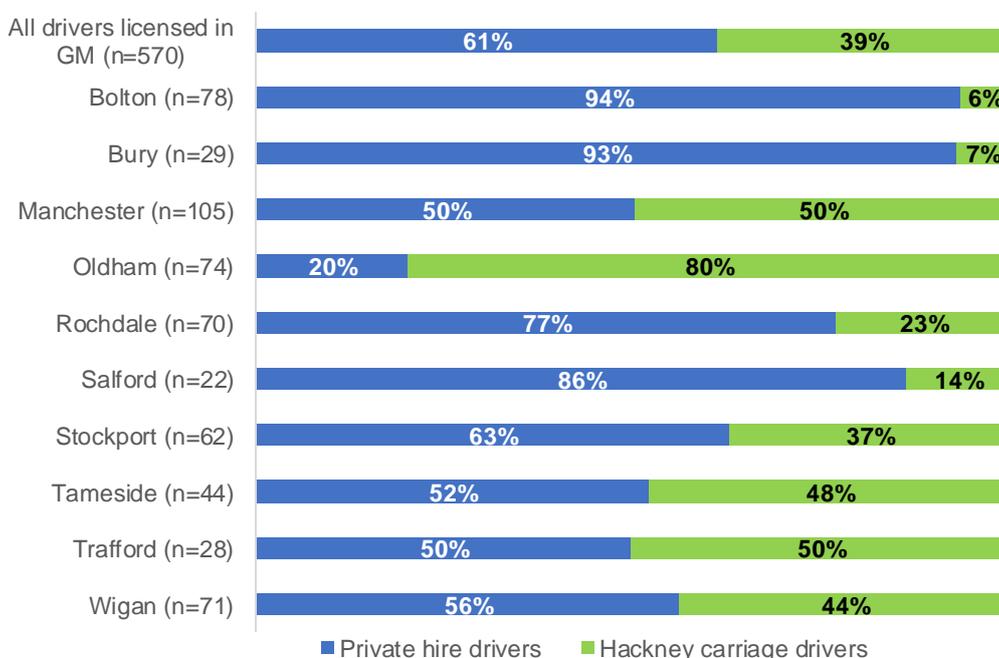
	Number of comments
Vehicle Colour	21
General Comments	9
Vehicle Maintenance and Testing	7
Vehicle Livery	6
Age of Vehicle	6
Accessible vehicles	6

Vehicle Conditions	5
CCTV	4
Vehicle Emissions	4
Vehicle Design	1

Main themes from private hire drivers

	Number of comments
Vehicle Colour	9
Age of Vehicle	7
General Comments	5
CCTV	4
Vehicle Livery	3
Vehicle Conditions	1
Vehicle Maintenance and Testing	1
Executive Hire and specialist vehicles	1

2.4 The following table provides a comparison of driver trade response levels across each of the 10 districts (with numbers on the left column and split shown between Hackney and Private Hire):



2.5 As Members will see, the response rates were generally low across the board, particularly from members of the trades. This isn't uncommon compared to Officers reflections on previous engagement with the trade. At a GM level, there are enough responses to draw conclusions, however, the number of responses in

some sub-groups at district level is small and as such, the data should be treated with caution.

- 2.6 Across GM there were monthly meetings with trade and union representatives to update and reflect on the work being undertaken. Twelve briefings were held for representatives at GM level in MLS and clean air. There were also 25 briefing sessions for all trade sectors affected by clean air and at local level a number of local briefings were held and various communication methods used to notify all affected that consultation was underway including emails, newsletters and contact via operator bases.
- 2.7 It should be noted that the findings of the in-depth interviews and focus groups have been included alongside the findings from the questionnaire, expanding on the findings to provide deeper insight and examples in commentary form. The in-depth interviews enabled those who may be specifically impacted to provide additional detail and specific examples, for example from a specific business sector.
- 2.8 The Consultation document provided detail on 10 separate vehicle standard proposals and asked the following questions:
1. To what extent do you agree or disagree with the proposed minimum licensing standards for Vehicles in Greater Manchester?
 2. Please use this space to provide any comments relating to the proposals for the minimum licensed standards for Vehicles

For question 1 on each section, response options were:

- strongly agree
- agree
- neither agree or disagree
- disagree
- strongly disagree
- don't know

Respondents were then asked a series of other questions to gain further insight into their views on implementation and impact of the proposals, including free text responses to gain more qualitative feedback.

- 2.9 Copies of the Consultation Questionnaire and accompanying information booklet are available at www.gmtaxistandards.com

3. **SUMMARY FINDINGS**

- 3.1 This section provides higher level summaries of the consultation responses at a GM level. Detailed comments and District specific feedback on individual standards are included later in the report in section 4.

3.2 Vehicle Standards

- High level of agreement from members of the public (88%)
- Greater overall level of disagreement from Trade (Hackney 69% and PH 63%)
- Trade mostly commented on age policy proposals; disagreeing
- Concerns raised about the charging infrastructure for electric vehicles
- Public liked the proposal of CCTV but concerns raised by the Trade with regards to cost and data privacy
- High number of comments and disagreement across both public and trade with regards to colour policy proposals

3.3 Drivers who rent or lease their vehicle were more likely to agree with the proposed vehicle standards compared to those who own their vehicle (37% and 22% respectively), likely due to the lower likelihood of significant direct financial impact, however in both cases more drivers disagree than agree with the proposed vehicle standards.

3.4 The following table shows the number of total comments made (GM level) for each standard category by respondent type:

Category	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
General Comments	95	11	32	6	3	1	3
Vehicle Emissions	39	20	10	5	1	2	4
Age of Vehicle	82	78	84	8	1	1	10
Vehicle Colour	214	23	95	12	2	1	13
Accessible vehicles	54	38	1	1	1	0	4
Vehicle Livery	62	7	47	6	1	3	11
Vehicle Maintenance and Testing	44	20	31	4	0	0	2
CCTV	83	16	51	6	1	3	8
Executive Hire specialist vehicles	8	0	5	2	0	0	1

Vehicle Design	9	4	0	0	0	0	1
Vehicle Conditions	24	1	3	2	0	0	0
Base	449	114	187	24	7	6	20
Proportion of respondent type	45%	49%	53%	75%	37%	60%	56%

3.5 Some of the general comments about the vehicle standards as a whole are as follows:

"Really impressed with the standards I hope it is brought in sooner rather than later." (Public, age 35-44, Trafford)

"All of these are important" (Public, age 55-64, Bury)

"These measures will make all passengers safer." (Public, age 35-44, Tameside)

"I feel this is a policy that is being rushed through without full thought of the cost and consequences to the self-employed sole trader who has been badly affected by Covid 19." (Hackney Driver, Tameside)

"Standardising of vehicles leads to a higher demand for a smaller range of vehicles which, in turn, increases initial purchase cost and ongoing maintenance costs (due to high parts demand). The vast majority of private hire drivers are living close to minimum wage and any increasing in their running cost will be pushed directly onto the customers. Resulting in the continuing demise of the industry and customers turning to subsidised transport systems." (Public, age 25-34, Wigan)

"I believe that wanting completely emission-free taxis by 2028 is a goal that should be circumstantial. Most drivers use these vehicles for their private life too and electric vehicles must have the range and practicality to serve both needs before making it mandatory to have an emission-free vehicle." (PHV Driver, Stockport)

3.6 Additional Consultation with the Trade in Bury

To ensure the Council fully understood the views of the trade in relation to MLS and their concerns, the Council has engaged with Trade representatives through Trade Liaison meetings to go through the details of the proposals.

3.7 GM Wide Amendments

Concerns raised by the trade in relation to a number of the standards were amended across GM following the consultation e.g., in relation to:

- Vehicle emission – The date to move all licensed vehicles to ZEC was amended from April 2028 to as soon as possible.
- Vehicle colour – The proposed single colour for PHVs was removed and changed to an aspiration of the MLS programme.
- CCTV – The proposed implementation was amended to a recommendation to approve the drafting of a CCTV policy for further consideration and consultation.
- Vehicle Design – The specification for window tints was changed to allow manufacturers tint to a minimum of 20% light transmission.

3.8 Bury Specific Amendments

- Vehicle Livery - During liaison meetings, the trade representatives raised concerns relating to projectiles being thrown at licensed vehicles and the possibility bonnet livery would increase the risk to drivers. As a result, Bury Council have chosen to amend the recommendation from the original GM report in relation to bonnet livery.
- Vehicle Colour – In relation to the proposal to implement a single colour for Hackney Cartridge Vehicles, Bury Council have recommended the standard is only applied to all new and replacement vehicles to take on board the trades concerns relation to the cost and availability of vehicles to comply with the colour policy.

4 **RECOMMENDATIONS**

4.7 This section of the report provides further detailed and qualitative feedback and officer recommendations for each proposed standard. A separate Equality Impact Assessment has been carried out.

4.8 Each Standard is set out in individual tables below detailing:

- the proposed Standard and the rationale for the proposal
- the current standard in district
- feedback and comments made in the consultation in relation to the specific standard (both at a GM and local level),
- outline of relevant points, considerations and risks in response to the consultation
- officer recommendation for that proposed standard.

VEHICLE STANDARDS PROPOSALS

<p>Vehicle Proposed Standard 1</p>	<p>Bury Council Current standard</p>																
<p>Hackney Carriages It was proposed that all licensed hackney carriages should be wheelchair accessible vehicles (WAV), and that there is a consistent approach to makes and models of vehicles that will be accepted onto fleets as Hackney Carriages. It was also posed for consultation whether a purpose-built HC vehicle should be side or rear loading.</p>	<p>Bury Council currently has a policy that any vehicle being licensed as Hackney Carriage must be wheelchair accessible. However, we do not permit rear loading vehicles due to issues of opening door if parked on a rank with a vehicle behind.</p>																
<p>Reason for Proposal</p>																	
<p>Currently not all GM authorities have a wheelchair accessible or purpose-built hackney carriage policy. Passengers with additional mobility needs should not have to wait for long periods at a taxi rank for a suitable accessible vehicle. Licensing Authorities need to ensure their policies are non-discriminatory and inclusive. This standard proposal seeks to ensure that there is sufficient availability of accessible vehicles for residents and visitors to the region, and that there is a more consistent standard across the conurbation for the makes/model and specifications of Hackney Carriage vehicle allowed onto the fleets.</p>																	
<p>Consultation Response</p>																	
<p><u>GM level response:</u> This proposal elicited a fair number of comments compared to some other standards, as per the table below:</p>																	
<table border="1"> <thead> <tr> <th data-bbox="209 1384 480 1597">Standard</th> <th data-bbox="480 1384 624 1597">General public</th> <th data-bbox="624 1384 767 1597">Hackney Drivers</th> <th data-bbox="767 1384 911 1597">PHV Drivers</th> <th data-bbox="911 1384 1054 1597">PHV Operators</th> <th data-bbox="1054 1384 1198 1597">Business</th> <th data-bbox="1198 1384 1342 1597">Vehicle Leasing Company</th> <th data-bbox="1342 1384 1461 1597">Representatives</th> </tr> </thead> <tbody> <tr> <td data-bbox="209 1597 480 1686">Accessible vehicles</td> <td data-bbox="480 1597 624 1686">54</td> <td data-bbox="624 1597 767 1686">38</td> <td data-bbox="767 1597 911 1686">1</td> <td data-bbox="911 1597 1054 1686">1</td> <td data-bbox="1054 1597 1198 1686">1</td> <td data-bbox="1198 1597 1342 1686">0</td> <td data-bbox="1342 1597 1461 1686">4</td> </tr> </tbody> </table>		Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives	Accessible vehicles	54	38	1	1	1	0	4
Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives										
Accessible vehicles	54	38	1	1	1	0	4										
<p>This table breaks down those comments thematically across the respondent categories:</p>																	

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
A mixed fleet (types of vehicles) is important	13	23	0	1	0	0	2
Accessible vehicles are expensive / need to be subsidised	3	6	1	0	0	0	0
PHV should have to have same rules about accessibility	1	0	0	0	0	0	0
More accessible vehicles are needed	34	6	0	0	1	0	3
More consultation with disabled people required	5	0	0	0	0	0	0
Problem with design of accessible vehicles	3	5	0	0	0	0	2
Base	54	38	1	1	1	0	4

34 members of the public commented that more accessible vehicles were needed as did 6 hackney drivers. Some members of the public shared how they often encounter difficulty booking wheelchair accessible vehicles due to their lack of availability, and those hackney drivers who have accessible vehicles noted how they are relied upon by many who do not have many other options for transport.

"Accessible Hackney carriages - we have extreme trouble booking a taxi in advance that has wheelchair access as the taxi company do not always know when their wheelchair accessible vehicle will be available. In the past we have been asked to ring at the time an accessible taxi is needed - and in every occasion one was not and our family has had to pick her up instead - not an ideal situation for a young lady who would like some independence." (Public, age 45-54, Bury)

"Make it all wheelchair accessible vehicles, known as a level playing field." (Hackney Driver, Wigan)

In contrast, 23 hackney drivers felt having a mixed fleet was more important, with some sharing how they feel some passengers are deterred by larger vehicles.

"As a Hackney driver, I don't agree for all Hackney carriage vehicles to be wheelchair accessible. Reason is for that we do, need mixed fleet for elderly people who do not like getting into bigger vehicles. I believe it will make them go to private hire offices and that will affect our business. Also, it's more affordable to buy a normal electric car." (Hackney Driver)

One operator who took part in the focus groups specialises in the transportation of customers who need wheelchair accessible vehicles. He stated hackneys were not suitable for all.

"On the black cabs and I've got two of them, okay. The ramps that come down, they come down on an angle and, you know, that ramp the wheelchairs cannot actually get up on them and also the people, when they're sat in them, they'll bang their head against the roof. So for some reason licensing seemed to think that anybody who's in a wheelchair would fit in a black cab. It's not the case, so you might have two thousand black cabs out there and they could say, oh, they're all wheelchair accessible. They are for full manual wheelchairs. Electric ones they can't fit." (Operator, Trafford).

Representatives also argued for a mixed fleet:

"This is totally not acceptable because [it] is not meeting the needs of vulnerable or disabled [people]. Many old [and] disabled don't use wheelchair vehicles either [because] it's too high or [they] dislike it them". (Organisation, NPHTA)

"There is very little evidence to support the need for an entire trade to cater for wheelchair bound passengers, potentially at the cost of the majority of disabled passengers who are not confined to a wheelchair and therefore find it far more difficult to access the higher vehicles that are WAV, so a mixed fleet is a better approach". (Organisation, NPHTA)

Some hackney drivers and operators expressed concerns with the design of wheelchair accessible vehicles, with 5 explaining their preference is for side loading accessible vehicles rather than rear loading and expressing their safety concerns.

"All Hackney carriages should be side loading wheelchair accessible, rear loading takes up too much space on ranks, they are also dangerous when unloading passengers in the middle of the road." (Hackney Driver, Wigan)

"Accessible Hackney carriages: It is proposed that all hackney carriages should be wheelchair accessible. Agreed. Particularly important condition which will help to prevent the influx of out-of-town licensed saloon cars plated as Hackney carriages from working within the GMC area. Side and / or rear loading without the need for swivel seats: A policy as to whether purpose-built accessible vehicles should be side

and/or rear loading without the need for swivel seats is being considered. The choice of entry location generally determines the floor plan available. Rear entry vehicles offer two floor plans for up to four or six passengers. A side entry van has more options when it comes to the floor plan. Side entry vehicles will lower the available space inside, as the maximum number of ambulatory passengers in this option is four including three in the rear bench seat. Swivel seats in taxis where fitted should remain as they are an additional feature making it easier to enter or exit the car without undue discomfort. For those who have conditions such as arthritis, multiple sclerosis, or osteoarthritis, which can limit their mobility will benefit as they reduce strain otherwise placed on the hips and back.” (Operator, Manchester)

“I mean I have a sliding door on the side, two sliding ones and the rear loaded is the big door that comes up. Okay, there’s a row of seats there, but the row of seats can be moved. I mean I do put, where the large wheelchairs fit and if I do one, because it can be that you can’t get them through the side door, because there’s a big person, so they have to go through the rear door. So, what you do is, you just push the seats right forward, because they’re all tracking, you just push them right forward. So, I would be fine.” (Licensed hackney driver – own my vehicle, Stockport)

A further 6 hackney drivers felt wheelchair accessible vehicles were expensive or need to be subsidised if they are all required to be wheelchair accessible.

“Vehicle emissions. what I can gather from the information available is that driver is responsible for all the costs involved. Accessible Hackney is very expensive it will put almost every Hackney driver out of business in Rochdale for sure even Euro six diesel is unaffordable.” (Hackney Driver, Rochdale)

Concerns were raised by members of the public about the impact on the cost of using a hackney / PHV.

“Wheelchair accessible vehicles are more expensive than normal cars. And that’s tough for people who need them. One solution would be to provide a subsidy to anyone buying an accessible vehicle to use as a taxi. But what makes absolutely zero sense is to make the non-wheelchair-using public (the VAST majority of people) pay for accessibility features they do not need.” (Public, age 35-44, Manchester)

Some users and drivers felt a few drivers use the fact they are transporting someone who needs an accessible vehicle to their advantage:

“But a lot of the time they do treat you, you know, what they do is they charge, they put the timer on and if it takes you ages to get into the cab and put your belt on and everything, they charge you for all that, you know and getting out the cab, they don’t always put seatbelts on properly and things like that, but then the private hire companies don’t usually have accessible vehicles.” (User, Group 1)

Others highlighted not all disabilities are visible:

"More accessible vehicle design for disabled people. Not everyone with a disability you see looks disabled very important not to forget for drivers." (Public, age 45-54, Oldham)

Bury Response:

Main themes from the public

	Number of comments
General Comments	9
Accessible vehicles	6

General comments: Over two-thirds of the comments here (n=7) welcomed the proposed changes. One commented on the current state of taxis and one suggested that changes are not needed.

Accessible vehicles: four people commented there needs to be more accessible vehicles available, with two similar comments adding that a mixed fleet is important;

Main themes from private hire drivers

	Number of comments
General Comments	5

General comments: Five drivers felt these changes were unnecessary without specifying any part of the standard in particular;

No specific comments made in relation to this standard.

Comments and considerations

All purpose-built Hackney Carriages are wheelchair accessible, but also have additional mobility and accessibility design features such as passenger compartment controls, additional lighting, additional space, visibility strips, audio loops, steps, swivel seats (may built in as standard), wide doors etc.

As well as providing better access for those with additional needs, purpose-built Hackneys also make it much easier for the travelling public to distinguish between a licensed Taxi and a private hire vehicle. As such, 7 of the 10 districts currently only licence purpose built/Wheelchair Accessible vehicles as Hackney Carriages in their policy.

Where mixed fleets exist, and ordinary saloon cars are licensed as Hackneys, these are commonly permitted to have a hire light installed on the roof to enable them to legally ply for hire. However, in the current landscape where these vehicles can undertake pre-booked private hire work in other areas, and/or are more likely to be crossing local boundaries, it can serve to undermine local purpose built only Hackney policies, and potentially undermine the legitimate business undertaken by Hackneys in certain areas. The public observe saloon vehicles in one area legally plying for hire and not understand that this is not permissible in another area, and this serves to encourage illegal activity as confusion provides an opportunity for those looking to illegally ply.

Therefore, it should also be noted that a decision on this policy standard has knock on considerations/decisions for the following:

- Age Policy for Hackneys (WAV/non-WAV – standard Proposal 2)
- Colour and livery policies for Hackney vehicles (see Standards Proposals 4 and 5)
- Intended use policy for Hackneys (see Standard Proposal 10 – Hackney Carriage Vehicle Conditions)

As outlined within the proposal section above, this policy standard is not just about wheelchair accessibility. For a City Region like Greater Manchester, with ambition to licence a high-quality service offer that supports economic and business growth, including accessibility standards within the public transport network; it must therefore follow that all licensed Hackney Carriages are purpose built accessible vehicles, providing all the benefits to users that such vehicles do. The objective to ensure that no one with additional needs should ever have to wait on a rank for a suitable vehicle has considerable merit, and the policy has the added safety benefit of properly distinguishing licensed Hackneys and Private Hire vehicles in all fleets. An additional consideration is that there will be no better time to implement this transition, as the funding opportunity provided through the Clean Air Plan is unique and time limited providing much needed support to those that seek to make this transition.

Lead Officers recommendation

To implement the standard for all licensed Hackney Vehicles to be WAV (already in place in Bury).

To defer the decision on side/rear loading at this time as the consultation response on this specific point was particularly low.

Vehicle Proposed Standard 2	Bury Council Current standard
<p>Vehicle Age</p> <p>It was proposed that all licensed vehicles are under 5 years old at first licensing and no more than 10 years old.</p> <p>Views were sought on consideration of a different age policy for electric and wheelchair accessible vehicles (WAV).</p>	<p>Bury Council currently licenses vehicles that must be under 10 years old at first grant. Then on reaching 10 years should go off, unless exceptional condition (private hire) or pass 5 fault rule (hackney).</p> <p>Currently Bury have no lower age limit for vehicles coming onto the fleet for both Hackney Carriage or Private Hire.</p>
<p>Reason for Proposal</p>	
<p>The majority of GM districts have upper limits for both the age at which a vehicle must be under to be first licensed, and the age at which it will cease to be licensed, although these currently vary across the conurbation, with some districts having</p>	

never implemented any age restriction on its licensed fleets. The proposal seeks to rationalise the variance across the conurbation and ensure that GM districts do not undermine each other's policies; deterring applicants from seeking the authority with a significantly lower standard in this regard.

Licensed vehicles undertake significantly more miles than an average domestic vehicle, meaning they are likely to deteriorate more quickly and experience structural weaknesses over time which impacts on vehicle safety. Where vehicle testing data is held by the local authority (as it is delivered inhouse), this generally evidences that the older a vehicle is, the more likely it is to fail tests, and usually with a higher number of major faults. So where vehicle age policies already exist within GM, this encouraged lower polluting vehicles, ensured higher levels of safety in vehicles and also supported the strategic objectives to have a better quality of fleet for residents and visitors within this key section of the transport network. The specific purpose of having an age limit for vehicles 'coming on to fleet' is to safeguard against having the majority of the licensed fleet at the older end of the age limit scale and is a common policy among licensing authorities nationally.

Consultation Response

GM level response:

This proposal elicited a much higher number of comments:

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Age of Vehicle	82	78	84	8	1	1	10

The following table sorts the comments by theme according to respondent:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Agree with Age Limit proposals	18	1	7	1	1	0	0
Age limit should be higher than 10 years	4	37	16	1	0	0	2
Age limit should be less than 10 years	11	1	4	0	0	0	0

Electric cars should have same age limit as non-electric	7	4	0	1	0	0	3
No age limit or higher for electric vehicles	1	5	5	0	0	0	1
Minibus maximum age should be 15years	0	0	2	0	0	0	0
Age is not important	45	33	47	6	0	1	6
10 years isn't enough time to return investment	0	8	2	2	0	0	2
Suggestion of different Minimum age	2	4	13	2	0	0	0
Base	82	78	84	8	1	1	10

A relatively small number of comments were made (28) in support of the age limit proposals. Comments included the reference to the poor condition of vehicles not subject to an age limit:

"I live in Bolton, and the current standard of taxis is appalling - it's like a rolling scrap yard. Other parts of Greater Manchester seem to have much nicer, newer taxis, but Bolton is full of decrepit, shonky old rust boxes, limping around the town, pumping out clouds of smoke and regularly breaking down. I saw an "S" reg taxi not long ago - registered in 1997! The car was older than it's driver! We pay good money to be driven around in these awful heaps, and it's about time something was done about it" (Public, age 45-54, Bolton)

However, the vast majority of comments expressed a view that the age limit was either not important/not necessary or should be higher than 10 years, with significantly fewer responses supporting the proposal. A high number of comments were received expressing the age of a vehicle should not matter if the vehicle is well-serviced and maintained, with this being expressed by 33 hackney drivers, 47 PHV drivers, 6 PHV operators, and 45 of members of the public.

"Vehicle age shouldn't matter as long as it is in good condition. We have two MOTs in a year, so the vehicles are good for customers". (PHV Driver, Bolton)

Some respondents commented about hackneys being more expensive to replace and upgrade, with some comparing the costs to PHVs. Therefore, 37 hackney drivers and 16 of PHV drivers felt the age limit should be higher. Drivers licensed in Manchester raised this more than any other area.

"Age shouldn't be a problem as long as kept up with maintenance and repairs to a good standard. Personally, I think if a vehicle needs welding, it's past its best for the job, and licenses should be granted for 12 months after repairs to give drivers the time to invest in a replacement. Also, Hackney carriages cost a hell of a lot more money than a private hire car, £30,000 upwards whereas a new Dacia car can be purchased for £8000, so should be given 15-year age limit" (Hackney Driver, Stockport)

Both the LPHCA and Unite Union did not feel the age standard was appropriate:

"As a former qualified engineer and operator that had over 2,000 vehicles used, leased or owned by my business for Private Hire usage and as many experienced operators, taxi & PHV hirers will tell you – it is the condition of, not the age of a vehicle that is critical. A combination of condition and vehicle emissions requirements (as you have set out above) is a far better way to determine the fitness for a taxi or PHV to be licensed. It is reasonable to subject older PHVs to more frequent MOTs and other inspections whilst meeting established Euro Standards and Air Quality requirements, rather than the outdated and inappropriate use of age policies." (Organisation, LPHCA)

Setting the hackney vehicle age limit at 10 years is a nonsense. It provides insufficient time for recovery on investment. And these vehicles will become scrap at end of arbitrary lifespans as numbers of charging CAZs increase and residual values disappear, accordingly. The upper age limit for hackneys should be 15 years". (Organisation, Unite the Union-Manchester Hackney Carriage)

The same argument was strongly raised in the in-depth interviews with both users, drivers and operators arguing a vehicle should be able to be used regardless of age if it was fit for purpose and passed all the relevant tests.

"And most people get cars maybe like every five or six years, so ten is quite old for a car. The more modern the car is, the less likely it is to have bad emissions and a lot of them have things put in place when they're being built to not release as many". (User, Group 15)

The in-depth interviews with hackney and private hire drivers highlighted concerns about removing vehicles considered roadworthy and of a good standard from working. This was felt to be not only wasteful but forced drivers to replace their vehicles earlier than envisaged. This was particularly mentioned by drivers in Rochdale and Oldham as they currently have a longer age limit on their vehicles.

"This will hit drivers hard in this area. You only need to look at the cars on the road currently to see that a lot of them will not meet this age criteria. No one has the money to update these cars, we are all still paying money

off on them and getting no money in at the moment. Here is one of the most deprived parts of Manchester.” (PHV Driver, Rochdale)

Drivers and operators currently trading in the regions that are currently under standards of between 7 and 12 years for the age limit of their vehicle understood why ten had been suggested and felt it fell in line with their own district. A couple of drivers / operators highlighted specialist vehicles, i.e. adapted for wheelchair transportation should be given an exemption to the age standard due to the need for their type of vehicles.

“Number one, the most important thing for me in my business, I need vehicles to be able to drive, okay, to be able to bring people. The maximum age of ten years for a vehicle in my opinion is going to wipe out, number one my company completely and 80% of the hackney carriage trade.” (Operator, Trafford)

Two operators mentioned the impact the standard would have on their operations as currently they are able to manage their fleet by moving older vehicles to other areas where the current age standards are lower for example, Manchester to Trafford, enabling them to stagger the replacement of their vehicles and therefore the finance needed to do this.

“I usually move the vehicles from Manchester to Trafford once they hit their age limit in Manchester. I now will be able to keep them longer in Manchester but will get less out of them overall and won’t be able to move them on to Trafford so I will now need to update more vehicles in a smaller timescale.” (Operator, Trafford / Manchester).

Bury Response:

Main themes from the public

	Number of comments
General Comments	9
Age of Vehicle	6

General comments: Over two-thirds of the comments here (n=7) welcomed the proposed changes. One commented on the current state of taxis and one suggested that changes are not needed;

Vehicle Age: Half of the comments here (n=3) suggested vehicle age is not important, two suggested a different minimum age. One suggested that the age limit should be under 10 years;

Main themes from private hire drivers

	Number of comments
General Comments	5
Age of Vehicle	7

General comments: Five drivers felt these changes were unnecessary without specifying any part of the standard in particular

Vehicle Age: Most of the comments from drivers (n=5) suggested vehicle age is not important, one comment suggested a different minimum age and one that the age limit should be under 10 years;

Comments and considerations

Upper age limits across GM currently vary from 7 years (for private hire) to 15 years (for Hackneys), with 3 authorities currently not having any upper age limit at all. As can be seen from some of the comments, this has resulted in older, more polluting and lower standard vehicles being passed to those authorities with higher or no age limits. This practice undermines the attempt by those authorities seeking to raise the quality and safety standard of its vehicle fleet and goes against the collaborative approach that GM districts wish to take. It also means that residents and visitors will have a significantly different experience depending on which district they live/visit and that is a scenario this project aims to address.

Many individuals within the trade expressed views that standards in relation to vehicle condition and emissions could negate the need for an age policy altogether. Whilst there initially appears to be some merit in this assertion, it is important to note that compliance with an emissions policy that required (for example) the vehicle to be of the current Euro emissions standard, would currently allow a vehicle registered in 2005 to be licensed on the fleet. Similarly, a significantly older vehicle can be fitted with retrofit technology to bring it into emissions standard compliance, but all the other risk associated with the vehicle age will continue to exist. There is also significant testing data to evidence that the older the licensed vehicle is (and the more mileage it undertakes), the more likely it is to fail mechanical tests.

It should also be noted that there is currently a wide variance across GM districts on how authorities monitor/test the condition of vehicles. Whilst some authorities carry out this function in house and can therefore conduct a full compliance check (ensuring compliance with all licence conditions/policy as well as testing the mechanical structure) and be fully assured as to the mechanical and cosmetic condition of the vehicle; others permit proprietors to test vehicles at approved testing stations and usually only require the tester to perform a DVSA standard MOT, which will not consider whether the other aspects of the vehicle are compliant with relevant policies. Therefore in order to fully rely upon the testing regime to safeguard against the risk that vehicles that fall below the desired standard on the licensed fleets, a deeper review of the how this is harmonised and delivered across the conurbation would be required.

It is critically important for all districts, but primarily the trade themselves, that the Hackney and Private Hire sectors remain integrated into the sustainable transport network within GM, moving passengers with minimal environmental impact and remain a key transport mode of choice. To this end, it would be desirable to implement a limit to ensure a 'line in the sand' for all concerned and continue to promote the safety and quality that a younger fleet provides. However, officers are cognisant of the strong views expressed by the trade in relation to the capital cost and return on investment particularly with regards to purpose built and ZEC/EV taxis, as well as the ongoing impact of Covid.

Further research of other non-GM authorities policies in this regard provides that the majority of licensing authorities do impose an age limit (both for coming on to the fleet and for continuing to be licensed), including those authorities who are also subject to Clean Air Zone emissions requirements; further supporting the view that an age limit is a useful policy standard in ensuring a better quality fleet.

In considering all the consultation feedback and the relevant risks, it is proposed that the age limits are changed from that proposed to:

- PHV – under 5 on to fleet and 10 years off
- PHV WAV – under 7 on to fleet and 15 years off
- Purpose built WAV HCV – under 7 on to fleet and 15 years off

Testing data (where held) will be reviewed periodically by the Licensing Network group, alongside air quality metrics to assess any negative impacts of these age policies on both the safety of vehicles and air quality. Any issues or future risks will be brought back to Members as necessary.

Subject to policy decisions (where relevant) with regards to the Hackney Carriage Vehicle Policy and Wheelchair Accessibility, a separate age policy for non-WAV Hackneys may also need to be introduced.

Members should be aware that some authorities in GM and beyond currently operate an 'Exceptional Use' or 'Beyond the Age Limit' or similar policy that enables vehicles of a determined condition and testing record to continue to be licensed as exceptions to the normal age limit policy. However, in recognition of the significant concession made on the age policy, it is proposed that such explicit exception policies are removed. As with any Council policy, it will always be within the gift of an individual to ask the authority to depart from policy.

Lead Officers recommendation

- To implement the following as the minimum standard:
- PHV – under 5 years on to fleet and 10 years off
 - PHV WAV – under 7 years on to fleet and 15 years off
 - Purpose built HVC – under 7 on to fleet and 15 years off
 - Air quality metrics and impacts and testing data to be reviewed over the next 2-3 years by the Licensing Network and risks or proposed amendments brought back to Members as necessary
 - To remove exceptional use or beyond the age limit (or similar) policies where they currently exist.

That the above policy be implemented for new to licence vehicles as soon as the policy takes effect. That existing fleets begin transitioning and are compliant with the policy standard by 1 April 2024.

Vehicle Proposed Standard 3	Bury Council Current standard
<p>Vehicle Emissions It was proposed for consultation that all licensed vehicles must comply with the current Euro standard when they are first licensed with</p>	<p>Bury Council does not have any emission standard</p>

<p>an ambition for a zero-emission capable fleet by 2028.</p> <p>The following was also proposed within the Timetable section of the consultation:</p> <ul style="list-style-type: none"> i. New vehicles being licensed from 1 April 2021 will be required to meet the standards approved following this consultation ii. From April 2021, existing licensed vehicles will begin transitioning to comply with the standards approved following consultation iii. Transition periods will be determined by each district having considered existing local policies and impacts on the trade with an expectation that all vehicles will be compliant by 1 April 2024 (non-compliant vehicles will still be liable to pay the Clean Air Zone charge subject to any exemptions permitted under the Clean Air Plan) – this will be that all licences due for renewal from April 2023 onwards will need to have a compliant vehicle attached to be compliant by 1 April 2024. iv. From 2025 all <u>new to licence</u> would need to be Zero Emissions Capable (ZEC*) v. From April 2028 onwards all vehicle licences would need a ZEC vehicle attached to the licence. 	
<p>Reason for Proposal</p>	
<p>It is important that taxi and private hire vehicle policies interrelate with other relevant policies, and in this case that the emissions standard requirement for licensed vehicles reflects the ambition set out in the Greater Manchester Combined Authority (GMCA) Environmental Plan which states: <i>"We want Greater Manchester to be a clean, carbon neutral, climate resilient city region with a thriving natural environment and circular, zero-waste economy"</i>.</p> <p>It was therefore proposed that all licensed vehicles comply with the vehicle emissions standards set out in the government's Clean Air Zone framework and thereby will comply with the GM Clean Air Zone as proposed in the GM Clean Air Plan in the short to medium term.</p> <p>In recognition of the fact that the GM Environmental Plan has also set the date of 2038 to be carbon neutral, it was proposed for consultation that all licensed vehicles should therefore be zero-emissions capable (ZEC) by 2028 (to take vehicle age requirements into account). The GM Environment Plan clearly indicates that this shift from vehicles powered by fossil fuels to ones that are ZEC is required as soon as possible in order to achieve carbon</p>	

neutral targets within the set timeframe and it is important that licence holders understand these key dates to inform their business choices.

Consultation Response

GM level summary:

This proposal elicited one of the smallest number of responses across vehicle standards, with only 39 members of the public commenting and 42 members/representatives of the trades:

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Vehicle Emissions	39	20	10	5	1	2	4

There was a mix of views in the comments, with some support for the timeline, particularly from the public, but many concerns expressed about the timings, funding support and charging infrastructure:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Agree with timeline for a transition to a fully electric fleet	23	3	4	0	1	0	0
Should have a fully electric fleet earlier than proposed	8	1	0	0	0	0	0
Should give more time to switch to a fully electric fleet	3	3	5	2	0	2	1
Comment / concerns about suitability of	2	7	3	1	0	0	3

some electric vehicles							
Electric vehicles too new to understand suitability	1	1	0	1	0	0	0
Charging infrastructure needs improving / not yet ready	5	7	2	3	0	0	1
General Disagreement with Age	1	2	0	0	0	0	0
Base	39	20	10	5	1	2	4

Comments in support included:

"Good to aim for fully electric fleet by 2028, but I feel taxi drivers should be offered grants and financial incentives to encourage early take up, therefore creating demand and bringing down the price."
(Public, age 35-44, Manchester)

"Agree with emission requirements given ample support is provided to upgrade vehicles." (PHV Driver, Stockport)

"Vehicle emissions: what will it take to move to electric vehicles at a faster pace than proposed? I think the [proposal] is too loose around what's going to be expected of taxi operators so surely we should be looking for their commitment to move to electric as early as possible."
(Public, age 65-74, Stockport)

Concerns expressed from the trade included detailed comments made during in depth interviews where drivers and operators describe purchasing a vehicle as an investment, budgeted for the expected lifespan of a vehicle. Therefore, drivers who have already invested in vehicles that haven't reached their expected lifespan cannot afford to replace them within the proposed timescale.

"Vehicle Emissions. This is a very big step, and I think the GM Councils should allow more time to help operators safely and economically phase out old cars." (Operator, Trafford)

"Emissions should be allowed to come in as and when the vehicles are replaced so that over the coming years the fleet would naturally be replaced with zero emission vehicles. Retrofitting of emission kits on older vehicles should be allowed, as the money is not being earned by the drivers to be able to afford an electric taxi." (Hackney Driver, Trafford / Manchester and Salford)

"I think it's going to be unfair to say to someone your vehicle's not fit for purpose, you need to go and buy this vehicle now and it's just going to be really really difficult to do that to people who've been doing it thirty, forty years, they're struggling to make ends meet and it's hard work." (Operator, Bury)

"We agree with the first part but must point out the ambition for a zero-emission capable fleet by 2028, whilst sensible cannot at this stage form a policy as the supply, charging infrastructure, cost, ability for drivers to charge at home is uncertain, especially post-pandemic. There is also uncertainty on grant funding for drivers, so this aspiration needs to be kept under review as events become clearer." (Organisation, LPHCA)

"The effect on me in terms of additional crippling costs to comply with some of the proposals in terms of going electric will be detrimental, and restrictions on vehicle colour and age limit is questionable. If TfGM are willing to supply all the taxi industry with all new electric vehicles and guarantee a lifetime service and warranty, then we, the taxi industry, can consider the proposals. The support funding for drivers to switch to electric is nowhere near enough to cover the cost of these vehicles, and limited charging points which you can never match the fuelling stations accessibility and coverage for petroleum fuelling." (PHV Driver, Manchester)

The in-depth interviews provided more detail of the industry's concerns with electric vehicles; the lack of electric charging points infrastructure and the lack of technological advancements in battery life, parts maintenance and overall servicing and trust in the lifespan of the vehicle.

"A brand new electric cab, the bottom end is £55,000. So even if they gave you £17,500 towards one of those vehicles you're saddling somebody with a debt of almost £30,000." (Hackney Driver, Salford)

"70,000 miles he said he'd done, and his batteries are goosed and he didn't realise how much the batteries were. It's all right for 180 miles, then you get 160 miles and as the batteries start to die and get weaker and weaker you start getting electrical problems, you're getting forty miles, fifty miles, you've got to replace them for new ones then. So that's the problem with having electric vehicles on, good for the environment, but rubbish for the job, unless Tesla with their million-mile battery come along with a decent priced vehicle." (Operator, Tameside)

"Right, because they've now set the standards of Euro 6, Euro 5 vehicles are not wanted, they're not worth the trade-in. I've enquired about this. The best they would offer me is three grand." (Hackney Driver, Stockport)

"I bought a very very clean 11 plate cab in February (right before COVID) and I paid £5,000 for it. I won't get £1,000 for that now, purely because of this." (Operator, Stockport)

"That's one of their standards, they've raised it to thirteen years now, but at the time, my vehicle was too old, so I asked specifically what vehicle I needed to get, they told me a Euro 5, I've gone out and got it and now they've moved the goalpost, Euro 6 or you pay this emissions charge." (Hackney Driver, Manchester)

Bury Response:

Main themes from the public

	Number of comments
Vehicle Emissions	4
General Comments	9

General comments: Over two-thirds of the comments here (n=7) welcomed the proposed changes. One commented on the current state of taxis and one suggested that changes are not needed;

Vehicle emissions: Two people suggested that more time is needed to switch to a fully electric fleet. One comment was provided that electric vehicle charging infrastructure wasn't ready yet and one agreed with the timeline.

Main themes from Private Hire Drivers

	Number of comments
General Comments	5

General comments: Five drivers felt these changes were unnecessary without specifying any part of the standard in particular;

Vehicle Emissions: No specific comments were made regarding this standard.

Comments and considerations

Regardless of licensing policy, a required emissions standard for licensed vehicles will be implemented by way of the GM Clean Air Zone (where taxis and private hire vehicles feature in every zone category), and so it is important that the licensing regulatory framework complements those same requirements. It is also important in any event that local authorities do all they can to support the move towards a carbon neutral city region by 2038, and this means ensuring all council services and policies seek to reduce emissions at every possible opportunity, including our licensed vehicle sector.

In terms of the existing fleet becoming compliant with both this policy standard and the CAZ; in recognition of the challenge this poses to many of our vehicle licence holders who own their vehicles, the disparity across the districts, as well as the impact of the pandemic, the GM local authorities

have worked closely with TfGM to secure essential financial support from government totalling £19.7m (£9.5m for Taxis and £10.2m for Private Hire). This funding support will be managed through a Clean Taxi Scheme, where licensees will be able to apply for various grants ranging from £3k to £10k that will be paid directly to accredited suppliers of retrofit and replacement upgrade options. The higher-level grants are limited to replacing existing vehicles with ZEC or electric vehicles in order to support and encourage vehicle owners to transition as soon as possible.

To set a date in licensing policy for a requirement to be ZEC at this time poses a significant risk to authorities in the current regulatory landscape. If GM authorities require ZEC only vehicles on the fleet when this is not a national requirement, the risk is that existing fleets will use the GM funding scheme to upgrade to an emissions compliant vehicle, but then move to non-GM licensing authorities who do not require ZEC vehicles in their policies. Under current regulations, these private hire vehicles and drivers will be able to work and operate in GM, with a CAZ compliant vehicle (assuming the CAZ requirement remains as is) but not be governed by GM regulations and therefore the only disbenefit will be to GM licensing authorities who stand to lose income recovery and regulatory authority. Further discussions with government about these impacts of the current regulatory system need to be had.

Therefore, in consideration of this significant risk alongside the impacts of Covid on the trade, the proposal is that in the short to medium term authorities in GM will only require licensed vehicles to be compliant with the current emissions standard, and not to set a date at this time by which vehicles need to be ZEC. However, it is extremely important that the licensed vehicle trade understand that there is a pressing need to shift to ZEC only vehicles over the next decade, in order to achieve our carbon neutral targets and that it remains our joint ambition across the combined authorities to move existing fleets to ZEC in line with the GMCA Environment Plan. Proprietors would be wise to transition earlier wherever possible, using the funding available.

The policy to require licensed vehicles to be compliant with the current emissions standard is now proposed as follows:

- From the date local policy is determined; all new to licence vehicles (not temporary replacement vehicles on an existing licence), must be compliant with the current emissions standard.
- Local transition arrangements can commence for existing fleets to be current emissions compliant from the date the policy decision is confirmed – with all existing licenses required to have compliant vehicles attached to them by 1 April 2024.

In further recognition of the significant challenge posed by this policy change, the current proposal under the CAZ will be that all non-compliant GM licensed vehicles will be exempt from the daily CAZ charge until 31 May 2023.

Whilst the challenges of this proposal are acknowledged and efforts to mitigate the impact are proposed, the transport sector has to make significant changes at pace to support the reduction in harmful emissions and the achievement of carbon neutrality. As such, it is considered that the proposed timeline and support package will provide the existing fleet adequate time and opportunity to make suitable business choices going forward.

Lead Officer recommendation

To implement the policy:

To require licensed vehicles to be compliant with the current emissions standard (Currently Euro 4 petrol and Euro 6 diesel) as follows:

- For all new to licence vehicles – with immediate effect
- For existing fleets – to begin transitioning as soon as the policy is in place and to complete transitioning by 1 April 2024*
- To note the strong ambition to move existing fleets to ZEC as soon as possible

*vehicle must also be compliant with the age policy

Vehicle Proposed Standard 4	Bury Council Current standard
<p>Vehicle Colour</p> <p>It was proposed that all private hire vehicles should be white in colour and hackney carriages should be black with the following exceptions:</p> <ul style="list-style-type: none"> • London style taxis which may be of the manufacturer’s colour; • To allow advertising on some hackney carriages; • Executive hire (for example chauffeur services) 	<p>Bury Council currently does not have any colour policy for Hackney Carriage or Private Hire Vehicles.</p>
<p>Reason for Proposal</p>	
<p>The Standard was proposed primarily in the interests of public safety, to enable passengers to better distinguish (alongside other vehicle standard requirements) between a licensed Hackney Carriage and a licensed Private Hire Vehicle; to distinguish between a legitimately licensed vehicle and a bogus vehicle, and to better distinguish between a vehicle licensed by a GM authority and that from out of the area. The proposal also intended to bring a more uniform appearance to vehicles licensed in GM to support strategic objectives around the quality of offer within the transport network.</p> <p>The exception to allow London Style cabs to be of the manufacturer’s colour was in acknowledgement of the very recognisable and unique design of the traditional</p>	

London Style cab, which doesn't have to be black in colour to be clearly recognised as a Hackney Carriage.

Consultation Response

GM level response:

This proposal provoked a significantly larger number of comments than other standards, particularly amongst the public and private hire trade as can be seen below:

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Vehicle Colour	214	23	95	12	2	1	13

This table breaks down those comments thematically across the respondent categories:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Agree with white colour proposals	46	2	3	0	1	0	2
Support one colour but not white	27	0	11	1	0	0	3
Don't think standard colours are necessary	138	20	68	10	1	1	8
Vinyl wraps should be allowed as well as full resprays	1	0	1	0	0	0	0
Driver should have a choice of colour	8	1	14	2	0	0	0
Base	214	23	95	12	2	1	13

Whilst there was some support for this proposal, the overwhelming majority of respondents that commented opposed the proposal of a colour policy. Not many comments referenced the proposal with regards to Hackney vehicles, although the following comments were made in relation to this which assumed that non purpose-built taxis will still be allowed to be licensed as Hackneys:

"As Oldham, Rochdale and Wigan councils are allowed white saloon cars as Hackney, these white cars can be changed to black colour with minimum cost. Then black saloon cars can be easily blended with rest of Hackney fleets". (Association Rep, Oldham)

Most respondents only referencing the proposal with regards to private hire:

"There will be a massive shortage in available white vehicles suitable for private hire use, and the few that are available (New or used) will be at premium cost. Will the licensing district be assisting in paying this extra cost or assisting to resolve the lack of supply." (Organisation, Anonymous)

"There's ten boroughs in the whole of Greater Manchester, right. Only one borough has got white colour private hire taxis, which is Manchester, so shouldn't they come to our standard and be a normal colour, why should we go to their standard? I don't understand, above the rules, so why are we being pushed to Manchester standards, when Manchester city, they can afford, they have the businesses, there, what do we have in Rochdale? You know, how can we sustain, how can they justify making us pay extra money to paint our car a white colour, what's the benefit for the driver, tell me what is the benefit for our drivers? I'm sorry, but there's no benefit, is there?" (Licensed private hire driver – own my vehicle, Rochdale)

"We are supportive of any measure that can assist in promoting the safety of private hire passengers and the public more generally. However, it is unclear to us how a single colour policy would contribute to the safety message and we are concerned that it could be detrimental to passenger safety and hinder the transition to a zero emission private hire fleet. By anchoring passengers to the belief that their private hire vehicle will be white, it potentially reduces the additional safety checks passengers will make prior to entering a vehicle. The limited supply of electric vehicles and wheelchair accessible vehicles in white will also exacerbate the shortage of suitable vehicles of these types forcing drivers into vehicles that do not support Manchester's zero carbon ambitions" (PH Operator, Manchester)

"I think it's an unreasonable request, because it doesn't affect the running of the car, but I think certain companies like to have all their vehicles a certain colour and I think they're the people who could dictate. It's like corporate identity, really, it's corporate identity and I think it would be wrong of the Government or any local authority to say this has to be this colour". (Licensed private hire driver – own my vehicle, Trafford)

This was also raised in the in-depth interviews as the following quotes illustrate:

"Yeah, I just don't understand that possibly spraying up to fifty thousand cars white is good for the environment." (PHV driver, Wigan)

"What about the likes of like me who bought this two years ago, a couple of drivers have just bought new vehicles that are blue, there's one company that's bought twenty odd, dark blue and red minibus wheelchair vehicles, so have they got to spray all their vehicles white?" (Hackney Driver, Tameside)

Many of the comments related to how quickly white cars become dirty. Not all PHV drivers were opposed to the idea of a common colour, but they were opposed to the colour white as the following quote illustrates:

"With white cars, we struggle to keep them looking clean. There have been times where I've taken my white car for a wash in the morning, and by the evening, the car is dirty from outside. I'm not saying that my silver car remains clean. However, I'd like to point out the fact that dirt stands out significant on white cars than it does on silver cars." (PHV driver, Manchester)

The following comment was received about the risk to people with sight impairments:

Guide Dogs welcomes the proposal for standardised colours and marking on private hire vehicles and taxis across Greater Manchester ... however some passengers with low vision told us that they had concerns regarding the use of the colour white for PHVs, as it may make it more difficult to identify a PHV easily. This is because sunlight reflecting off a white car creates glare, which can, in the words of one GM guide dog owner, "cause white vehicles to blend into the background". Another regular taxi user with sight loss also expressed concerns that white isn't a colour that is easily identifiable." (Guide Dogs organisation)

Most members of the public were also less concerned about colour of the vehicle:

"I'm not concerned on the colour of the vehicles as long as they display the correct approval information (decals) on the bodywork" (Public, age 45-54, Bolton)

"Vehicle colour - I don't agree with. I don't understand why having a white car for private hire will improve the service and standards. What will be put on place to support drivers in replacing brand new vehicles?" (Public, age not provided, Bolton)

However, a few members of the public did feel a consistent colour would make it easier to identify a PHV.

"Vehicle colour - Would not improve driving standards but easier for public to identify" (Public, age 45-54, Bolton)

Representatives also argued against the proposed standard colours:

"With respect this is an extremely poor proposal, the few people within the PHV industry that I have spoken to that would accept this as being rational, either run or own white vehicles and even they accept that prescribing white only will almost certainly increase prices, reduce model availability and potentially create a shortage of available vehicles. Here are just some of the other reasons not to do this:

- *Private Hire Vehicles are Privately booked not taxis*
- *A uniform colour will make PHVs look more like taxis*
- *Modern technology and the number plate identifies vehicles to customers*
- *Passengers will start approaching white vehicles (this is dangerous)*
- *Bogus drivers will use a white vehicle (this is dangerous)*
- *Passengers from neighbouring authorities will be confused*
- *Tourists travelling to multiple destinations will be confused*
- *Drivers who move into TfGM with a vehicle they used elsewhere won't be able to get licensed*
- *Electric and Hybrid vehicles are not predominantly white*
- *Colour schemes are unwelcomed by vehicle hirers, replacement vehicle suppliers and major trade suppliers*
- *Colour schemes for PHVs have been successfully challenged in the courts*
- *Some excellent PH industry vehicles are not available in white" (Organisation LPHCA)*

"This approach actually promotes, encourages and support the issue of cross border hiring, since all 10 districts (and indeed further afield such as Rossendale and others.) will look identical, and therefore there will be very little to demonstrate to passengers whether the vehicle is correctly licensed or not" (Organisation, NPHTA)

"Making all the vehicles uniform in colour could result in some negative unintended consequences. Suddenly, a fleet of white GM private hire vehicles become taxis and many will exploit this by plying for hire without a relevant licence". (Unite the Union - Manchester Hackney Carriage)

Bury Response:

Main themes from the public

	Number of comments
Vehicle Colour	21

General Comments

9

General comments: Over two-thirds of the comments here (n=7) welcomed the proposed changes. One commented on the current state of taxis and one suggested that changes are not needed;

Colour of vehicle (n=21): Half of all the comments were about the vehicle colour and the majority of public who commented stated that a specific colour is unnecessary and will not improve standards.

"The colour of the car isn't that important." (Public, age 65-74)

"Some of these things would price a lot of private hire cars off the road. There is no need to all have one colour. Hackney cabs should be of a higher spec but even then one colour is not required. Firms should also have different vehicle types as whilst I don't need an all access vehicle, some people would." (Public, age 65-74)

Main themes from private hire drivers

	Number of comments
Vehicle Colour	9
General Comments	5

General comments: Five drivers felt these changes were unnecessary without specifying any part of the standard in particular;

Vehicle colour: All PHV drivers stated the standard colour suggestion is unnecessary, and it will increase the cost of the vehicle.

"Vehicle colour I disagree with all white no thanks. Availability on these vehicles will be low and the price hike and who is going to pay for this." (PHV driver)

"I don't agree with this proposal because if you are to pass this motion than can manufacturers and sellers will put their prices up on white colour cars (private hire) and black colour MVPs knowing the demand for these have gone up in our trade." (PHV driver.

Comments and considerationsBackground in GM and the National landscape

It is generally accepted in licensing practice that in order to support and promote public safety, the public need to be able to clearly identify legitimately licensed Hackney Carriage and Private Hire vehicles; that licensed vehicles must be distinguishable from each other (clear demarcation between Hackney and Private Hire) and from other vehicles. As such, many licensing authorities have requirements on the types of vehicles that can be licensed as either a Hackney or Private Hire, have stipulations around signage/livery and plates, and have some element of colour policy (usually requiring Hackney's to be of a certain colour, and stipulating that private hire vehicles can be anything but that colour). Having clear identifiers for a legitimately licensed vehicle (and enforcing those policies) better mitigates the risks of travelling in a mode of transport that carries the highest risk for individuals and vulnerable passengers.

Across GM, policies relating to colour, make/model, roof signs, livery, stickers and plates vary widely. Within these proposals are other standards around vehicle specifications to bring about consistency of these identifying requirements. This standard proposal deals with colour only and as set out above, proposed that Hackney's be black and Private Hire be white in colour to support clear identification and public safety.

Most members may be aware that several GM authorities have had Hackney vehicle colour policies for some time; currently requiring within their Hackney Carriage Vehicle Policy that all licensed Hackneys (that are not purpose built taxis) must be black in colour. Purpose Built or London Style Hackney vehicles may be the manufacturer's colour.

Manchester City Council (MCC) also currently has a Private Hire Vehicle (PHV) Colour Policy, which appears unique in the industry (officers are not aware of any similar PHV policy in the UK). This policy was introduced in 2001 alongside other vehicle requirements in response to the death of student Rachel Thacker, who was brutally sexually assaulted and murdered in Manchester after getting into a vehicle posing as a licensed PHV after a night out in 1996. The policy intention was to improve public safety by making legitimately licensed PHVs more distinguishable and make it more difficult for an unlicensed driver to masquerade in the City. This approach was supported by the Suzy Lamplugh Trust, whose longest running campaign related to the regulation of the taxi and private hire industry. The Suzy Lamplugh Trust were also a member of the Task and Finish Group on Taxi and Private Hire Vehicle Licensing that presented its report to government in September 2018, and they state in their continued lobbying of government: "*National minimum standards should also strengthen requirements to ensure that the public are able to distinguish easily between taxis and PHVs, and licensed and unlicensed vehicles*".

Initially in 2001, MCC's policy stated that all licensed PHVs had to be white in colour (and gave over 5 years for the existing fleet at the time to transition). In 2003, the policy was amended following submissions by the trade about the increased cost of white vehicles as a direct consequence of the policy, as well as the availability of vehicles. The trade at the time suggested the inclusion of silver within the PHV colour policy and this amendment was accepted by the Committee at the time. The only subsequent change to the policy since 2003 was to clarify what would be acceptable as 'silver' due to wide variances from manufacturers. The trade have not expressed any major issues obtaining white or silver vehicles since 2003. The size of the licensed PHV fleet in MCC has increased in that time from under 2000 to currently around 2860, having previously peaked at over 3400.

It is fair to say that there is no hard evidence by which to accurately assess the impact of MCC's colour policy and no data is held about enforcement activity 20 years ago by which to compare current data. From a proactive compliance point of view, it has certainly made it easier for officers to distinguish between an MCC and non-MCC licensed vehicle and anecdotally officers say there is some public awareness of this, but also there remains significant levels of ignorance of and/or apathy towards the policy amongst the public and particularly the younger generations within the night time economy. It is also fair to say that the policy has been undermined since its inception by the fact that vehicles from neighbouring

districts (and more recently from further afield) with no colour and varying vehicle identifying policies, have always been able to enter the city to pick up, drop off or sub-contract; and this undermining has increased tenfold since the changes made in the Deregulation Act.

Response to specific concerns raised in the consultation

It should be noted that apart from generalised comments in relation to 'not thinking standardised colours are necessary', there were no specific comments disagreeing with the proposal for all licensed Hackney Vehicles to be black in colour (or manufacturer's colour for London Style cabs). Some comments have however been received with regards to extending the exception on manufacturer's colour to any Hackney Carriage that is purpose built as such by the manufacturer, which includes all the additional needs adaptations built as standard (and not converted to a Wheelchair Accessible Taxi after manufacture). Given the significant challenge to proprietors in acquiring second hand compliant purpose built/WAV Hackneys at present, it is considered reasonable at this stage to permit manufacturer's colour for any purpose-built Hackney.

All the following concerns outlined are in relation to the proposal for PHVs to be white in colour:

Expense/Availability: there were a number of comments raised in relation to the cost of vehicles of a specified colour increasing (as they did in response to Manchester's 2001 policy) or the cost of re-sprays to make vehicles compliant. This risk could be mitigated with the introduction of another specified colour, and/or the phasing of a transition period for existing licence holders (for example 5 years) should the policy proposal go ahead. However the availability of specific vehicles, particularly EV, Hybrid models remains limited on the market at present and it may be considered too onerous to have the additional requirement that it be a specific colour also at this stage.

Uniformity would make PHVs look more like Taxis / reduce safety: This is a relevant consideration and one which should be carefully considered. Whilst on the one hand without the policy standard it could be more difficult for members of the public to easily identify operators that use vehicles licensed within a GM district, on the other hand, the higher the number of PHVs operating within GM, the higher the possibility that members of the public don't perceive them as working for separate businesses or indeed as licensed by separate authorities. In turn it stands to reason that there also follows a higher possibility of illegal plying for hire, as the uniformity of appearance across a larger fleet comprising of all 10 districts could be perceived as 'taxis' by the public. Practically this could also be a challenge for compliance officers, who may struggle to identify which district a vehicle is licensed by sight, and it could increase the possibility of cross border hiring.

The comments from the Guide Dogs organisation about the colour white being challenging for those with sight impairments have not been expressed previously in relation to MCC's current policy but will need to be given due consideration in the context of this proposal.

Risk of licensees moving out of GM: As this was one of the standards within the policy proposals that members of the trade most disagreed with, it can reasonably be inferred that there is a significant risk that existing PHV licence holders would move out of GM before they were subjected to the policy condition, possibly after already making use of the Clean Taxi Fund. Members will know that this won't preclude those licensees (both drivers and vehicles) from operating and working back within GM, but subject to the policies, conditions and checks conducted by other authorities. As well as losing recovery of costs within licensing regimes, the public safety assurances afforded by GM districts' policies will not necessarily apply. The further risk to licensing services business models is that given the strength of negative feeling in relation this policy, it could preclude GM districts attracting licensees back to their local area.

Modern Technology and number plates identify vehicles to customers: It is a relevant point that the technology that currently exists and is used by many PH Operators, was not available in 2001 when Manchester introduced its policy and there are now other means available to assist the public in ensuring they are entering the correct vehicle they have pre-booked. It should be noted that not all PH Operators make use of such technology and so this cannot be fully relied upon. It is also the case that despite these provisions and other identifying specifications, many passengers, particularly those travelling in the night-time economy, will still enter vehicles they have not pre-booked.

Bogus drivers can still use the colour white: It is a fact that a bogus driver with ill intent could just as easily access a white coloured vehicle and attempt to pose as a legitimately licensed driver. The colour policy alone was never intended to mitigate this risk in isolation, and it is alongside other policies relating to livery requirements that a colour policy would have more effect. However, as outlined above, the impact of such a policy can also be severely undermined if not implemented at a national level in the current landscape.

Other considerations:

In Manchester where the policy has existing for almost 20 years, intelligence from MCC's compliance officers suggests that bogus/unlicensed drivers has reduced significantly over that time, but this cannot necessarily be solely attributed to the policy in isolation and it is likely there are a number of factors contributing to this. MCC also conducts regular undercover operations with GMP (on average once a month) where plain clothed Special Constables, posing as potential customers, undertake journeys when approached by private hire drivers illegally plying for hire. Operations are run during peak periods into the early hours during of the night-time economy and often detect upwards of seven offences each night, and since it has been running over the last four years, has detected no unlicensed/bogus drivers. Whilst it is not known that any licensed drivers illegally approaching customers without a booking have any malintent, clearly the existence of the colour policy in conjunction with other policies and a robust proactive compliance approach, does not sufficiently deter many drivers from approaching customers without bookings within a busy social economy.

There is a strong argument that the existence of other official livery requirements, i.e. properly attached and easily readable plates and non-magnetic Council issued

stickers placed in specific locations on the vehicle, alongside other vehicle specifications should be sufficient to assist passengers in identifying a properly licensed private hire vehicle, particularly if they have any additional identifying information provided by the Operator when they book. Recommendation 5 helps fulfil this important consideration.

All of these concerns emphasise the importance of public awareness and personal responsibility around the risks posed by not properly pre-booking PHVs, and not checking the vehicle you are entering is the one dispatched by the Operator. There is another risk that passengers could overly rely on the colour policy and may be less likely therefore to make additional checks prior to entering a vehicle. Whilst licensing authorities can seek to mitigate the very real risks as much as possible, it is known that people are less inclined to take necessary precautions in particular circumstances, there is only so much that authorities can do to remove these risks entirely and continuing to raise public awareness to encourage individuals to make sufficient checks and supporting better travel choices is key to improving public safety.

Finally, if Members are not inclined to support this proposal either in part or whole, it is important to note that this will not preclude any authority from retaining or introducing a specific colour policy if they wish to do so.

Lead Officers recommendation

To implement the policy standard that all Hackney Carriage Vehicles should be black in colour for all new and replacement vehicles with the following exceptions:

- Purpose-built* Taxis may be of the manufacturer’s colour
- Advertising is allowed on London Style Taxis

Not to recommend a specific colour requirement for Private Hire vehicles at this stage. A piece of research is to be commissioned to further consider the risks/benefits of this policy in light of concerns raised by the trade. However, single colour for private hire vehicles remains an aspiration of the MLS programme.

* A Purpose-built Hackney Carriage is defined as a vehicle that has been manufactured and sold by the relevant manufacturer as a Hackney Carriage. A vehicle that has been manufactured and registered, but subsequently converted is not considered to be purpose-built. Whilst vehicles converted by an approved company post manufacturing process may be permitted onto the fleet, it does not meet the definition of purpose-built and therefore any new Hackney Carriage vehicles of this nature that are licensed must be black in colour.

Vehicle Proposed Standard 5	Bury Council Current standard
<p>Vehicle Livery It was proposed that all vehicles will:</p> <ul style="list-style-type: none"> • display permanently affixed licence plates on the front and back of the vehicle 	<p>Bury Council requires all Hackney Carriage and Private Hire vehicles to display front and rear plates.</p>

<ul style="list-style-type: none"> display a 'GM approved' sticker on the bonnet <p>It was proposed that all PHVs will:</p> <ul style="list-style-type: none"> only display stickers provided by the licensing authority (at cost) which will bear the operator name, 'advanced bookings only', 'not insured unless pre-booked' and the licensing authority logo display those stickers on both rear side doors and the back window not use any magnetic stickers 	<p>In respect of Private hire vehicles, they must display the following as well as the plates:</p> <ul style="list-style-type: none"> Operator stickers on two front doors. The name of the operator's firm on the front windscreen at the top left-hand side, the name of the operator's firm at the bottom of the back windscreen. Bury Insurance stickers on two rear doors. We do not allow any signage to be on magnets. The operator signage is currently approved and then provided by the Operator. All signs, including phone numbers and logos, must be between 4cm and 7cm high. <p>We do find that several drivers make their own versions of this signage, so is not standard. Action is taken against those not meeting the standard.</p>
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Reason for Proposal

As outlined in Standard 4 above, having clear and consistent specification for livery that helps identify and distinguish properly licensed vehicles as either Hackney Carriages or Private Hire vehicles is a significant aspect of reducing the risk to public safety. Stipulating that officially issued plates and stickers have to be properly affixed is an important feature of this mitigation, so that stickers and plates cannot be easily transferred or used on non-licensed vehicles and help give assurance and confidence to the travelling public.

Specifying and standardising what stickers can be placed where also helps raise the aesthetic look of the fleet, ensuring consistency, neatness and guards against the use of inappropriate material or messaging that would fall below the standard the authority expects in representing the district.

Consultation Response

GM level response:

This proposal generated a fairly high number of comments compared to many other standards:

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Vehicle Livery	62	7	47	6	1	3	11

This table breaks down those comments thematically across the respondent categories:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Vehicle liveries should still be regulated	9	3	9	2	0	0	3
Problems with liveries e.g. distracting	3	1	27	1	0	2	0
Liveries cause devaluation	0	0	6	0	0	0	1
Use stickers / livery to make cabs identifiable	27	1	1	1	0	0	4
Large fines for improper use of liveries	2	0	0	0	0	0	0
Include GM branding e.g. bee / variation by district	9	0	0	0	0	0	2
Liveries can hinder driver ability to use vehicle for personal use	2	0	3	0	1	1	0
Disagree with livery - unspecified	12	2	7	3	0	0	2

Advertisement is a source of income	6	1	0	0	0	0	2
Base	62	7	47	6	1	3	11

27 Members of the public and 1 PHV operator agreed with use of stickers/livery to make vehicles more identifiable for customers and authorities equally, on the road and on CCTV. Some feel it will increase safety, such as making it easier for customers to hail hackney in the evening / when visibility is poor.

"Vehicle livery - operator logo should also be displayed on bonnet to assist authorities in identifying taxi via CCTV when required." (Public, age 35-44, Bury)

"I think it's very important that taxis still have their company logo on the side. When I personally order a taxi that's the first thing I look for before checking with the driver." (Public, age 25-34, Stockport)

There were some suggestions to include Manchester branding like "The Bee" symbol or have colour on bonnet based on the licensing authority.

"Livery: I think it's important to recognise each vehicle especially at night-time and have Manchester Theme e.g. "the Bee" symbol. Name of operator or driver again may not be too visible at night" (Public, age 75+, Bolton)

"All private hire vehicle should be white with an identifiable stripe on the side/bonnet depicting a colour coordinating with the issuing authority. ie Stockport Mauve. Tameside Yellow, Bolton blue etc. This would identify the vehicle to that particular issuing authority, ensuring an easily identifiable vehicle correct to the area." (Public, age 55-64, Tameside)

Eight respondents commented about how they felt livery could be a means of additional income to drivers, with some feeling advertisements add interest and support their use.

"The advertisements that sometimes cover Hackney cabs can be interesting and eye catching to passengers. They make the city more colourful and interesting." (Public, age 25-34, Manchester)

"As regard to advertising on cabs this is a second source of income and a big part of diversity of generating revenue." (Hackney Driver, Tameside)

However, PHV drivers raised issues with the use of livery including:

- **Use of vehicle for personal use:** PHV owners were concerned they will not be able to use their vehicle for personal use.

"I think there is no need to slap stickers on private hire cars. We can't use that car for personal use or social, if I would out with family people would approach my car asking if it is their taxi. That's mean I have to buy another car for personal use causing more pollution and traffic on the road. I hope this makes sense. Greater London has no stickers on

PHVs, which is much bigger in size and population. Thanks.” (PHV Driver, Bolton)

- **Lead to distraction:** liveries on vehicles may lead to distraction and take the essence of the hackney.

“Another thing I don’t agree with is that purpose-built black cabs e.g. London style only taxis would lose their prestige if stickers were put all over them and could cause a distraction if they are on the bonnet, as well as they don’t slope away like in other vehicles.” (Hackney Driver, Wigan)

- **Vehicles become targeted:** liveries lead to vehicles being targeted by vandals, with some respondents expressing concerns about their vehicles being damaged deliberately.

“Vehicle Livery - this is already an issue for Manchester licensed vehicles that become a target for vandals as they are easily recognisable. Stone throwing, egg throwing is commonplace on the streets of Manchester. I would like to see an alternative to the visible livery.” (Vehicle leasing company, Manchester)

- **Devaluation of Vehicles:** stickers affect the paintwork leading to devaluation of the taxis.

“Vehicle livery I agree with this but NOT the placement of the bonnet sticker as a Manchester licence vehicle this has always been and caused issues with paintwork damage as any stickers on the bonnet and wings of a vehicle are the worst place you could choose to put them as the heat from the engine causes paint damage and discolouration when they are on for many years and cause vehicle depreciation value due to the paintwork damage and in my honest opinion make the vehicles look horrible just stickers on the rear doors is good placement even the sticker in the rear window is sometimes now not suitable as with the shape and style of some vehicles rear window the sticker placement can cause issues with rear view through the rear view mirror when reversing a vehicle.” (PHV Driver, Manchester)

“Why is there a need to have a sticker on the bonnet? With licence plates front and back plus side stickers. The stickers cause damage to paint work plus discolouration.” (PHV Driver, outside Greater Manchester)

Two representatives suggested including livery **advertisement as a source of income** within the current restrictions.

“The restriction on livery has been long established, but there is merit in considering an exemption for public health or public interest livery pre-approved by the licensing authority. This could provide additional income to drivers who are faced with escalating costs and increased competition, and assist with public health campaigns; for instance, on Covid-19, smoking cessation or other important campaigns.” (Councillor / Elected official, Oldham West)

Bury Response:

Main themes from the public

	Number of comments
General Comments	9
Vehicle Livery	6

General comments: Over two-thirds of the comments here (n=7) welcomed the proposed changes. One commented on the current state of taxis and one suggested that changes are not needed;

Vehicle livery: Half of the comments given here (n=3) felt the use of stickers would make taxis more identifiable, two other comments were that there should be some Manchester branding e.g. district or the bee. One person commented that liveries should still be regulated;

Main themes from private hire drivers

	Number of comments
General Comments	5
Vehicle Livery	3

General comments: Five drivers felt these changes were unnecessary without specifying any part of the standard in particular

Vehicle livery: Most of the drivers (n=2) felt the livery is distracting to them, with one comment that the livery may hinder them when driving for their personal use;

Comments and considerations

As outlined above, the livery policies are integral to supporting the identification of properly licensed vehicles and help distinguish between the two sectors. The governing legislation simply requires that the council issue a plate and stipulate how it should be 'exhibited on the vehicle', but caselaw has determined that the design of the plate is a matter for the issuing authority and cannot be challenged by the licence holder. Most licensing authorities stipulate additional identification requirements in order to support proper identification, and therefore in turn support public safety.

This proposal requires both a rear and front plate to better enable the public and officers to identify properly licensed vehicles more readily. Requiring the plate to be properly affixed also safeguards against the plate being used on non-licensed vehicles and in turn supports public confidence in the regulatory regime. Too often licensed vehicles are seen with plates that are affixed with clips, Velcro or other temporary fixings from other authorities and this undermines our local efforts to safeguard the travelling public. Whilst the DfT did not refer to any specific vehicle standards in its Statutory Guidance published in 2020, it did make reference in its 'Best Practice Guide' March 2010 to it being helpful 'if licence plates are displayed on the front as well as the rear of vehicles', and it suggests that licence conditions requiring a sign on the vehicle in specified forms that help identify the operator, the licensing authority and some words such as 'pre-booked only' seem to be best practice. It stands to reason therefore that policies prohibiting the use of other signs/stickers would be preferable so as not to confuse the public and make identification a clearer process. The best practice guide also warns against the use of roof mounted signs on PHVs which are liable to cause confusion with a taxi.

Similarly, not permitting the use of stickers that are not permanently affixed has the same safeguarding intention. When officers are conducting proactive compliance on the streets, particularly within the night-time economy when passengers may be more vulnerable, it is much more effective if officers can easily identify a licensed vehicle, the authority it is licensed by and for PHVs, the Operator it is working for. Without this easier identification on the street, lengthy enquiries may need to be conducted and drivers/vehicles cannot be dealt with as quickly if there are concerns warranting the use of immediate action. If licensees can only use officially approved stickers for example (and in addition their distribution is effectively managed) it makes it much more difficult to obtain those stickers and pose as a legitimately licensed vehicle. Additionally, those drivers in vehicles that may not be as easily identifiable, may be subject to less scrutiny when in other districts and therefore less accountable to their licence conditions and responsibilities.

Some respondents in the consultation made a number of points in relation to stickers which are addressed in turn below:

Personal Use: Caselaw has determined that a private hire vehicle is always a private hire vehicle (*Benson v Boyce* 1997), even if it is being used for domestic/personal use and cannot be driven by a non-licensed driver; therefore there can be no scope for enabling licence holders to remove identification if they wish to use it for personal use.

Licensed Vehicles being targeted: Authorities are aware of allegations being made that licensed private hire vehicles are targeted with anti-social behaviour and therefore request the removal of identifying stickers. For all the reasons outlined above, most authorities in GM that have relevant sticker policies have resisted this. Anti-social behaviour in all its forms should be challenged and tackled directly by partners working effectively together to identify the offenders and take relevant action.

It is considered the best approach that licensing authorities do not remove or relax safeguarding measures with regards to stickers, but instead work with drivers, operators and partners wherever anti-social behaviour is reported to hold those individuals to account and deter such behaviour.

Devaluation of vehicles: Whilst there may be some risk of discolouration or damage to paintwork from the use of adhesive stickers if they are left affixed for a long period, it is not considered a strong enough reason to allow the public safety risks associated with the use of magnetic stickers. A licensed vehicle is a business and just like any other business that may use vehicles (that will always depreciate in value in any event) as well as use identifiers on vehicles, should consider and build these costs into the business model.

Depictions of the proposals can be found at **Appendix 1**. It should be noted that colour of the vehicles is for illustrative purposes only, and exact branding has not been finalised; but the intention is that:

- required stickers be yellow in colour with an ambition to link to the wider Bee Network transport brand for Greater Manchester
- have the local authority crest/logo clearly identifiable

<ul style="list-style-type: none"> • plate colours and sizes will be specified by individual districts
<p>Lead Officers recommendation</p> <p>Bury Council have carried out further consultation with taxi drivers and operators and following this recommend that the Council implements the following GM livery standards proposed:</p> <p><u>That all vehicles will:</u></p> <ul style="list-style-type: none"> • display permanently affixed licence plates on the front and back of the vehicle <p><u>That all PHVs will:</u></p> <ul style="list-style-type: none"> • only display stickers provided by the licensing authority (at cost) which will bear the operator name and phone number, 'advanced bookings only', 'not insured unless pre-booked' and the licensing authority logo (The design, dimensions and placement of the stickers on the vehicle is to be determined at a future date) • display those stickers on both rear side doors and the back window • not use any magnetic stickers <p>Any decision regarding the implementation of the proposed 'GM approved' bonnet sticker will be delayed for a period of 2 years while more work is carried out with the trade and GMP to address the concerns raised by the trade relating to antisocial behaviour.</p> <p>Existing vehicle livery standards in Bury will be retained until the new GM livery design, dimensions and placement are confirmed and procured. Ahead of the changes, the existing livery standards will be reviewed to accommodate the GM livery. A further update report will be presented to the Licensing and Safety Committee.</p>

Vehicle Proposed Standard 6	Bury Council Current standard
<p>Vehicle Testing</p> <p>It was proposed that all vehicles more than 3 years old will be tested at least twice a year and that all vehicles will be tested against the DVSA MOT standard as a minimum. (This will be at cost to the vehicle licence proprietor/driver).</p>	<p>Bury Council currently tests all vehicles over two years old at least twice a year. However, if a vehicle fails two consecutive tests with three or more MOT faults the vehicle is put on three tests a year.</p> <p>For the vehicle that is on three tests a year to go back to 2 test a year it has to pass two consecutive tests with less than 3 MOT faults.</p>
<p>Reason for Proposal</p>	
<p>The legal requirement for licensed vehicles is that they are subject to at least an annual test (MOT or equivalent) – for taxis this is always at least annually and for PHVs this is after the vehicle is 3 years old.</p>	

Those authorities within GM that have introduced a more frequent testing regime to the basic annual test required by law, have done so on the back of testing data that has evidenced high levels of testing failures in older vehicles.

Licensing figures would also suggest that with the increase of 'licence shopping' since the impact of the Deregulation Act, vehicle licence holders have sought out those authorities that have lower testing frequencies (alongside other lower policy standards) and so this proposal seeks to harmonise the testing regimes across GM to minimise the variance and better ensure the safety standard of vehicles carrying the public.

Consultation Response

GM level response:

This standard received a fair number of responses compared to some others:

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Vehicle Maintenance and Testing	44	20	31	4	0	0	2

This table breaks down those comments thematically across the respondent categories:

Comment Category	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Agree with proposed plan for vehicle testing	20	7	8	1	0	0	1
More vehicle testing required than proposed	3	1	0	1	0	0	0
Less vehicle testing required than proposed	10	4	16	2	0	0	1
Reporting unroadworthy	4	0	0	0	0	0	0

vehicles should be simple							
Maintenance spot checks should be performed	3	0	0	0	0	0	0
Stricter checks on testing centres	2	3	0	0	0	0	0
Need more places to be able to conduct tests	0	6	5	0	0	0	0
Cars that have been written off and repaired should be allowed to be licensed again	0	1	4	0	0	0	1
Testing frequency should be based on the vehicle mileage	5	1	0	0	0	0	0
Base	44	20	31	4	0	0	2

Most respondents that commented provided a general comment of support for the proposed standard:

"Vehicle testing should be twice a year, main renewal and a 6-month inspection throughout the 10 years of licence as Manchester have 4 tests for vehicles over 5 years old which is ridiculous as the standard DVSA MOT test is valid for all road vehicles for 12 months by general public, so for taxis, twice a year is acceptable." (PHV Driver, Manchester)

"Also, important that if we're mandating twice-yearly safety checks these are not prohibitively expensive or driver's may be priced out of operation." (Public, age 25-34, Rochdale)

Five respondents suggested more testing is needed than what is proposed, feeling the additional checks are needed due to the high mileage such vehicles generally do.

"Vehicle testing should be more frequent; these vehicles are higher than average mileage vehicles so need more testing." (Public, age 45-54, Oldham)

Four hackney drivers, 16 PHV drivers and 10 members of the public felt less testing was needed. *"Testing - Tests should not be conducted twice per year. This is overkill." (Public, age 18-24, location not provided)*

"Annual mot test seems adequate to me. As I have a 14-year-old car, I would be ok with a taxi over 10 years old." (Public, age 65-74, Stockport)

Some respondents suggested the amount of vehicle testing should depend on the age of the vehicle, with newer vehicles requiring less testing.

"Vehicle age: having bought many vehicles for private hire. Usually around 3-4 years old, and financing over three years. Doesn't leave me with a finance free private hire vehicle for very long. So I would welcome the 10 years. The vehicle is being tested twice a year. Maybe the final one or two years could be three times a year." (PHV Driver, Manchester)

"On vehicle testing, I think vehicles under three years old should have one test a year, and vehicles three years and over should have two." (Hackney Driver, Stockport)

"Vehicle testing instead of making a car redundant at 10 years old. Why not change and at eight years old and put the cars on three tests per year at least then the vehicle stays in maintained condition and keeps the driver in work as there are enough taking taxpayers money without the councils making more unemployed." (Public, age 55-64, Wigan)

A small number of respondents, both members of the public and drivers, suggested testing frequency should be based on vehicle mileage.

"Vehicle testing should be linked to the amount of mileage a taxi covers." (Public, age 55-64, Rochdale)

"Vehicle testing - I believe a more onerous testing regime should be avoided. Speaking personally, I have seen the number of miles that I cover in a year reduce to a level that is less than most private cars, yet I have to produce my vehicle for two enhanced tests every year. Obviously, vehicles must be safe as a priority but so should every vehicle that is on the road." (Hackney Driver, Stockport)

Six hackney drivers and five PHV drivers felt more testing places were needed, and three Hackney drivers also felt stricter checks should be required at testing centres to ensure vehicles are roadworthy and safe.

"Vehicle Testing Vehicles should be tested twice a year to a more rigorous test at a local authority test centre and not at a for profit MOT station. There should be less chance of favouritism and corruption." (Hackney Driver, Wigan)

"Private hire should not look like a Hackney Hackneys should be the most versatile vehicle Testing Vehicles should be tested at least twice a year at the local authority testing facilities. At a higher standard than

the MOT standard. And not at any MOT station or not for profit.” (Hackney Driver, Wigan)

“Vehicle testing should be allowed at any government approved testing station and not just be tested by local authorities so they can take advantage.” (Hackney Driver, Manchester)

Three respondents suggested maintenance spot checks should be performed.

“Vehicle conditions should be subject to an annual check to ensure fit for purpose and that spot checks should be made around the Borough to ensure these standards are maintained.” (Public, age 45-54, Rochdale)

Four respondents felt the process for reporting unroadworthy vehicles should be simple.

“Members of the public should have the ease of reporting the poor condition of a vehicle to the issuing authority easily through a call centre or web address instead of going through the hoops and jumps that occurs today.” (Public, age 55-64, Tameside)

Bury Response:

Main themes from the public

	Number of comments
General Comments	9
Vehicle Maintenance and Testing	7

General comments: Over two-thirds of the comments here (n=7) welcomed the proposed changes. One commented on the current state of taxis and one suggested that changes are not needed;

Vehicle maintenance and testing: Most of the comments agreed with the proposed plans for vehicle testing (n=4), with two comments suggesting the reporting of unroadworthy vehicles should be simple and one suggested that stricter checks should be done on testing centres;

Main themes from private hire drivers

	Number of comments
General Comments	5
Vehicle Maintenance and Testing	1

General comments: Five drivers felt these changes were unnecessary without specifying any part of the standard in particular;

Vehicle maintenance and testing: A driver commented that to deliver this, there needs to be more places to test their vehicle;

Comments and considerations

In busier licensing authorities, where licensed vehicles may be more likely to conduct higher mileage compared to other less populated areas, it is considered reasonable

to test vehicles more frequently than the minimum required by law – a view also supported by the DfT's Best Practice Guidance March 2010. A quick review of several city and large town licensing authorities reveals a varied picture with 6 monthly tests as common as the basic minimum requirement.

In general, licensed vehicles undertake much higher mileage than domestic vehicles (a recent report from one GM authority shows that in 2018-19 both Hackneys and PHVs were conducted on average around 30,000 miles per annum) and therefore will wear more quickly (both mechanically and cosmetically). Therefore, in the interests of passenger and other road user's safety, a more stringent maintenance and testing regime is required. A best practice guide for the Inspection of Hackney Carriage and Private Hire Vehicles produced by the Freight Transport Association (published August 2012) on behalf of the Hackney Carriage and Private Hire Inspection Technical Officer Group, Public Authority Transport Network (PATN) (and supported by VOSA), states:

The purpose of the HC and PHV test is to confirm vehicles meet these more stringent standards. Vehicles must be submitted fully prepared for the test. It is not intended that the test be used in lieu of a regular preventative maintenance programme. If, in the opinion of the vehicle examiner, the vehicle has not been fully prepared, the test will be terminated and a further full test shall be required. It is an offence under the road traffic regulations to use an unroadworthy vehicle on the public highway. HC proprietors and PHV drivers/owners and operators failing to maintain their vehicles in a safe and roadworthy condition may have their vehicle licence suspended, revoked or their licensing application refused by the local licensing authority. In addition, licence holders risk the suspension or revocation of their driver or operator licences by the local licensing authority. This best practice guide should be read in conjunction with Vehicle & Operator Services Agency (VOSA) publication 'MOT Inspection Manual – Private Passenger and Light Commercial Vehicle Testing', ISBN 978-0-9549352-5-2. This best practice guide provides a working document for those who inspect, maintain and prepare vehicles for inspection prior to being issued with a hackney carriage or private hire licence. Although detailed in its content the best practice guide is not exhaustive. However, in assessing the mechanical condition of a vehicle, it is more likely an item which would ordinarily pass an MOT test with an advisory note, could fail the HC and PHV test.

As with many of these standard proposals, there is a risk that introducing more stringent requirements than other local authorities, may result in private hire licensees taking their business to other authorities of lower standards. As many other authorities already require more than the minimum annual test, this standard may be considered to present a lower risk than others. As with all proposals that seek to raise the quality and safety of the fleet licensed within GM, the key to effective implementation will be public awareness and continued lobbying of government to highlight the constraints and risks to authorities that strive to improve standards.

Authorities have a duty and must be able to assure the public with regards to the safety levels of its licensed fleet and it is considered that once a vehicle is over 3 years of age, it is reasonable to seek to ensure that both the mechanical and internal/cosmetic features of the vehicle remain to a standard expected by the authority.

Lead Officers recommendation
To implement the standard as proposed.

Vehicle Proposed Standard 7	Bury Council Current standard						
CCTV It was proposed that all licensed vehicles are fitted with mandatory CCTV to a standard yet to be determined.	Bury Council does not have a current CCTV requirement or policy.						
Reason for Proposal							
The presence of cameras can act as a deterrent to criminal behaviour and can protect both drivers and passengers. If the principle of a CCTV policy is agreed, it is proposed that audio as well as video recording is required, triggered by a panic button system.							
Consultation Response							
<u>GM level response:</u>							
This proposal evoked a greater number of comments from both the public and members of the trade:							
Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
CCTV	83	16	51	6	1	3	8
This table breaks down those comments thematically across the respondent categories:							
Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Agree CCTV should be mandatory	46	6	12	2	0	0	3
CCTV should not be necessary it's should be optional / no need for CCTV	10	1	11	0	0	0	3

CCTV is expensive / Council should help fund	5	5	21	2	0	2	2
All vehicles should also have a dash-cam filming outside of the car	7	1	2	0	0	0	0
CCTV should be used to assess driving standards too	4	0	0	0	0	0	0
Concern about privacy / data protection worries	20	4	11	3	0	0	2
Both drivers and passenger should have panic button	5	0	0	1	1	1	1
Base	83	16	51	6	1	3	8

The majority of respondents were in favour of the proposal in principle:

"CCTV if used in a way that doesn't cause an invasion of privacy to the driver, is very important for the safety of the public. Any livery should be suitably visible for people with limited vision" (Organisation, Brandlesholme Community Centre)

"CCTV will be essential to ensure safety and crime prevention on both sides" (Public, age 25-34, Rochdale)

"I like the CCTV has this will help the trade in lots of ways including Panel Hearings" (Organisation, The Hackney Drivers Association Ltd)

However, 5 hackney drivers and 21 PHV drivers expressed concerns about the cost of CCTV and felt funding should be provided via the council for this purpose. This was also raised in the in-depth interviews where drivers questioned the cost implications of the installation and maintenance of CCTV and what expense would be incurred to download and submit data when there was a problem.

"It's a very good idea having CCTV in the vehicle, because at the end of the day it's safety for yourself and safety for your passengers, but you know, who's going to pay for it, it's about £1,500 for a CCTV in a vehicle, especially for licensed." (PHV Driver, Rochdale)

There were several concerns raised about privacy, GDPR, and the use and storage of recordings, with 4 hackney drivers and 11 PHV drivers raising concerns related to this, compared with 3 PHV operators and 20 members of the public.

"CCTV is an invasion of the public privacy and I'm sure will be challenged in Court. whose paying for this, who under the GDPR is retaining the recordings? How long are those recording retained? Who gets to see them? (Operator, Trafford)"

"We support the introduction of mandatory CCTV in taxi and private hire vehicles and the role that it can play in protecting drivers and passengers and reducing the incidents of serious safety incidents. In order for CCTV to act as an effective deterrent it must be only accessible by the Local Authority, acting as Data Controller, to prevent unauthorised access, distribution or deletion of data by drivers or proprietors." (Operator, several GM authorities)

Two vehicle leasing companies suggested a panic button would be more effective.

"More than CCTV a panic button is a more effective tool. Panic buttons which are connected directly to the police are important CCTV is not very clear when these incidents happen the perpetrators are always wearing caps and hoodies which makes them hard to identify. Therefore, panic buttons alone are more effective." (Vehicle leasing company, Salford)

In the in-depth interviews further concerns were raised by drivers about the responsibility for data storage and management. Queries were raised about whether drivers would be required to upload data to the authority and how will the data recorded be secure and managed by the drivers.

"Who is going to be responsible for the data? Are we going to have to download the data all the time and provide it? At what cost? I understand why this is being considered but practically I'm not sure how this will work." (Hackney Driver Manchester)

Some drivers already had dashcams, which offered the additional benefit of lowering their insurance however, there are strict rules on ensuring the camera only points outwards of the vehicle and not into the car therefore protecting the privacy of the occupants. Questions were raised about the impact of CCTV on their insurance.

"You see I have a dashcam as it is cheaper for my insurance, but it has to point outwards, my insurance is very clear on that. Will my insurance now accept this CCTV inside the car? (PHV Driver, Tameside)

Bury Response:

Main themes from the public

	Number of comments
General Comments	9
CCTV	4

General comments: Over two-thirds of the comments here (n=7) welcomed the proposed changes. One commented on the current state of taxis and one suggested that changes are not needed;

CCTV: Two comments were about privacy concerns, one comment suggested that both drivers and passengers have panic buttons and one comment stated that CCTVs are expensive.

Main themes from private hire drivers

	Number of comments
General Comments	5
CCTV	4

General comments: Five drivers felt these changes were unnecessary without specifying any part of the standard in particular;

CCTV: Four drivers commented that CCTV is expensive;

Comments and considerations

A mandatory CCTV policy is a complex stand alone piece of work and so the purpose of proposing this standard as part of the MLS project, was to consider whether the introduction of a mandatory policy would be supported in principle.

It is clear that there is considerable support for such a policy, notwithstanding the concerns raised which would need to be addressed within a separate policy proposal, and this will now enable officers to draft a full policy for further public consultation.

Lead Officers recommendation

To approve the drafting of a CCTV policy for further consideration and consultation.

Vehicle Proposed Standard 8	Bury Council Current standard
<p>Executive Hire It was proposed that the following conditions apply to executive hire vehicle (eg chauffeur driven) policies</p> <ul style="list-style-type: none"> • Bookings to be confirmed by written contract • Payments made in advance of the journey or by invoice afterwards • Stipulation on the types of vehicles to be licensed • Dress code • Business plan shared with licensing authority 	<p>Bury Council does have a policy and therefore this standard is part met for our executive vehicles.</p> <p>We also currently require:-</p> <ul style="list-style-type: none"> • Business plan • The contracts they hold • A dress code <p>Exemption is given from plates and signage. A disc is instead provided to be displayed in the front windscreen of the car.</p>

<ul style="list-style-type: none"> • Vehicles not to be fitted with data heads, radios or meters • Exemptions from plates and door signs only to be given when used exclusively for executive hire 	
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Reason for Proposal

This proposal seeks to ensure that policies relating to Executive Hire services across GM are consistent.

Consultation Response

GM level response:

Extremely few comments were received about this standard proposed:

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Executive Hire and specialist vehicles	8	0	5	2	0	0	1

This table breaks down those comments thematically across the respondent categories:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Executive hire should be exempt from colour regulations	0	0	1	2	0	0	0
Executive hire operators should have more duties of care	1	0	0	0	0	0	0
Executive hire should be	0	0	0	2	0	0	0

exempt from CCTV							
Should be exclusions for specialist vehicles	3	0	1	1	0	0	1
The exclusive use clause for executive hire vehicles may be unfair on owner drivers	1	0	1	0	0	0	0
Executive hire shouldn't have different rules	3	0	4	0	0	0	0
Base	8	0	5	2	0	0	1

Two operators provided comments citing executive hire vehicles should be exempt from CCTV:

"Executive Fleet. This will raise a lot of issue with the high-end customers we pick up on daily basis. Celebrities, Corporate Staff and others who will surely object to being recorded in the vehicle. Privacy is very important to these individuals." (Operator, Trafford)

"CCTV will break NDA's and client confidentiality and would be strongly opposed by clients who use executive hire services. Colour creates issues within Chauffeur/Executive hire and would destroy industry if it resulted in having to have white cars." (Operator, Bury)

The two operators and respondents who took part in the focus groups gave the following arguments for why the colour standard should not be applied.

"We believe there should be at least 2 vehicle choices. Executive Fleet. We work with lots of Global Travel agents and Executive Chauffeur companies and the most preferred colour for executive work is BLACK / SILVER. White colour for corporate Executive Fleet is a NO NO. Majority of such firms specifically ask that the vehicle be strictly Black or Silver in colour. White Executive cars are mostly in demand for Weddings etc but DEFINITELY NOT FOR CORPORATE SECTOR." (Private hire operator)

Two respondents felt executive hire operators should have more duties of care and they must maintain their high standards.

"Executive hire operator should have greater operating duties as to drivers' hours records vehicle usage." (Public, age 55-64, Tameside)

"Executive taxi operators must use latest technologies and way of communication with the customers and drivers to maintain the highest

standards in the business, bringing in line with the European, American or Australian counterparts' standards." (PHV Driver, Bury)

However, five respondents (4 PHV drivers and 3 members of the public) felt executive hire should not have different rules, explaining the same rules should apply to all.

"Why does "executive" hire get lower restrictions and some exemptions? It's elitist. Manchester is a city of Marx and Engels. All should adhere to the same standards. People with money should not be exempt from ANY rules or regulations. Why should their cars not have plates? But the working classes have? Zero justification." (Public, age 35-44, Manchester)

"As for executive hire as far as I am concerned they should be treated in the same way as private hire as they are just a glorified taxi for people with a bit more money to waste such as councillors etc." (Public, age 55-64, Wigan)

"It is also discriminatory as you have allowed executive vehicles to drive with door stickers, yet you have discriminated us normal PHVs. Why are executive taxis allowed to drive without signage and not us? They are pre booked so are we. We take care of our customers as much as them, by creating a separate rule for executive taxis, you have inadvertently discriminated against normal taxis and it promotes classism and shows that you have 2 different standards in your dealings with us. One for the rich and one for the poor. We should be allowed to drive without any livery at all." (PHV Driver, Rochdale)

Bury Response:

Main themes from the Public

	Number of comments
General Comments	9

General comments: Over two-thirds of the comments here (n=7) welcomed the proposed changes. One commented on the current state of taxis and one suggested that changes are not needed;

Executive Hire: No comments were made by the public on this standard

Main themes from private hire drivers

	Number of comments
General Comments	5
Executive Hire and specialist vehicles	1

General comments: Five drivers felt these changes were unnecessary without specifying any part of the standard in particular;

<p>Executive hire: This person felt that the exclusive clause for executive hire vehicles may be unfair on drivers.</p>
<p>Comments and considerations</p> <p>Policies for Executive Hire (or Non-Standard Private Hire) are common amongst licensing authorities and a number of such policies already exist within GM and have done for some time. The purpose of such policies are to recognise the difference in business/service offer of specialised contract executive or chauffeur hire services. These services are markedly different to standard private hire, in their business plans (for example prestige or vintage vehicles are often used with a much higher monetary value), clientele who may be in the public eye and require a higher level of security; and therefore in working with such companies, a separate set of licence conditions are determined in recognition of the very different type of service they operate.</p> <p>Non-standard or Executive Private Hire vehicles are not permitted to also operate as standard private hire vehicles, which is how risk to public safety is mitigated.</p> <p>This proposal seeks to bring about a level of consistency for these elements of Executive Hire policies across GM.</p>
<p>Lead Officers recommendation</p> <p>To implement the standard as proposed.</p>

Vehicle Proposed Standard 9	Bury Council Current standard
<p>Vehicle design</p> <p>It was proposed that:</p> <ul style="list-style-type: none"> • all vehicles conform to the M1 standard (any modified vehicle at M2 standard must have an appropriate test to ensure conformity with single vehicle type approval) • No retrofitting of engines into older vehicles will be allowed. LPG conversions will be accepted • Where retrofit emissions technology is installed it shall be approved as part of the Clean Vehicle Retrofit Accreditation Scheme (CVRAS) • Specification for window tints will be: <ul style="list-style-type: none"> a) Front windscreen – min. 75% light transmission b) Front side door glass – min. 70% light transmission c) Remaining glass (exc. Rear window) min. 70% light transmission 	<p>Bury Council currently allows signage on private hire vehicles that has been approved by the Licensing Unit Manager.</p> <p>Bury Council do not permit roof signs on Private hire vehicles.</p> <p>Bury Council used to allow window tints as described in this proposed standard, but this has been considered by the Licensing and Safety Committee and we no longer test the percentage of light transmission.</p>

<ul style="list-style-type: none"> • No vehicle first being licensed will have been written off in any category and will not be renewed (if previously written off) after 1 April 2021. • No roof signs permitted on PHVs • No advertising other than Council issued signage on PHVs • The question was also posed whether a swivel seat should be required in a Hackney Carriage vehicle 	<p>We allow window tints that are manufacture fitted i.e. privacy glass</p>
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Reason for Proposal

GM districts currently have fairly similar licensing requirements with regards to the type and design of vehicles permitted on fleets, however where some minor variations do exist, these proposals bring those into line and provide consistency for what will and won't be acceptable criteria for vehicles being licensed. Requirements relating to the categorisation of vehicles having had modifications or accidental damage are clearly aimed at ensuring the structural safety of such vehicles to carry passengers.

Window tint requirements are for the safety of passengers and drivers; to ensure that compliance and other authorised officers (but also generally members of the public) can conduct a quick visual check inside the vehicle, view how many passengers are being transported, and safeguard against criminal activity taking place inside the vehicle. Some passengers, particularly vulnerable passengers may feel safer if they can be seen from outside the vehicle.

At the time of consultation, the proposed effective date for written off vehicles not being renewed was 1 April 2021, and as this date has passed, it is proposed that this date now be amended to be effective immediately upon the determination of policy locally.

Roof signs on PHVs give a false impression to the public that the vehicle is a licensed Hackney Carriage and works against our aim to ensure greater awareness among the public about the key differences between the two sectors and prevent/deter illegal ply for hire, so it is proposed that this cease to be allowed where it currently is.

In support of our objective to have a clearer and cleaner visual identity for vehicles licensed by GM districts, it is proposed that advertisements on PHVs are not permitted unless they are issued/approved by the relevant authority. Currently where there are no restrictions on this, vehicles can have advertising stickers placed in various places around the vehicle, often haphazardly, which really detracts from the image of a high-quality licensed fleet that authorities wish to promote. It will also safeguard against the use of material that could cause offence or be in poor taste.

It was also posed within the consultation document, whether Hackney Carriages should have a requirement to have a swivel seat or not.

Consultation ResponseGM level response:

This proposal received the second fewest number of comments within the vehicle standards:

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Vehicle Design	9	4	0	0	0	0	1

Comments that were made, touched upon the following themes:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
General Disagreement	6	1	0	0	0	0	1
Issue with the accessible vehicle	1	3	0	0	0	0	0
Roof top signs that light up to identify a PHV	2	0	0	0	0	0	0
Base	9	4	0	0	0	0	1

Those 12 respondents who expressed disagreement with the vehicle design standards and elaborated explained they felt the required standards were “too severe”, need “further consideration”, and the swivel seat requirement “restricts vehicle availability” and is not necessary or asked for by passengers.

“I feel that the vehicle design propositions are too severe.” (Public, age 55-64, Manchester)

“I think the seats and loading rules appear to exclude virtually all private hire vehicles. This needs further consideration.” (Public, age 75+, Trafford)

“The swivel seat requirement needs to go. It restricts vehicle availability and is almost never requested out on the streets.” (Hackney Driver, Manchester)

Bury Response:

Main themes from the public

	Number of comments
General Comments	9
Vehicle Design	1

General comments: Over two-thirds of the comments here (n=7) welcomed the proposed changes. One commented on the current state of taxis and one suggested that changes are not needed;

Vehicle design: One respondent suggested rooftop lights to make PHVs recognisable;

Main themes from private hire drivers

	Number of comments
General Comments	5

General comments: Five drivers felt these changes were unnecessary without specifying any part of the standard in particular;

Vehicle Design: No comments were made on this standard

Comments and considerations

The general vehicle design specifications are mainly enshrining in a consistent policy many requirements that already exist throughout GM, and general requirements in law for passenger carrying vehicles. Whilst consultation responses were very low, it makes sense for all GM authorities to take a consistent approach to some of the more common design variations, particularly where they affect public safety.

One issue that trade bodies did raise strong objection to was the tint level allowed (or minimum light transmission) for rear side windows. Whilst purpose built taxis are manufactured without significant window tints as standard, standard saloon vehicles used for private hire work are not similarly purpose built, and manufacturers who are making vehicles for the wider market are increasingly manufacturing with a rear side window tint or 'privacy glass' as standard. As such, the private hire trade are finding it increasingly difficult to source a vehicle that complies with the tint requirements, and costs can be up to £1000 for window replacements, which in turn may then carry a safety risk dependent on the standard of replacement. Authorities have also acknowledged the intent to move to mandatory CCTV requirements for vehicles that would mitigate the safety concerns relating to tint. Therefore, in recognition of this fact, the significant additional cost to the trade within the context of the other costs associated with these proposals, and the risks of licence shopping if introducing significantly more stringent policies than other authorities for private hire, it is proposed to amend this part of the policy standard to:

- Remaining glass or rear side windows (excl. rear window) allow manufacturer's tint to a minimum of 20% light transmission

On reflection and in light of experience during the pandemic (where districts were happy to approve a use of a product i.e. NHS signage, but don't necessarily wish to issue), it is intended to amend the advertisement proposal from:

- No advertising other than Council *issued* signage on PHVs to:
- No advertising other than Council *approved* signage on PHVs

Lead Officers recommendation

To implement the standard as proposed with the following minor amendments:

To change the minimum light transmission specific for point c) remaining glass and specify:

- Remaining glass or rear side windows (exc. Rear window) - allow manufacturer's tint to a minimum 20% light transmission

To change:

- No advertising other than Council *issued* signage on PHVs

to:

- No advertising other than Council *approved* signage on PHVs

To amend the start date for non-renewal of licences with vehicles that have been previously written off to 1 April 2022.

To defer the decision on swivel seats at this time as the consultation response on this specific point was particularly low.

Vehicle Proposed Standard 10	Bury Council Current standard
<p>Vehicle Licence Conditions A set of proposed conditions for Hackney Carriage and Private Hire Vehicles are set out at Appendix 2 and Appendix 3 respectively. The conditions cover a comprehensive set of expectations with regards to the livery, condition, fares and the responsibilities of the proprietor.</p>	<p>Bury Council currently has vehicle licence conditions for both Hackney Carriage and Private Hire Vehicles, but these are in need of updating.</p>
Reason for Proposal	
<p>Each local authority already has licence conditions for each vehicle fleet, but they vary across the conurbation. The Licensing Managers Group reviewed their own conditions and collectively proposed a set of updated and revised conditions, that reflect proposed policy standards and complement conditions also required of drivers and operators, to set clear parameters by which licence holders can be held to account.</p>	
Consultation Response	

GM level response:

There were relatively few comments made with regards to the proposed vehicle licence conditions, with most coming from members of the public and only 6 comments coming from the trade:

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Vehicle Conditions	24	1	3	2	0	0	0

Comments tended to centre around vehicle cleanliness. This table breaks down those comments thematically across the respondent categories:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Vehicle cleanliness is important	24	1	3	2	0	0	0

Respondents discussed how vehicle condition is important, including interiors, condition of current vehicles, hygiene, smell, and general road worthiness.

"Vehicle Conditions: in our geographical area, the condition of some of the vehicles are a disgrace - just by looking at them you can see they are not fit for purpose ie battered, worn tyres, rust, filthy and disgusting with drivers smoking in them and not maintaining them inside or out; some are totally unhygienic which, at the best of times is unhealthy but particularly now during the Covid-19 pandemic. Our suggestion would be that testing standards are raised and adhered to, to ensure, that only roadworthy and clean cars are licensed i.e. only the very best cars are licensed." (Operator, Wigan)

"People should feel safe in the vehicle they are travelling in. Regular testing should be compulsory as well as a standard of cleanliness." (Public, age 45-54, Oldham)

"Our suggestion would be that testing standards are raised and adhered to, to ensure, that only roadworthy and clean cars are licensed i.e. only the very best cars are licensed." (Operator, Wigan)

"Vehicle colour is not particularly important. Emphasis should be on condition of vehicle both mechanically and inside." (Public, age 55-64, Salford)

Bury Response:

Main themes from the public

	Number of comments
General Comments	9
Vehicle Conditions	5

General comments: Over two-thirds of the comments here (n=7) welcomed the proposed changes. One commented on the current state of taxis and one suggested that changes are not needed;

Vehicle conditions: All comments were about the importance of vehicle cleanliness.

Main themes from private hire drivers

	Number of comments
General Comments	5
Vehicle Conditions	1

General comments: Five drivers felt these changes were unnecessary without specifying any part of the standard in particular;

Vehicle Conditions: One driver agreed that vehicle cleanliness is important;

Comments and considerations

Whilst responses were relatively low, there were no strong objections to any specific aspects of the proposed vehicle licence conditions.

It should be noted that the requirement for a vehicle licence holder to undertake a basic DBS check will be added into both sets of licence conditions. This was recommended in the Department for Transport's Statutory Guidance for Taxi and Private Hire Licensing Authorities in July 2020.

Lead Officers recommendation

To implement the standard as proposed with the addition of the DBS requirement for vehicle proprietors who are not licensed drivers.

5 Timescales for Implementation

- 5.7 It should be noted that similar reports to this are going through District governance contemporaneously making the same recommendations. These recommendations were also outlined and endorsed by the Combined Authority at their October meeting.

5.8 All districts are expected to have completed Stage 2 governance by mid-January 2022. Districts will move to embed new policy decisions within existing policies with immediate effect.

5.9 The following table provides a summary of key milestones:

Activity	Target Date
Stage 2 Report to GMCA	29 Oct 2021
District Governance for Stage 2 begins	6 Nov 2021
District Governance for Stage 2 concludes	13 Jan 2022
Clean Taxi Fund Scheme Go Live	End Jan 2022
Stage 2 standards implementation	<p>With immediate effect (upon determination of policy at district level) for new licences</p> <p>Recommended that all existing fleets are compliant with policies by 1 April 2024</p> <p>With agreed longer transitional arrangements for existing fleets on WAV requirement for Hackneys</p>
Clean Air compliance requirements	<p>All GM Licensed vehicles given exemption until 31 May 2023</p> <p>Recommended in MLS that licensed vehicles should be compliant with CAZ requirements by 1 April 2024</p>

6 Conclusion

6.1 The 'golden thread' of licensing is that of public protection. The consultation has demonstrated that the public are overwhelmingly in support of the additional

safeguards and protection that this project can deliver. As well as the local policy strengthening that minimum licensing standards will bring across Greater Manchester it delivers on the implementation of the statutory standards on safeguarding that the Government have introduced.

- 6.2 The vision of Greater Manchester is to continue to work closely together, influence policy change and support the licensed trade by delivering on its promise to provide financial support to move to greener vehicles. This is the start of a journey to continue to deliver excellence in licensing regulation in Greater Manchester. This in turn will help drive more business and passengers to a well-regulated, safe and efficient locally licensed hackney and private hire trade, for example by GM local authorities, TfGM and the GMCA delivering PR and other campaigns encouraging the public to only use and book local licensed services.
- 6.3 However, it is important not to underestimate the challenges the trade continues to face and the balance that must be struck in order to continue to support the trade whilst safeguarding the public; delivering a licensing regime that offers journeys in safe licensed vehicles, driven by safe licensed drivers. The 10 GM licensing authorities will continue to work with the hackney and private hire trade to provide that ever-important support and guidance whilst ensuring that public protection is at the forefront of our considerations.

Community impact / Contribution to the Bury 2030 Strategy

Local Neighbourhoods: The proposals will improve safety standards within the Taxi trade which will increase safety for Bury/GM residents using their services.

Enterprise: The proposals support GM economic growth and will promote and provision and use of local, safer and more consistent GM private hire and hackney carriage trade.

Economic Growth and Inclusion: The implementation of the proposals and improved safety standards will include GM wide promotion of the GM Taxi trade. Public awareness will be increased outlining the benefits following the improved standards and will increasing awareness of the trade and services they provide to the public in Bury/GM.

Equality Impact and considerations:

A GM-wide Equality Impact Assessment has been undertaken and a copy is available on request.

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- a. *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- b. *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- c. *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Opportunity - Improved/co-ordinated safety and standards for hackney carriage and private hire licensing across GM.	Not applicable.
Risk – Licensed vehicle proprietors may choose to obtain licences outside of GM resulting in loss of income and lower standards.	Continued lobbying of Government to review the issue of out of town (not licensed in GM) drivers and vehicles operating in GM. The GM Clean Air Plan exemption will be restricted to those vehicles licensed in GM. Following implementation there will be GM-wide publicity to promote to members of the public the benefits of using GM licensed vehicle.

Consultation:

A Consultation was undertaken by Aecom on behalf of Transport for Greater Manchester and the ten Greater Manchester Authorities. The consultation took place for an eight-week period between the 8 October 2020 until the 3 December 2020.

Legal Implications:

The granting of private hire and hackney carriage and private hire vehicle licences is governed by legislation and gives local authorities powers to attach conditions on grant. In addition, the legislative requirements place duties on local authorities granting such licences.

The current proposals of common minimum licensing standards will require adoption by the Council. Their application is open to legal challenge either by way of an appeal against the attachment of conditions to a licence or by way of judicial review in relation to the overall decision to adopt.

Further reports will be required in due course on a limited number of the proposals and advice will be required as to the appropriate governance route at that time.

Financial Implications:

There are no significant financial costs associated with adopting the common minimum licensing standards for Bury and the work associated with administering and monitoring the scheme will be subsumed within existing resources. Work is ongoing as part of this project to develop and adopt a common fee methodology at which time an assessment will be required as to the financial impact favourable or adverse this may have on existing income budgets.

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Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
GM	Greater Manchester
MLS	Minimum licensing Standards
PH	Private Hire
HC	Hackney Carriage
PHV	Private Hire Vehicle
PHO	Private Hire Operator
TfGM	Transport for Greater Manchester
WAV	Wheelchair Accessible Vehicle

Standard Proposal 5: Livery

Illustrative examples (NB. Vehicle colour is not relevant):





STANDARD PROPOSAL 10

APPENDIX 2

PROPOSED PRIVATE HIRE VEHICLE CONDITIONS

The licensee shall at all times comply with the provisions of Part II of the local Government (Miscellaneous Provisions) Act 1976 and the conditions hereinafter provided.

1. Definitions

For a legal definition of the following terms, see the Local Government (Miscellaneous Provisions) Act 1976.

"Appointed Test Station" a garage approved by the Council for the purposes of carrying out a Vehicle Test

"Authorised Officer" any Officer of the Council authorised in writing by the Council for the purposes of the Local Government (Miscellaneous Provisions) Act 1976

"The Council" Bury Council

"Identification Plates" means the plates issued by the Council for the purpose of identifying the vehicle as a private hire vehicle

"The Licensee" means the holder of a private hire vehicle licence.

"The Operator" / "PHO" a person who makes provisions for the invitation and acceptance of booking / hiring for a Private Hire Vehicle.

"The Private Hire Vehicle" a motor vehicle constructed to seat fewer than nine passengers, other than a hackney carriage or public service vehicle which is provided for hire with the services of a driver for the purpose of carrying passengers

"The Proprietor" means the person(s) who owns, or part owns the private hire person who is in possession of the vehicle if subject to a hiring or hire purchase agreement.

"The Meter" means any device for calculating the fare to be charged in respect of any journey in a private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey or a combination of both

"Test" a compliance test of the vehicle undertaken at an Appointed Test Station

Words importing the masculine gender such as "he" and "him" shall include the feminine gender and be construed accordingly.

Where any condition below requires the Licensee to communicate with the Council, unless otherwise stipulated, all communication must be to the Council's Licensing Department.

2. Identification Plates

- 2.1 The vehicle front and rear licence identification plates must be displayed in the authorised plate holder, obtained from the Licensing Department; and the plate must be fixed in the plate holder using the clips provided, so as to allow them to be easily removed by an authorised officer. The plate holder should be securely fixed to the vehicle in such a way that neither it, nor the number plate are obscured; and that both are 100% visible. Cable ties are not an acceptable means of fixing plates to a vehicle or indeed to the plate holder.
- 2.2 The Licensee shall ensure that the 'Identification Plates' are maintained and kept in such condition that the information contained on the plate is clearly visible to public view at all times.
- 2.3 The Council has specified that the vehicle licence number, make, model and licence expiry date together with the number of passengers it is licensed to carry shall be placed on the identification plate attached to the vehicle. This plate must not be tampered with or amended by anybody other than an Authorised Officer.

3. Condition of Vehicle

- 3.1 The Licensee shall ensure that the private hire vehicle shall be maintained in good mechanical and structural condition at all times and be capable of satisfying the Council's mechanical and structural inspection at any time during the period the vehicle is licensed.
- 3.2 The interior and exterior of the Private Hire Vehicle shall be kept in a clean and safe condition by the Proprietor.
- 3.3 The Licensee shall not allow the mechanical and structural specification of the Private Hire Vehicle to be varied without the written consent of the Council.
- 3.4 The Licensee of the Private Hire Vehicle shall: -
 - provide sufficient means by which any person in the Private Hire Vehicle may communicate with the driver during the course of the hiring;
 - ensure the interior of the vehicle is kept wind and water tight and adequately ventilated;
 - ensure the seats in the passenger compartment are properly cushioned and covered;
 - ensure the floor in the passenger compartment has a proper carpet, mat or other suitable covering;
 - ensure fittings and furniture of the Private Hire Vehicle are kept in a clean condition and well maintained and in every way fit and safe for public use;
 - provide facilities for the carriage of luggage safely and protected from damaging weather conditions.

- 3.5 All vehicles must undertake and pass any further Test at the Appointed Test Station in accordance with Council policy (Arrangements for vehicle testing are entirely the responsibility of the Licensee).
- 3.6 A daily vehicle check log must be completed by the driver of the vehicle at the beginning of each shift. The checks to be carried out are as follows:
- Lights and indicators
 - Tyre condition, pressures and tread
 - Wipers, washers and washer fluid levels
 - Cleanliness inside and out
 - Bodywork – no dents or sharp edges
 - Licence plates present and fixed in accordance with these conditions
 - Any internal discs on display and facing inwards so customers can see.
 - Door and bonnet stickers on display
 - Tariff sheet in display
 - Horn in working order

The Licensee shall record the above information and keep it in the vehicle at all times and make it available to an authorised officer upon request.

4. Accidents

- 4.1 The Licensee shall report to the Council, in writing, as soon as is reasonably practicable and in any case within 72 hours any accident causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers. The report should contain full details of the accident damage including photos.

5. Vehicle signage

- 5.1 No sign, notice, flag or emblem or advertisement shall be displayed in or on any Private Hire Vehicle without the express permission of the Council.
- 5.2 The Licensee shall ensure that the Council issued mandatory bonnet and rear door and rear window signs are affixed permanently to the vehicle and are not removed whilst the vehicle is licensed.

6. Assistance Dogs

- 6.1 The Licensee shall permit any assistance dog to ride in the vehicle (in the control and custody of the passenger) and allow it to be carried in the front passenger seat footwell of the vehicles if required.
- 6.2 The location of the assistance dog must be agreed with the passenger at all times.

- 6.3 The Licensee will ensure that any certificates exempting drivers of the vehicle from duties to carry assistance dogs, are displayed visibly and prominently as prescribed by the Council.

7. Other Animals

- 7.1 Any other animal may be carried in the vehicle at the discretion of the driver and must be carried in the rear of the vehicle in the custody and control of the passenger.

8. Meters

- 8.1 If the vehicle is fitted with a meter:

- The licensee shall ensure the meter is of a type approved by the Council and maintained in a sound mechanical condition at all times
- The licensee shall ensure the meter is set to display any fare table which may be adopted by the private hire operator
- The Council may ensure calibrate and seal, at the expense of the licensee, any meter which is to be used in the licensed vehicle
- The licensee shall ensure the meter is illuminated and is located in a position where any hirer can see the fare easily
- The licensee shall ensure that the words 'FARE' shall be printed on the face of the meter in clear letters so as to apply to the fare recorded thereon
- The licensee shall ensure that the meter and any connected equipment is fitted securely without the risk of impairing the driver's ability to control the vehicle or be a risk to any person in the vehicle
- No meter shall be replaced without the consent of an authorised officer of the council.

9. Fare Tables

- 9.1 The Licensee shall ensure that a copy of the current fare table is available, when not working for an 'app only' based operator, at all times, so it can be easily read by passengers.

- 9.2 The Licensee shall ensure that the fare table is not concealed from view or rendered illegible whilst the vehicle is being used for hire.

10. Licence

- 10.1 The Licensee shall retain a copy of the original private hire vehicle drivers' licences of all drivers driving the private hire vehicle and produce the same to an Authorised Officer or Police Constable on request.

11. Convictions and Suitability Matters

11.1 The licensee shall ensure they provide a relevant DBS certificate as required by the Council to assess their fit and proper status; and that it is kept up to date and remains 'valid' in line with the Council's policies.

11.2 The licensee will register and remain registered with the DBS Update Service to enable the Council to undertake regular checks of the DBS certificate status as necessary.

11.3 The licensee shall notify the Council if they are subject to any:

- arrest or criminal investigation,
- summons,
- charge,
- conviction,
- formal/simple caution,
- fixed penalty,
- criminal court order,
- criminal behaviour order or anti-social behaviour injunction,
- domestic violence related order,
- warning or bind over
- or any matter of restorative justice

against them immediately in writing (or in any case within 24 hours) and shall provide such further information about the circumstances as the Council may require.

12. Notifications and Licence Administration

12.1 For the duration of the licence, the licensee shall pay the reasonable administration charge or fee attached to any requirement to attend training, or produce a relevant certificate, assessment, validation check or other administration or notification process.

12.2 The Licensee shall notify the Council in writing within 14 days of any transfer of ownership of the vehicle. The notice will include the name, address and contact details of the new owner.

12.3 The Licensee shall give notice in writing to the Council of any change of his address or contact details (including email address) during the period of the licence within 7 days of such change taking place.

12.4 If requested by an Authorised Officer the Licensee must provide, in the timescale requested, in writing, to Council the following information: -

- The name of the driver and their badge number;
- The address of the driver;
- The company for whom the driver works for;
- The date and time you hired / lent / leased / rented your vehicle to the driver;
- Whose insurance the driver will be using the vehicle under;
- Whether the driver will have sole use of the vehicle; if not sole use whom else will have access to the vehicle;
- The expected duration the vehicle will be hired / lent / leased / rented to the driver

13. CCTV

13.1 The licensee shall ensure that, in accordance with any Council policy, that CCTV cameras are fitted and in good working order.

NB: This proposed condition is subject to change and further consultation if CCTV is mandated either by GM or the Government. At this stage further conversations will take place with the Surveillance Commissioner and relevant parties.

PROPOSED HACKNEY CARRIAGE VEHICLE CONDITIONS

This Licence is issued subject to compliance with the Council's current Hackney Carriage byelaws and the relevant provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

1. Definitions

"Appointed Test Station" a garage approved by the Council for the purposes of carrying out a Test

"Authorised Officer" any Officer of the Council authorised in writing by the Council for the purposes of the Local Government (Miscellaneous Provisions) Act 1976

"The Council" means Bury Council

"Hackney Carriage" has the same meaning as in the Town Police Clauses Act 1847

"The Identification Plates" the plates issued by the Council for the purpose of identifying the vehicle as a hackney carriage

The "Licensee" is the person who holds the Hackney Carriage Vehicle Licence

"The Proprietor" means the person(s) who owns or part owns the private hire person who is in possession of the vehicle if subject to a hiring or hire purchase agreement.

"Taximeter" any device for calculating the fare to be charged in respect of any journey in a hackney carriage or private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey, or combination of both

"Test" a compliance test of the vehicle undertaken at an Appointed Test Station

"Vehicle" the vehicle licensed as a Hackney Carriage

Words importing the masculine gender such as "he" or "him" shall include the feminine gender and be construed accordingly.

Where any condition below requires the Licensee to communicate with the Council unless otherwise stipulated, all communication must be with the Council's Licensing Department.

2. Identification Plates

2.1 The front and rear vehicle identification plates must be displayed in the authorised plate holder, obtained from the Licensing Department; and that the

plate must be fixed in the plate holder using the clips provided so as to allow them to be easily removed by an authorised officer. The plate holder should be fixed to the vehicle in such a way that neither it nor the number plate are obscured; and that both are 100% visible. Cable ties are not an acceptable means of fixing plates to a vehicle or indeed to the plate holder.

- 2.2 The Licensee of the vehicle shall ensure that the 'Identification Plates' are maintained and kept in such condition that the information on the plate is clearly visible to public view at all times.
- 2.3 The Council has specified that the vehicle licence number, make, model and licence expiry date together with the number of passengers it is licensed to carry shall be placed on the identification plate attached to the vehicle. This plate must not be tampered with or amended by anybody other than an Authorised Officer.

3. Condition of Vehicle

- 3.1 The Licensee shall ensure that the vehicle is always maintained in a good mechanical and structural condition and be capable of satisfying the Council's mechanical and structural inspection at any time during the period of the licence.
- 3.2 The interior and exterior of the Hackney Carriage shall be kept in a clean condition by the Proprietor.
- 3.3 The Licensee shall not allow the mechanical and structural specification of the vehicle to be varied without the consent of the Council.
- 3.4 The Licensee of the vehicle shall: -
 - provide sufficient means by which any person in the vehicle may communicate with the driver during the course of the hiring;
 - ensure the interior of the vehicle to be kept wind and water tight and adequately ventilated;
 - ensure the seats in the passenger compartment are properly cushioned and covered;
 - cause the floor in the passenger compartment to be provided with a proper carpet, mat or other suitable covering;
 - ensure fittings and furniture of the vehicle are kept in a clean condition and well maintained and in every way fit and safe for public use;
 - provide facilities for the carriage of luggage safely and protected from damaging weather conditions.
- 3.5 All vehicles must undertake and pass any further Test at the Appointed Test Station in accordance with Council policy (Arrangements for vehicle testing are entirely the responsibility of the Proprietor).

3.6 The Licensee must ensure that a daily vehicle check log must be completed by the licensee or driver(s) of the vehicle at the beginning of each shift. The checks to be carried out are as follows:

- Lights and indicators
- Tyre condition, pressures and tread
- Wipers, washers and washer fluid levels
- Cleanliness inside and out
- Bodywork – no dents or sharp edges
- Licence plates present and fixed in accordance with these conditions
- Any internal discs on display and facing inwards so customers can see.
- Door and bonnet stickers on display
- Tariff sheet in display
- Horn in working order

3.7 The Licensee shall ensure that he or the driver shall record the above information and keep it in the vehicle at all times and make it available to an authorised officer upon request.

4. Accidents

4.1 The Licensee shall report to the Council, in writing, as soon as is reasonably practicable and in any case within 72 hours any accident causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers. The report should contain full details of the accident damage including photos.

5. Advertisements

5.1 The Licensee may only display advertisements on the outside of a London Style Hackney Carriage which must comply with the Council's policy and for which consent has been provided by an Authorised Officer.

6. Vehicle Signage

6.1 The Licensee will not allow any sign, notice flag, emblem or advertisement to be displayed in or from any Hackney Carriage Vehicle without the express permission of the Council

6.2 The Licensee will ensure that any mandatory signs be affixed permanently to the vehicle as directed by the Council and are not removed whilst the vehicle is licensed.

7. Assistance Dogs

- 7.1 The Licensee shall permit any assistance dog to ride in the vehicle (in the control and custody of the passenger) and allow it to be carried in the front passenger seat footwell of the vehicles if required.
- 7.2 The location of the assistance dog must be agreed with the passenger at all times.
- 7.3 The Licensee will ensure that any certificates exempting drivers of the vehicle from duties to carry assistance dogs, are displayed visibly and prominently as prescribed by the Council.

8. Other Animals

- 8.1 Any other animal may be carried in the vehicle at the discretion of the driver and must be carried in the rear of the vehicle in the custody and control of the passenger.

9. Taximeters

- 9.1 The Licensee shall ensure the vehicle is fitted with a Council approved, tested and sealed Taximeter before plying or standing for hire and shall use the approved meter only.
- 9.2 The Licensee shall ensure that the Taximeter is located within the vehicle in accordance with the reasonable instruction of an authorised officer, and sufficiently illuminated that when it is in use, it is visible to all passengers.
- 9.3 The Licensee shall ensure that the authorised Taximeter is maintained in a sound mechanical/electrical condition at all times and programmed to calculate the fare in accordance with the current fares tariffs fixed by the Council.
- 9.4 The Licensee shall ensure that the 'for hire' sign is extinguished when the fare commences, and the taximeter is brought into operation.
- 9.5 The Licensee shall ensure that the 'for hire' sign is not illuminated when the vehicle is outside of its licensing district.

10. Tampering with Taximeters

- 10.1 Taximeters must not be tampered with by anybody other than an Authorised Officer or an approved contractor approved by the Council.

11. Fare Table

- 11.1 The Licensee shall ensure that a copy of the current fare table supplied by the Council is displayed and visible at all times so that it can be easily read by passengers.

12. Drivers Licence

12.1 The Licensee shall retain copies of the hackney carriage drivers' licence of each driver of his vehicle and produce the same to an Authorised Officer or Police Officer on request.

13. Communication Equipment

13.1 The Licensee shall ensure that any communication equipment, used to communicate with passengers, fitted to his Hackney Carriage is at all times kept in a safe and sound condition and maintained in proper working order.

14. Convictions and Suitability Matters

14.1 The licensee shall ensure they provide a relevant DBS certificate as required by the Council to assess their fit and proper status; and that it is kept up to date and remains 'valid' in line with the Council's policies.

14.2 The licensee will register and remain registered with the DBS Update Service to enable the Council to undertake regular checks of the DBS certificate status as necessary.

14.3 The licensee shall notify the Council if they are subject to any:

- arrest or criminal investigation,
- summons,
- charge,
- conviction,
- formal/simple caution,
- fixed penalty,
- criminal court order,
- criminal behaviour order or anti-social behaviour injunction,
- domestic violence related order,
- warning or bind over
- or any matter of restorative justice

against them immediately in writing (or in any case within 24 hours) and shall provide such further information about the circumstances as the Council may require.

15. Notifications and Licence Administration

15.1 For the duration of the licence, the licensee shall pay the reasonable administration charge or fee attached to any requirement to attend training, or

produce a relevant certificate, assessment, validation check or other administration or notification process.

15.2 The Licensee shall notify the Council in writing within 14 days of any transfer of ownership of the vehicle. The notice will include the name, address and contact details of the new owner.

15.3 The Licensee shall give notice in writing to the Council of any change of his address or contact details (including email address) during the period of the licence within 7 days of such change taking place.

15.4 If requested by an Authorised Officer the Licensee must provide, in the timescale requested, in writing, to Council the following information: -

- The name of the driver and their badge number;
- The address of the driver;
- The company for whom the driver works for;
- The date and time you hired / lent / leased / rented your vehicle to the driver;
- Whose insurance the driver will be using the vehicle under;
- Whether the driver will have sole use of the vehicle; if not sole use whom else will have access to the vehicle;
- The expected duration the vehicle will be hired / lent / leased / rented to the driver

16. Intended Use

16.1 The Licensee of the Hackney Carriage vehicle licence shall ensure that an accurate and contemporaneous record is made and maintained either by himself or the driver of the vehicle, of all uses of the vehicle when being used to fulfil pre-booked hiring's on behalf of a private hire operator licensed by another local authority;

16.2 The accurate and complete record should include, as a minimum, the following information, and be recorded in a stitch or heat / glue bound book so as to provide a continuous record without breaks between rows: -

- date;
- time of first pick up;
- first 'pick up' point by location / name / address including house number;
- destination point by location / name / address including house number;
- the name and address of the operator on behalf of which the journey was being undertaken.

- 16.3 Each book shall legibly and clearly display the details of the vehicle to which it relates, including the make, model, registration number and vehicle licence number;
- 16.4 The record of journeys shall be available for inspection at any time by a Police Officer or PCSO; and an Authorised Officer of any local authority who through the course of their normal duties are authorised to inspect the licensed vehicle;
- 16.5 Each book, when full, shall be delivered to the Council's Licensing Department;
- 16.6 Where the Licensee wishes to maintain a record of use in any other format than set out above, prior approval must be obtained from an Authorised Officer.

17. CCTV

- 17.1 The licensee shall ensure that, in accordance with any Council policy, that CCTV cameras are fitted and in good working order.

NB: This proposed condition is subject to change and further consultation if CCTV is mandated either by GM or the Government. At this stage further conversations will take place with the Surveillance Commissioner and relevant parties.

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